

ORDINANCE NUMBER O- 19589 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 27 2007

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO REPEALING CHAPTER 10, ARTICLE 3, DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE, AND AMENDING CHAPTER 15, BY ADDING ARTICLE 13, DIVISION 1 TITLED "GENERAL RULES," SECTIONS 1513.0101, 1513.0102, 1513.0103, 1513.0104, AND 1513.0105; DIVISION 2 TITLED "PERMITS AND PROCEDURES," SECTIONS 1513.0201, 1513.0202, AND 1513.0203; DIVISION 3 TITLED "ZONES AND SUBDISTRICTS," SECTIONS 1513.0301, 1513.0302, 1513.0303, 1513.0304, 1513.0305, 1513.0306, AND 1513.0307; DIVISION 4 TITLED "GENERAL AND SUPPLEMENTAL REGULATIONS," SECTIONS 1513.0401, 1513.0402, 1513.0403, AND 1513.0404, ALL RELATING TO THE MISSION BEACH PLANNED DISTRICT.

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

Section 1. That Chapter 10, Article 3, Division 5, is repealed, and Chapter 15 of the San Diego Municipal Code is amended by adding Article 13, Division 1, Sections 1513.0101, 1513.0102, 1513.0103, 1513.0104 and 1513.0105, to read as follows:

Article 13: Mission Beach Planned District

Division 1: General Rules

§1513.0101 Purpose and Intent

It is the purpose of these regulations to provide reasonable restrictions on the construction or alteration of residential and commercial developments related to the small-lot size and the urbanization pattern of the Mission Beach community.

The intent is to implement the adopted Mission Beach Precise Plan.

§1513.0102 Boundaries

The regulations which follow shall apply in the Mission Beach Planned District. The boundaries of the Mission Beach Precise Plan Area in the City of San Diego, California, are designated on Map Drawing No. C-637.1. (Described in the appended boundary description, filed in the office of the City Clerk under Document No. 768482.) The Mission Beach Planned District is generally bounded by Pacific Beach Drive on the north, Mission Bay Park on the east, the San Diego River Flood Control Channel on the south, and the Pacific Ocean on the west.

§1513.0103 Applicable Regulations

Where not otherwise specified in the Mission Beach Planned District Ordinance, the following provisions of the Land Development Code apply:

Chapter 11 (Land Development Procedures);

Chapter 12 (Land Development Reviews) except Article 6, Division 6 (Planned Development Permit Procedures);

Chapter 13 (Zones);

Chapter 14, Article 1 (Separately Regulated Use Regulations);

Chapter 14, Article 2, Division 1 (Grading Regulations);

Chapter 14, Article 2, Division 2 (Drainage Regulations);

Chapter 14, Article 2, Division 5 (Parking Regulations);

Chapter 14, Article 2, Division 6 (Public Facility Regulations);

Chapter 14, Article 2, Division 8 (Refuse and Recyclable Materials Storage Regulations);

Chapter 14, Article 3 (Supplemental Development Regulations) except
Division 4 (Planned Development Permit Regulations);
Chapter 14, Article 4 (Subdivision Regulations);
Chapter 14, Article 5 (Building Regulations);
Chapter 14, Article 6 (Electrical Regulations); and
Chapter 14, Article 7 (Plumbing and Mechanical Regulations)

Where there is a conflict between the Land Development Code and the Mission Beach Planned District Ordinance, the Planned District Ordinance applies.

§1513.0104 Severability

- (a) If any section, subsection, sentence, clause or phrase of this Planned District Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.
- (b) The following ordinances of the City of San Diego which zoned or rezoned all of that area within the boundaries of the Mission Beach Planned District, as shown on Zone Map Drawing No. C-637, filed in the office of the City Clerk as Document No. 765389, be, and they are hereby repealed insofar as they conflict herewith:

Ordinance No.	Date
119 N.S.	Adopted January 3, 1933
243 N.S.	Adopted June 5, 1933
2680 N.S.	Adopted June-8, 1943
3323 N.S.	Adopted January 7, 1947
6719 N.S.	Adopted October 25, 1955
6735 N.S.	Adopted November 3, 1955
10958 N.S.	Adopted December 5, 1972
10968 N.S.	Adopted January 2, 1973

(c) The area, as described in the appended boundary description, on file in the office of the City Clerk as Document No. 765388, in the City of San Diego, California, within the boundaries of the Planned District designated "Mission Beach Planned District," together with designated subdistricts on Zone Map Drawing No. C-637, filed in the office of the City Clerk as Document No. 765389, be, and it is hereby incorporated in the Mission Beach Planned District Ordinance as such district, together with its various subdistricts, is described and defined by Chapter 15, Article 13 of the San Diego Municipal Code.

§1513.0105 Definitions - Purpose and Intent

It is the purpose of Section 1513.0105 to provide clear and concise definitions of those words, terms and phrases which apply only to the Mission Beach Planned District area.

It is also intended that the definitions in Land Development Code Section 113.0103 shall be used when they do not conflict with the definitions set forth in

this Planned District Ordinance. This is to provide uniformity of interpretation and application.

Balcony, Exterior - A roofed or unroofed platform, enclosed by a railing or parapet, projecting from an exterior wall of a building. When a balcony is roofed and has less than 40 percent of its vertical surface permanently open, it is considered to be part of the room or interior area it serves and is included in computations of gross floor area. When a portion of a roof is enclosed by a railing, said area shall be defined as a porch or terrace.

Corner Lot, Mission Beach - Any lot situated at the intersection of 2 or more streets, courts, places, walks, or alleys, which have an angle of intersection, measured within said lot, of not more than 135 degrees.

Court - Any named pedestrian way having no motorized vehicular access dedicated for the primary use of pedestrians as a means of access to abutting properties.

Floor Area Ratio - The numerical value obtained by dividing the gross floor area of a building or buildings on the premises by the total parcel area of the premises on which such building or buildings are located.

Gross Floor Area – The total horizontal area, expressed in square feet, of all the floors of a building included within the surrounding walls.

Gross floor area shall include:

- (a) Enclosed exterior stairwells (excluding the enclosed area under any stairwell from the ground to the second floor only), aboveground parking structures and exterior elevator shafts.

- (b) The floor area of mezzanines and other similar interior balconies.
- (c) Exterior balconies, entrances, porches, canopies, rigid awnings, stoops, openly supported terraces, openly supported stairways, and sun baffles or shades which are constructed and maintained with less than 40 percent of the vertical surface permanently open.

Lot Coverage - Lot coverage is that portion of the area of a lot, expressed as a percentage, occupied by all buildings or structures which are roofed or otherwise covered and which extend more than 3 feet above grade level provided, however, that the following shall be exempted:

- (a) Exterior balconies, entrances, canopies, rigid awnings, stoops, openly supported terraces, openly supported exterior stairways and sun baffles or shades provided they:
 - (1) Do not encroach into required yards;
 - (2) Do not project more than 6 feet from the supporting structures;
 - (3) Are constructed and maintained with not less than 40 percent of the vertical surface permanently open except for those walls which are used in common with the building.
- (b) Roofed areas enclosed by no more than 3 exterior walls of a building which provide shelter to exterior balconies, entrances, stoops, terraces, and exterior stairways.
- (c) Cornices and eaves.
- (d) Those portions of a structure lying partially above grade but not exceeding 3 feet above grade. All horizontal dimensions shall be taken from the

exterior faces of walls, including those structural and architectural appendages as defined and set forth herein.

Place - Any named vehicular way, also having pedestrian access, dedicated for the primary use of vehicles and pedestrians.

Sign - All definitions pertaining to "SIGN," shall be all those definitions set forth in Land Development Code Section 113.0103.

Subdistrict - A portion of the territory within the boundaries of the Mission Beach Planned District within which certain regulations and requirements apply under the provisions of the Planned District Ordinance Regulations.

Walk, Bayside and Ocean Front - Any public way immediately adjacent to the ocean in the case of an Ocean Front Walk and the bay in the case of a Bayside Walk, dedicated for the primary use of pedestrians and bicycles.

Yard, Bayfront, Ocean Front, Court, Place, and Mission Boulevard - That open, unoccupied space extending across the lot and measured inward, perpendicularly, from the property line adjacent to either Bayside Walk, Ocean Front Walk, Public Beach, Court, Place and/or Mission Boulevard and parallel thereto for a distance specified in this Planned District Ordinance.

Section 2. That Chapter 15 of the San Diego Municipal Code is amended by adding Article 13, Division 2, Sections 1513.0201, 1513.0202 and 1513.0203, to read as follows:

Article 13: Mission Beach Planned District

Division 2: Permits and Procedures

§1513.0201 Mission Beach Planned District Permit

The City Manager shall not issue any permit for the installation of fixtures or equipment, or for the erection, construction, conversion, establishment, alteration, or enlargement of any building, structure or improvement, or for the occupancy of any building or structure in any portion of the Mission Beach Planned District until a Mission Beach Planned District Permit has been obtained from the City Manager by the applicant or owner. Each application for a permit shall state therein the purpose for which the proposed building, structure, or improvement is used.

§1513.0202 Conditional Use Permit

(a) **Process Three – Hearing Officer**

An application for a Conditional Use Permit for the uses listed below, may be approved, conditionally approved or denied by a Hearing Officer in accordance with Process Three and Land Development Code Chapter 12, Article 6, Division 3 (Conditional Use Permit Procedures), subject to the development regulations in Land Development Code Chapter 14, Article 1. The Hearing Officer's decision may be appealed to the Planning

Commission in accordance with Land Development Code Section 112.0506.

- (1) Public and private schools for academic, artistic, and vocational instruction.
- (2) Churches, temples or buildings of a permanent nature and used primarily for religious purposes.
- (3) Teaching of the fine arts including, but not limited to: music, drawing, painting, sculpture, drama and dancing.
- (4) Residential care homes for not more than 10 aged or mentally disordered or otherwise handicapped persons or dependent or neglected children and which are licensed by the State of California.
- (5) Parking lots for nonresidential uses in residential and commercial subdistricts.
- (6) The following uses may be permitted in any commercial subdistrict, except as specified in Sections 1513.0202(a)(6)(D), (F) and (G).
 - (A) Automobile service station.
 - (B) Buildings, structures, and uses operated by a public utility or by a public body having the power of eminent domain.
 - (C) Drive-in or drive-thru offices, retail facilities, and food-handling establishments and services, including those providing pre-prepared food and "fast-food" services.

- (D) Residential structures with a maximum of 6 dwelling units for any development qualifying and approved for housing assistance under programs administered by the Housing Authority of the City of San Diego or similar programs. The number of dwelling units on any lot shall not exceed the maximum permitted density in the applicable Residential or Commercial Subdistricts.
- (E) Laboratories for medical, dental or general research, development or testing.
- (F) Residential, commercial, industrial and institutional uses in and on historical sites in all Residential and Commercial Subdistricts.
- (G) Video arcades limited to the visitor commercial subdistricts only.

The Hearing Officer shall consider the following criteria when approving, conditionally approving or denying an application for a conditional use permit for a video arcade.

- (i) The video arcade is so constructed that it mitigates for adverse noise.
- (ii) The facility will be adequately supervised during hours of operation.
- (iii) Hours of operation shall be restricted to be consistent with the surrounding uses.

- (iv) Adequate lavatory facilities will be provided.
- (v) Bicycle racks are provided within 25 feet of the video arcade.

An approved conditional use permit for a video arcade may be revoked in accordance with Land Development Code Sections 121.0314, 121.0315, and 121.0316.

(b) Process Four – Planning Commission

An application for a conditional use permit for amusement and entertainment enterprises such as amusement parks, all types of theatres, playhouses, swimming pools, skating rinks and dance halls limited to the Visitor Commercial Subdistrict only, may be approved, conditionally approved or denied by the Planning Commission in accordance with "Process Four".

§1513.0203 Encroachments/Ocean Front Walk

No permit for any development or redevelopment on any lot abutting the Ocean Front Walk public right-of-way or any public right-of-way may be issued, unless the owner obtains a permit in accordance with Land Development Code Chapter 12, Article 9, Division 7 (Public Right-of-Way Permits) for any existing or proposed encroachments into the public right-of-way.

Section 3. That Chapter 15 of the San Diego Municipal Code is amended by adding Article 13, Division 3, Sections 1513.0301, 1513.0302, 1513.0303, 1513.0304, 1513.0305, 1513.0306 and 1513.0307, to read as follows:

Article 13: Mission Beach Planned District

Division 3: Zones and Subdistricts

§1513.0301 Subdistricts of the Mission Beach Planned District

In order to regulate the location of dwellings, businesses, recreation areas and other specified uses, subdistricts of the Mission Beach Planned District are established. The boundaries of said subdistricts are designated on that certain Map Drawing No. C-637.1.

§1513.0302 Residential Subdistricts — Northern and Southern — Definition and Intent

- (a) The Residential Subdistricts are designated R-N and R-S. The purpose of the Residential Subdistrict is to regulate the small-scale and low-profile developed area with a maximum residential density of approximately 36 dwelling units per net residential acre.
- (b) It is the intent of these regulations to allow the improvement or development of the standard Mission Beach lots with little or no need for variances.

§1513.0303 Permitted Uses — ~~Residential Subdistricts~~

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) Single dwelling units.
- (2) Duplexes (2 dwelling units in a single structure).
- (3) Multiple dwelling units; restricted to a maximum of 4 dwelling units in any single structure including common wall construction on adjoining lots.
- (4) Parks and Playgrounds.
- (5) Off-premises parking lots for residential uses in accordance with the provisions of Land Development Code Section 142.0535 except that the parking lot shall be within a horizontal distance of 300 feet of the premises for which the off-street parking is located. Off-premises parking shall not be utilized in lieu of required on-premises parking.

(b) Accessory Uses

Accessory uses and buildings customarily incidental to any of the foregoing permitted uses including the following:

- (1) Private garages, parking areas, and storage areas.
- (2) Recreational facilities intended only for the use of residents residing on the premises.
- (3) Lodgers, permitted as follows:
 - (A) For a single dwelling unit which is the only dwelling unit on the premises, not more than 2 lodgers with each being provided a minimum of 100 square feet of bedroom area,

and with more than one full bathroom facility within the dwelling unit.

(B) For duplexes and multiple dwelling units, not more than one lodger with a minimum of 100 square feet of bedroom area and with more than one full bathroom facility on the premises.

(4) On-premise signs as defined by Section 1513.0404(a) On-premises Sign Regulations - Residential Subdistricts.

§1513.0304 Property Development Regulations – Residential Subdistricts

(a) 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 2 dwelling units if such lots are developed separately. Also, an R-N lot or lots totaling between 1,800 and 2,400 square feet shall be temporarily entitled to a maximum of 2 dwelling units, provided any building permit for 2 units on such lots must be applied for on or before June 30, 1985. Land Development Code Section 113.0222 shall not apply to any property regulated by the Mission Beach Planned District Ordinance.

(b) Minimum Lot Standards.

The minimum lot standards as shown in Table 1513-03A apply with the following exception. Any lot which qualifies under the definition of a lot as set forth in Land Development Code Section 113.0103 and Section

113.0237 and which does not comply in all respects with the minimum lot dimensions specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this zone.

**Table 1513-03A
Minimum Lot Standards**

	R-N	R-S
Area	1,250 Square Ft.	2,400 Square Ft.
Street Frontage	25 Feet	30 Feet
Width	25 Feet	30 Feet
Depth	50 Feet	80 Feet

(c) Yards.

(1) Minimum Yards for Bayside and Ocean Front Walks.

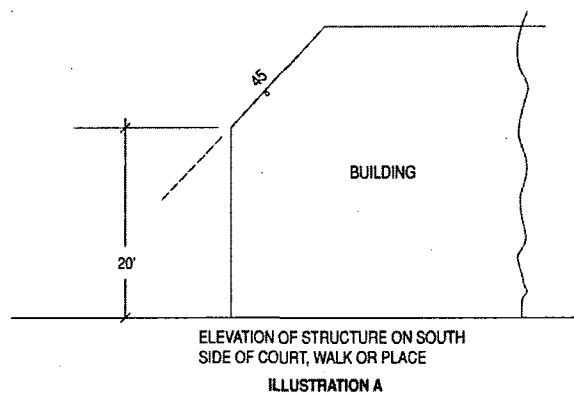
The minimum yards for Bayside and Ocean Front Walks shall be as follows:

- (A) R-N Subdistrict, Bayside Walk - 5 feet.
- (B) R-N Subdistrict, Ocean Front Walk - 7 feet for the first story and for additional stories above the first story; 3 feet for 50 percent of the lot fronting on the walk and 5 feet for the remaining 50 percent. Use of these varying setbacks shall fulfill requirements for vertical offset.
- (C) R-S Subdistrict, Bayside and Ocean Front Walks - 10 feet.
- (D) 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 (Illustration A).

(2) Minimum Yards for Courts and Places

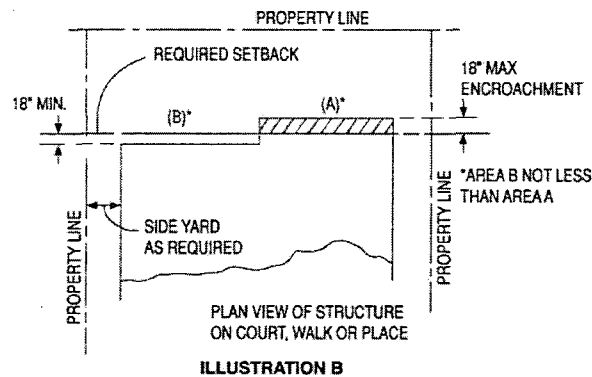
- (A) Ten feet in the R-N Subdistrict and 15 feet in the R-S Subdistrict except for buildings exceeding 20 feet in height and on the south side of a Court or Place. In this case an additional setback shall be observed beginning 20 feet above grade and sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction (Illustration A).



- (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 3 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.



(3) 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 (Illustration A). Dormers shall be permitted to encroach into the 45 degree setback, provided that they shall be setback a minimum of 5 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 8 feet, and that there shall be a minimum of 2 feet between each dormer. When 2 lots are developed at the same time with common wall construction (combined total of units shall not exceed 4) or when 2 or more lots are consolidated, each opposite side yard shall be 6 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.

(4) Minimum Yards on Streets and Alleys.

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

(5) Mission Boulevard Yards.

Buildings abutting Mission Boulevard shall be set back a minimum of 3 feet or 10 percent of the lot's shortest property line intersecting Mission Boulevard, whichever is the greater. The maximum yard required need not exceed 7 feet.

(6) 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 in Section 1513.0304(c)(3) shall apply.

(d) Maximum Lot Coverage.

The maximum lot coverage shall be 65 percent.

(e) Floor Area Ratio.

(1) The basic maximum floor area ratio shall be 1.1.

(2) Portions of the building or structure used exclusively for required off-street parking shall not be included as part of the building area for the purposes of determining floor area ratio. This exemption is restricted to a maximum 200 square feet per required off-street parking space.

(3) Regardless of lot size, individual buildings, including common wall construction, shall not exceed 5,280 square feet in total gross floor area. However, those areas excluded by Section 1513.0304(e)(2) from the calculations of floor area ratio shall not be considered as part of the 5,280 square feet.

(f) Height. The maximum height of a building or structure shall be 30 feet. If the 30-foot height limitation of Ordinance No. 10960 N.S. is removed from Mission Beach, the building height limit shall be 35 feet.

§1513.0305 Commercial Subdistricts — Definition and Intent

The Neighborhood Commercial Subdistricts are designated NC-N or NC-S and the Visitor Commercial Subdistricts are designated VC-N and VC-S. The purpose of the Neighborhood Commercial is to provide adequate commercial services for the residents while the Visitor Commercial accommodates tourists, visitors and vacationers.

It is the intent of these regulations to provide development possibilities that will accommodate both commercial and mixed uses as well as compliment existing development and the surrounding residential areas.

§1513.0306 Permitted Uses – Commercial Subdistricts

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 Section 1513.0303 (Permitted Uses) and Section 1513.0304(a) (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 abutting 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 Section 1513.0306(a)(3).
- (3) Retailing of consumer convenience goods and dispensing of consumer services from the following establishments provided,

however, that no premises shall contain drive-in or drive-thru facilities:

- (A) Apparel shops
- (B) Art stores
- (C) Bakeries
- (D) Barber shops
- (E) Beauty shops
- (F) Bicycle shops
- (G) Book stores
- (H) Curtain and drapery shops
- (I) Drug stores
- (J) Dry cleaning and laundry establishments and agencies and self-service dry cleaning and laundry establishments
- (K) Gyms, when equipped for physical fitness activities and athletic training programs
- (L) Florists
- (M) Food stores
- (N) Hardware stores
- (O) Hobby shops
- (P) Jewelry stores
- (Q) Liquor stores
- (R) Nurseries -- plants
- (S) Paint and wallpaper stores

- (T) Photographic studios
 - (U) Radio, television and home appliance repair shops
 - (V) Restaurants
 - (W) Shoe stores
 - (X) Shoe repair shops
 - (Y) Sporting goods including rental items
 - (Z) Stationers
 - (AA) Studios for teaching of art, dancing and music
 - (BB) Variety stores
 - (CC) Taverns and other similar places serving alcoholic beverages.
- (4) Schools and studios for academic, cultural (including the fine arts), technical, vocational, or professional instruction.
 - (5) Motels and hotels in the VC Subdistrict only including:
 - (A) Housekeeping units -- guest rooms having separate access to the outside or to a hallway used in common with other guest rooms and having cooking facilities and used for combined living, dining and sleeping purposes.
 - (B) Related recreational facilities.
 - (C) Restaurants and bars with incidental entertainment and dancing.
- (b) Accessory Uses

Accessory uses and buildings customarily incidental to any of the foregoing permitted uses, including the following:

- (1) Private garages, parking areas and storage areas except access shall not be off Mission Boulevard.
- (2) Recreational facilities intended only for the use of residents residing on the premises.
- (3) On-premises signs as permitted by Section 1513.0404(b) (On-Premises Sign Regulations - Commercial Subdistricts).

§1513.0307 Property Development Regulations – Commercial Subdistricts

- (a) Minimum Lot Standards. The minimum lot standards as shown in Table 1513-03B apply with the following exception: Any lot which qualifies under the definition of a lot as set forth in the Municipal Code and which does not comply in all respects with the minimum lot dimensions specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this zone.

**Table 1513-03B
Minimum Lot Standards**

	NC-N, VC-N	NC-S, VC-S
Area	1,250 Square Feet	2,400 Square Feet
Street Frontage	25 Feet	30 Feet
Width	25 Feet	30 Feet
Depth	50 Feet	80 Feet

(b) **Yards**

- (1) 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. 5 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 5 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 8 feet, and that there shall be a minimum of 2 feet between each dormer. When 2 lots are developed at the same time with common wall construction (combined total of units shall not exceed 4) or when 2 or more lots are consolidated, each opposite side yard shall be 6 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.
- (C) A yard, consistent with Section 1513.0307(b), shall be required along any portion of a lot line which abuts a property in a residential subdistrict.

- (2) Minimum Yards on Streets and Alleys. Yards abutting Strandway and Bayside Lane and alleys shall not be required.
- (3) Minimum Yards on Bayside and Ocean Front Walks in NC-N, NC-S, VC-N and VC-S Subdistricts.
 - (A) The minimum yard for Bayside and Ocean Front Walks shall be as follows:
 - (i) NC-N and VC-N Subdistricts, Bayside Walk - 5 feet.
 - (ii) NC-N and VC-N Subdistricts, Ocean Front Walk - 7 feet for the first story and for any additional stories above the first story; 3 feet for 50 percent of the lot fronting on the walk and 5 feet for the remaining 50 percent.
 - (iii) NC-S and VC-S Subdistricts, Bayside and Ocean Front Walks - 10 feet.
 - (iv) 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.

- (4) 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 Section ~~1513.0304(c)(2)~~ (Minimum Yards for Courts and Places)
- (5) Minimum Yards on Mission Boulevard. None required except as required for planter boxes as set forth in Section ~~1513.0402(b)~~ (Landscaping - ~~Commercial Subdistricts~~).

(c) Floor Area Ratio

- (1) For lots developed exclusively for residential use in any Commercial Subdistrict, the floor area ratio provisions of Section ~~1513.0304(e)~~ shall prevail.
- (2) For lots exclusively developed with nonresidential development the following floor area ratios are applicable:
 - (A) The basic floor area ratio shall be 1.25.
 - (B) The basic floor area ratio may be increased to 1.75 if one off-street parking space is provided for every 800 square feet of gross floor area.
- (3) For lots with mixed development with the first (or ground) story reserved for nonresidential activities (excluding parking and residential storage) and with the upper stories being designed for residential occupancy, the following floor area ratios are applicable:
 - (A) The basic floor area ratio shall be 1.25.

- (B) The basic floor area ratio may be increased to 1.75 if 2.0 off-street parking spaces are provided for each dwelling unit.
- (4) For NS-N and NC-S Subdistricts, no individual building or structure shall exceed the total amount of gross floor area of 8,750 sq. ft.
- (d) Height. ~~The maximum height of a building or structure shall be 30 feet. If the 30-foot height limitation of Ordinance No. 10960 is removed from Mission Beach, the building height limit shall be 35 feet.~~

Section 4. That Chapter 15 of the San Diego Municipal Code is amended by adding Article 13, Division 4, Sections 1513.0401, 1513.0402, 1513.0403 and 1513.0404, to read as follows:

Article 13: Mission Beach Planned District

Division 4: General and Supplemental Regulations

§1513.0401 Fences

- (a) All Subdistricts
No fence shall exceed 3 feet in height in that triangular area created by measuring 10 feet along each property line from the point of intersection where any combination of streets and/or alleys intersect.
- (b) Residential Subdistricts
 - (1) Fences and walls, including retaining walls, located within required yards except interior yards and rear yards shall not exceed a height of 3 feet.

- (2) Fences and walls, including retaining walls, located in interior or rear yards or adjacent to alleys or streets except Mission Boulevard shall not exceed a height of 6 feet.
- (3) No sharp-pointed or electrically charged fence shall be erected or maintained.

(c) Commercial Subdistricts

- (1) Fences and walls, including retaining walls, located within required yards, except interior yards shall not exceed 3 feet in height.
- (2) Fences and walls, including retaining walls, located in interior yards or adjacent to alleys, Bayside Lane or Strandway shall not exceed 8 feet in height.
- (3) No electrically charged fence shall be erected or maintained.
- (4) Prior to the use or occupancy of any premises, a wall not less than 6 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 3 feet.

§1513.0402 Landscaping

(a) Residential Subdistricts

- (1) 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 restricted to, fountains, reflecting pools, art objects, decorative walkways, screens, walls, fences, benches, and decks not exceeding 3 feet in height and paved areas.

- (2) 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 8 feet above the finish surface or finish grade, as measured at the trunk. All landscaping and irrigation within the public-right-of-way shall be developed in accordance with the Landscape Guidelines of the Land Development Manual.

(b) Commercial Subdistricts

A minimum of 10 percent of the total lot area shall be landscaped adjacent to courts, places, walks, or Mission Boulevard in accordance with the standards set forth in Section 1513.0402(a).

§1513.0403 Parking

(a) All Subdistricts

- (1) Where off-street parking access is perpendicular to an 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 6-inch increase in parking space width but shall not be less than 18 feet.

- (2) Whenever an existing use which does not provide all the off-street parking spaces required by the Municipal Code or any premises is enlarged by floor area there shall be provided at the same time an increase in the number of parking spaces. The number of spaces required by this paragraph need not exceed the total number of parking spaces required for the total enlarged development.

(b) Residential Subdistricts

- (1) Every premises used for one or more of those uses permitted in Section 1513.0303 (Permitted Uses) shall be provided with a minimum of permanently maintained off-street parking spaces located on the premises as follows:

- (A) Two 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.
- (B) One space per unit (room) of boarder or lodger.

- (2) At least one space per dwelling unit and one space per 2 boarding or lodging units shall have direct access to a dedicated and improved street or alley.
- (3) Parking shall not be permitted in required yards other than interior or rear yards, except as provide herein.
 - (A) For properties where any legal development, redevelopment or improvement that created or enlarged floor area on the premises occurred between February 27, 1964, and February 1, 1979, and the yard was being used for parking on or before February 1, 1979, parking shall be permitted within yards abutting courts, places, or Mission Boulevard provided that:
 - (i) Said area shall not be utilized to satisfy off-street parking as required by this Planned District Ordinance.
 - (ii) Said area shall not be utilized by any vehicle that exceeds 6' in height when measured vertically from the highest point of the vehicle to the parking surface.
 - (iii) A minimum of 25 percent of all required yards, except interior and rear yards, shall be landscaped with a combination of trees, shrubs and ground

cover in conformance with the Landscape Guidelines of the Land Development Manual.

(iv) For yards abutting courts or places and for parking adjacent to and parallel to Mission Boulevard:

- A 3-foot high wall or fence shall be located between the parking area and the sidewalk.
- Said wall or fence may be located within the public right-of-way if an encroachment permit is obtained.
- The City Manager or designee may approve alternative methods of landscape and screening.

(B) For properties developed prior to February 27, 1964, parking shall be permitted within yards abutting courts, places, or Mission Boulevard, and are not required to provide additional landscaping or the fencing separation, provided said property is in compliance with permits or regulations in effect at the time the property was developed.

(4) Tandem off-street parking is permitted. The space required is 8 feet by 35 feet and accommodates 2 cars, one behind the other.

The tandem space shall be marked reserved.

(5) Fifty percent of the individual (non-tandem) parking spaces shall have a minimum 8-foot width and 20-foot depth. The other 50

percent shall not be less than a minimum 7.5-foot width and 15-foot depth.

(6) All parking areas adjacent to Courts, Places, Walks or Mission Boulevard shall be screened by a solid fence 5 feet in height.

(c) Commercial Subdistricts

(1) 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 2 or more bedrooms.

(2) For residential development the parking requirement shall be as required by Section 1513.0403(b) (Residential Subdistricts).

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

§1513.0404 On-Premises Sign Regulations

(a) Residential Subdistricts

(1) The following non-illuminated wall signs shall be permitted, provided that no sign shall project above the parapet or eaves of the building to which affixed:

(A) One nameplate per dwelling unit not exceeding one square foot in total area to identify only the occupant; or

(B) In lieu of (1) above, the occupant of a dwelling unit, if the possessor of a valid home occupation permit, shall be

permitted a sign indicating the nature of the home occupation not to exceed 2 square feet in total area.

- (C) One building identity sign not exceeding one percent of the area of the wall to which it is affixed or 20 square feet, whichever is the smaller figure.
- (D) One directional sign per vehicular entryway not exceeding 2 square feet in total area nor 4 feet in height measured to the apex of the sign.
- (E) One temporary wall or freestanding sign offering the premises for sale, rent or lease, not to exceed 8 square feet in total area nor 4 feet in height measured to the apex of the sign. Such sign is permitted in required yards.
- (F) One public interest wall or ground sign not to exceed 8 square feet in total area nor 4 feet in height measured to the apex of the sign. Such sign is permitted in required yard.
- (G) Any sign not in compliance with the provisions of this section within 7 years from the effective date of the ordinance adopting these regulations shall be removed or brought into compliance. Any sign located on property subsequently placed in the Residential Subdistricts and not in compliance with the provisions of this section shall be removed or brought into compliance within 5 years from

the effective date of the ordinance establishing the Residential Subdistricts.

(b) Commercial Subdistricts

On-premises and public interest signs located in Commercial Subdistricts are permitted as follows:

(1) Signs on the faces of buildings are permitted provided that no sign shall project above the nearest parapet or eave of the building to which the signs are attached. The aggregate sign area for each street frontage on a given premises shall not exceed one square foot for each lineal foot of street frontage or 25 square feet, whichever is larger. In addition, the following identification signs shall be permitted:

(A) One single-faced or double-faced freestanding sign located adjacent to each entrance or exit driveway to a parking lot. Signs shall not exceed 12 square feet in area nor a height of 8 feet measured vertically from the base at ground level to the apex of the sign.

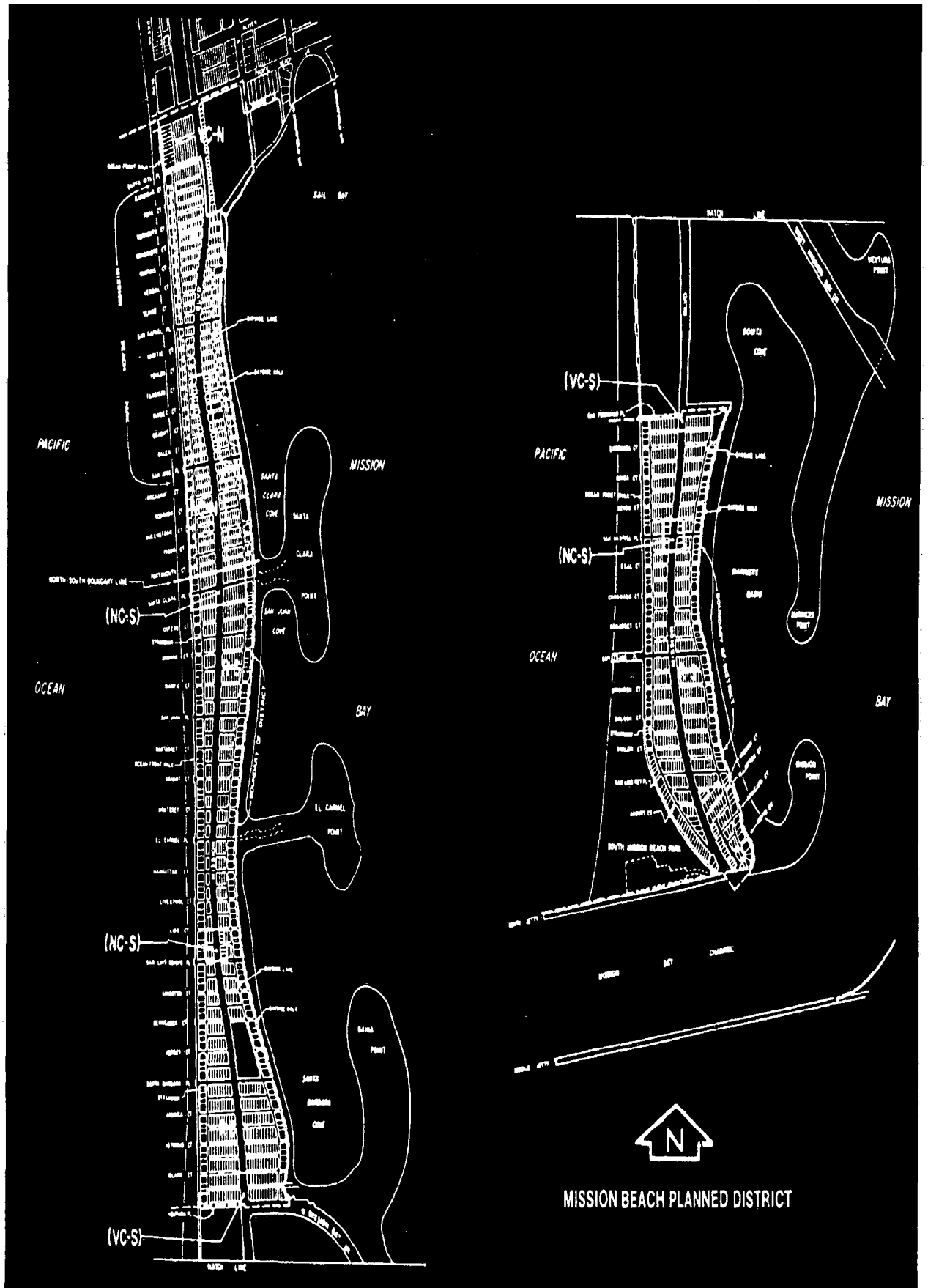
(B) One sign on the exterior wall at each side or rear entrance to a store, shop or place of business provided that no sign shall project above the nearest parapet or eave of the building to which it is attached and, provided further, that no sign shall be attached to the perimeter framing of the building or to the face of canopies or porch roofs. No such

sign shall have an area exceeding 12.5 square feet or 0.50 square foot for each lineal foot of street frontage of the premises, whichever is larger.

- (2) For each street frontage of the premises, one sign attached to the wall or one freestanding sign designating the premises for sale, rent or lease is permitted, provided such sign has a maximum area of 8 square feet and a height, if a freestanding, sign not exceeding 8 feet measured vertically from the base at ground level to the apex of the sign.
- (3) Where the face of the building sets back from the property line in excess of 20 feet, single-faced or double-faced, freestanding signs, in addition to those on the building, are permitted, provided that:
 - (A) No part of such signs shall extend over public property or have a height exceeding 8 feet measured vertically from the base at ground level to the apex of the sign.
 - (B) The total area of all such signs on any street frontage of the premises shall not exceed four-tenths (4/10) of a square foot per lineal foot of street frontage or 37.5 square feet, whichever is smaller.
- (4) Any sign not in compliance with the provisions of this section within 7 years from the effective date of the ordinance adopting these regulations shall be removed or brought into compliance. Any sign located on property subsequently placed in a Commercial

Subdistrict and not in compliance with the provisions of this section shall be removed or brought into compliance within 5 years from the effective date of the ordinance establishing the Commercial Subdistricts on said property.

- (5) Signs permitted herein which are attached to walls or the face of a building shall be parallel to the wall or the face of the building and shall project not more than 18 inches therefrom.
- (6) Signs permitted herein may be illuminated; however, none shall contain visibly moving parts or be illuminated by flashing lights.
- (7) All signs permitted by the provisions of this section shall also comply with the Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations).

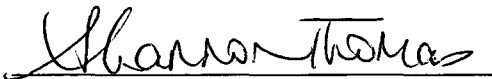


Section 5. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

Section 7. That this activity is not a project and is therefore not subject to the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
01/17/07
Or.Dept:DSD
O-2007-80
MMS#3876

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 20 2007

ELIZABETH S. MALAND
City Clerk

By *Jana Richardson*
Deputy City Clerk

Approved: 3-27-07
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor