

ORDINANCE NUMBER O- 18322

ADOPTED ON JUL 29 1996

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, DIVISION 1; CHAPTER X, ARTICLE 1, DIVISION 4; AND CHAPTER X, ARTICLE 5, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 62.0106, 101.0407, 101.0462 AND 105.0204 RELATING TO COASTAL DEVELOPMENT PERMIT EXEMPTIONS

WHEREAS, February 12, 1996, has been declared "Regulatory Relief Day"; and

WHEREAS, one purpose of Regulatory Relief Day is to streamline and consolidate where appropriate the City's land use regulatory and environmental procedures; and

WHEREAS, the City Manager's office has reviewed San Diego Municipal Code section 105.0204 having to do with exemptions from a Coastal Development Permit, and related regulations in sections 62.0106, 101.0407 and 101.0462, and has suggested several amendments to these code sections to streamline the regulatory process; NOW, THEREFORE,

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

Section 1. That Chapter VI, Article 2, Division 6, of the San Diego Municipal Code be and the same is hereby amended by amending Section 62.0106, to read as follows:

SEC. 62.0106 Grading Review Permits

(a) All grading work that requires a grading permit, shall require a grading review permit in addition to and

before a grading permit may be approved or denied, except for the following types of work:

1. and 2. [No changes]
 3. All grading work that is listed in Section 62.0106(a)(3) and is determined by the Permit Issuing authority to be minor:
 - a) through e) [No changes]
 - f) grading involving less than 1,000 cubic yards of grading unless located within the non-appealable area of the Coastal Zone;
 - g) [No changes]
- (b) and (c) [No changes]

Section 2. That Chapter X, Article 1, Division 4, of the San Diego Municipal Code be and the same is hereby amended by amending sections 101.0407 and 101.0462, to read as follows:

SEC. 101.0407 R-1 Zones

A. through F. [No changes]

G. COASTAL ZONE REGULATIONS

The following regulations shall be supplementary to, and if there is a conflict, shall supersede, the regulations set forth or referenced in section 101.0407 (A) through (F). These regulations shall apply to those areas of the Coastal Zone identified as categorically excluded from the requirements of a coastal development permit in Sections 105.0204(F)(1)(a) and 105.0204(F)(2)(a) of the Municipal Code and not within a planned district.

1. Minimum Yard Dimensions.

a. The minimum yard dimensions shown in Table IV shall apply in R-1 Zones, unless otherwise noted.

TABLE IV OF SECTION 101.0407
MINIMUM YARD DIMENSIONS IN COASTAL ZONE

Zone	Front yard (in feet)	Side Yard Interior (in feet)	Side yard Street (in feet)	Rear Yard (in feet)
R-1-5	15	4	10	15
R-1-6	15	5	10	15
R-1-8	20	6	10	20
R-1-10	20	6	10	20
R-1-15	20	6	10	20
R-1-20	25	10	10	25
R-1-40	25	10	10	25

b. Exceptions to yard dimensions:

(1) Exceptions to Interior Side Yard Dimensions.

(i) For lots exceeding 50 feet in width, each interior side yard shall be at least the dimension shown in Table IV or 10 percent of the width of the lot, whichever is greater; except that one interior side yard may observe the minimum dimension shown in Table IV as long as the combined total of both interior side yards equals at least 20 percent of the lot width;

(ii) For lots 40 to 50 feet in width, each interior side yard shall be a minimum of four feet;

(iii) For lots less than 40 feet in width, each interior side yard may be reduced to 10 percent of the lot width but shall not be reduced to less than three feet;

(iv) For irregularly shaped lots, such as a pie shaped lot, the yard dimensions shall be based on the average lot width for the first 50 feet of lot depth.

(2) Exception to street side yard dimensions.

The street side yard dimension shall be at least the dimension shown in Table IV or 10 percent of the lot width, whichever is greater.

(3) Exceptions to rear yard dimensions:

(i) For lots less than 100 feet in depth, the rear yard dimension shall be at least 10 percent of the lot depth, provided the rear yard dimension shall not be less than five feet;

(ii) For lots greater than 150 feet in depth, the rear yard dimension shall be at least 10 percent of the lot depth or the dimension shown in Table IV, whichever is greater.

2. Floor Area Ratios.

a. In all R-1 Zones, the maximum floor area ratios shall be based on the size of the lot, as shown in Table V.

TABLE V OF SECTION 101.0407
FLOOR AREA RATIOS IN COASTAL ZONE

Lot Size (square feet)	Floor Area Ratio
5,000 or less	0.60
5,001 - 6,000	0.59
6,001 - 7,000	0.58
7,001 - 8,000	0.57
8,001 - 9,000	0.56
9,001 - 10,000	0.55
10,001 - 11,000	0.54
11,001 - 12,000	0.53
12,001 - 13,000	0.52
13,001 - 14,000	0.51
14,001 - 15,000	0.50
15,001 - 16,000	0.49
16,001 - 17,000	0.48
17,001 - 18,000	0.47
18,001 - 19,000	0.46
19,001 or greater	0.45

b. For lots where more than 50 percent of the lot area contains steep hillsides in excess of 25 percent gradient, the lot area for purposes of calculating floor area ratio shall be based on the portion of the lot not containing steep hillsides or the minimum lot size requirement of the zone in which the lot is located, whichever is greater, plus 25 percent of the remaining lot area.

3. Maximum Building Height. Abutting the required front, side, and street side yards, the height of the

building envelope above 24 feet shall observe the angled building envelope planes shown in Table VI, up to the maximum 30-foot height limit, as shown in Illustration A. If the maximum height of the structure does not exceed 27 feet, the angle above 24 feet is required at the side yards only.

TABLE VI OF SECTION 101.0407
 ANGLED BUILDING ENVELOPE PLANES* IN COASTAL ZONE

Lot Width	Angle of Plane
Less than 75 feet	45 degrees
75 feet - 150 feet	30 degrees
greater than 150 feet	0 degrees

* The angled building envelope planes are measured from the vertical axis inward.

ILLUSTRATION A

ANGLED BUILDING ENVELOPE PLANES IN COASTAL ZONE

4. Maximum Third Story Dimensions. When a three-story structure is proposed in the R-1-5, R-1-6, R-1-8, R-1-10, R-1-15, and R-1-20 Zones, the following regulations shall apply:

a. The maximum width of the third story shall be limited to 70 percent of the width of the building envelope, measured between the required side yards;

b. The maximum depth of the third story shall be limited to 50 percent of the depth of the building envelope, measured between the required front and rear

yards, or 100 percent of the maximum third story width dimension, whichever is greater.

5. Yard Encroachments.

No building feature may project into the required front or street side yards within view corridors designated by the adopted Community Plan.

SEC. 101.0462 Resource Protection Ordinance

This section is indexed as follows:

- A. PURPOSE, INTENT AND TITLE
- B. RESOURCE PROTECTION PERMIT REQUIRED
- C. PROTECTION OF ADDITIONAL RESOURCES
- D. GENERAL PROVISIONS
- E. EXCLUSIONS
- F. DEFINITIONS
- G. PERMITTED USES AND DEVELOPMENT REGULATIONS
- H. APPLICATION SUBMITTAL REQUIREMENTS
- I. PERMIT EXEMPTIONS
- J. EMERGENCY PERMIT
- K. ADMINISTRATION OF PERMIT
- L. ALTERNATIVE COMPLIANCE
- M. DENIED PERMITS
- N. CONDITIONAL USE PERMITS
- O. VIOLATIONS
- P. EXPIRATION OF PERMIT
- Q. APPLICABILITY OF AMENDMENTS TO EXISTING APPLICATIONS
- R. APPLICABILITY OF SECTION TO PUBLIC WORKS
CONSTRUCTION PROJECTS

A. through C. [No changes]

D. GENERAL PROVISIONS

1. through 3. [No changes]

4. Within those areas of the Coastal Zone identified as categorically excluded from the requirements of a coastal development permit in Section 105.0204(F) of the Municipal Code, no permits may be issued for the substantial alteration or demolition of any building or structure that is more than 45 years old, unless the application for the permit has been reviewed and approved by the Development Services Director or designee, hereafter "Director". The Director may approve substantial alteration or demolition if the Director determines that the structure is not a potential historical building or structure. The Director shall use the same criteria as those used by the City's Historical Site Board to determine whether a site or structure should be officially designated as historic, which criteria are maintained by and are on file with the Historical Site Board. The Director shall make a written determination within ten (10) working days of the receipt of the application for substantial alteration or demolition. If the Director does not make the determination within the specified period, the building or structure shall be deemed not to be a potential historical structure. If the Director determines that a building or structure is a potential historical structure, a substantial alteration or demolition permit application may not be

approved during the succeeding ninety (90) day period or until the date the Historical Site Board determines the site's historical significance, whichever date first occurs in accordance with San Diego Municipal Code sections 26.0201 through 26.0206. The provisions of Section 101.0462(D)(4) shall not apply to any building or structure found by the Director to present a hazard to public health or safety, and for which an emergency permit for demolition must be issued. The Director's review of proposed substantial alteration or demolition for any building or structure that is more than 45 years old shall not be required for any portion of the Coastal Zone that has been inventoried, once that inventory has been accepted by the City's Historical Site Board and a decision on whether or not to designate all potential sites or structures as historic has been made by the Historical Site Board.

5. The Development Services Director is hereby authorized to promulgate administrative guidelines to implement the provisions of this section. The guidelines or any revisions thereto shall be effective without a hearing thirty (30) calendar days after their publication in a newspaper of general circulation by the Development Services Director, pursuant to San Diego Municipal Code section 22.0102, unless a timely protest is filed with the Director. In this event, the Director shall consider the objections of those affected by the proposed change. As soon thereafter as

practicable, the Development Services Director may then issue the guidelines with any revisions deemed necessary or appropriate, or decline to so issue them. This provision shall not be applicable to any emergency guideline issued by the Director to preclude an event that will be detrimental to the public health or safety, nor shall it apply to the initial promulgation of the guidelines authorized by R-277284 adopted January 29, 1991.

6. A Resource Protection Permit shall be required in conjunction with the processing of a long range plan, as defined in paragraph F.11., if a subdivision or parcel map or another discretionary permit approval is concurrently processed. In this event, the Resource Protection Permit shall only be required for that portion of the area that is covered by the concurrent discretionary map or permit. However, in any case a consistency determination shall be prepared when required by Council Policy 600-40.

E. EXCLUSIONS

1. through 5. [No changes]

6. Coastal Zone

The Resource Protection Ordinance shall apply in the Coastal Zone only as follows:

a. To demolition, in whole or in part, of any designated historical structure or building in any area identified as categorically excluded from the

requirements of a coastal development permit in Section 105.0204 of the Municipal Code; and

b. To substantial alternation of any designated historic structure or building in any area identified as categorically excluded from the requirements of a coastal development permit in Section 105.0204 of the Municipal Code.

F. DEFINITIONS

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

1. through 12. [No changes]

13. Substantial Alteration means any change or modification, through public or private action, of any building or structure including, but not limited to: changes to historically designated interior architectural features, exterior architectural features including exterior changes to or modification of structural details, architectural details or visual characteristics such as doors, windows, surface materials and texture, grading, surface paving, addition of new structures, cutting or removal of trees, landscaping, and other natural features, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, and plantings and landscape accessories affecting the exterior visual qualities of

the property that would impair the historical significance of the building or structure.

14. Wetlands.

[No change to text.]

15. Wetland Buffers.

[No change to text.]

G. through R. [No changes]

Section 3. That Chapter X, Article 5, Division 2, of the San Diego Municipal Code be and the same is hereby amended by amending Section 105.0204 to read as follows:

SEC. 105.0204 Exemptions

For the following types of development, no coastal development permit shall be required:

A. Improvements to an existing structure or structures; provided, however, that such improvements do not involve any of the following:

1. Improvements to any structure located on a beach, wetland or stream, or where the structure or proposed improvements would encroach within fifty (50) feet of a coastal bluff edge.

2. Improvements to any structure that would result in an increase of ten percent (10%) or more of interior floor area or building height where such structure is located between the sea and first public roadway paralleling the sea, or within three hundred (300) feet of the inland extent of any beach, or of the mean high tide line where there is no beach, whichever is the greater distance.

3. An intensification of use. For purposes of Section 105.0204 "intensification of use" means a change in the use of a lot or premises which, based upon the provisions of the underlying zone, requires more off-street parking than did the immediately preceding legal use of such lot or premises.

B. through E. [No changes]

F. Categorically Excluded Development.

1. The following types of development are categorically excluded from the requirements of a Coastal Development Permit provided the development is located within the California Coastal Commission non-appealable jurisdiction, is not located within the Sensitive Coastal Resource Overlay Zone, and complies with all the beach impact regulations of the zone:

a. Single family residential development, and demolition of structures, on land zoned R1-6000 in the Torrey Pines Community Plan area as shown on Map No. C-866, on file in the office of the City Clerk as Document No. 001-18053; on land zoned R1-5000, R1-8000 and the La Jolla Shores Planned District Zones SF, Tracts A, D, E, F, as shown on Map No. C-867, on file in the office City Clerk as Document No. 00-18169-1.

b. Multi-family residential development, and demolition of structures, on land zoned RV, R-1000, R-1500 and R-3000 and in La Jolla Shores Planned District Zone MF2 as shown on Map Nos. C-859 and

C-867.1, on file in the office of the City Clerk as Document Nos. OO-18056 and OO-18169-2.

c. Commercial development, and demolition of structures, on land zoned C-1, CA, CV, RV, CC and CN and in La Jolla Shores Planned District Zone V and in La Jolla Planned District Zones 1 through 6, as shown on Map Nos. C-859 and C-867.1, on file in the office of the City Clerk as Document Nos. OO-18056 and OO-18169-2.

d. Industrial development, and demolition of structures on land zoned M-SI as shown on Map No. C-859, on file in the office of the City Clerk as Document No. OO-18056.

2. The following types of Coastal Development are categorically excluded from the requirements of a Coastal Development Permit except as otherwise provided in section 105.0204(F)(1):

a. Development of a single-family residence in a single-family zone in the non-appealable area of the Coastal Zone, except in the La Jolla and Torrey Pines Community Plan areas.

b. Demolition, in whole or in part, of a building or structure within the Coastal Zone, except in the La Jolla and Torrey Pines Community Plan areas.

3. For development in the Torrey Pines Community Plan area shown on Map No. C-866, applicants for single family residential development permits within the categorical exclusion area, which otherwise qualify for categorical


exclusion, shall send, at the applicant's expense, a notice of proposed development to owners of properties within 300 feet of the proposed project and to the applicable community planning group. The notice shall be sent on or before an application is filed with the City for any permit.

4. For development in the La Jolla Community Plan area exempted under Section 105.0204 (F)(1)(a), (b), or (c) the City shall send, at the applicant's expense, a notice of application to the owners of record of all parcels within 300 feet of the proposed project and to the Community Planning Association.

Section 4. This ordinance shall take effect and be in force on 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.

Section 5. This ordinance supersedes Ordinance No. O-18169 adopted on March 20, 1995, Ordinance No. O-18156 adopted on January 31, 1995 and Ordinance No. O-18056 adopted on April 11, 1994.

APPROVED: JOHN W. WITT, City Attorney

By 
Prescilla Dugard
Deputy City Attorney

PMD:ps:cdk
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