

(A)

ORDINANCE NUMBER O- 19650 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 0 1 2007

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING SAN DIEGO MUNICIPAL CODE, BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4, BY AMENDING TABLE 131.04D AND SECTION 131.0447; BY AMENDING CHAPTER 13, ARTICLE 2, DIVISION 8, BY AMENDING SECTION 132.0802 AND TABLE 132-08A; AND, BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5, BY AMENDING SECTION 142.0520, BY ADDING SECTION 142.0521, AND BY AMENDING SECTION 142.0560; ALL RELATED TO THE REGULATION OF THE PHYSICAL DEVELOPMENT OF SINGLE DWELLING UNITS IN RESIDENTIAL-SINGLE UNIT ZONES.

WHEREAS, the purpose of residential-single (RS) unit zones is to provide for areas of residential development that promote neighborhood quality, character, and livability, and minimizes adverse impacts to adjacent properties; and

WHEREAS, increasing incompatible development of single dwelling units in residential-single (RS) unit zones, is adversely impacting neighborhood quality, character, and livability incompatible and inconsistent with the purpose of residential-single (RS) unit zones; and

WHEREAS, on September 19, 2006, Council District 7 hosted a public workshop on the said increasing incompatible development of single dwelling units in residential-single (RS) unit zones, attended by over 300 residents and community leaders, which resulted in an October 11, 2006 memorandum to the Mayor and City Attorney, requesting analysis of possible changes that could be made to the Land Development Code; and

WHEREAS, on November 20, 2006, in response to said October 11, 2006 memorandum, the City Attorney issued a report (RC 2006-30) to the Land Use and Housing Committee analyzing issues associated with, and options for ameliorating, the said increasing incompatible

development of single dwelling units in residential-single (RS) unit zones, including amendments to the Land Development Code; and

WHEREAS, on November 29, 2006 and March 7, 2007, the Land Use and Housing Committee of the City Council conducted hearings, on the said increasing incompatible development of single dwelling units in residential-single (RS) unit zones, whereby the Committee unanimously approved action items to amend the Land Development Code to limit lots less than 10,000 square feet in single dwellings in residential-single (RS) unit zones to a maximum of 6 bedrooms, with surface parking for a maximum of four vehicles; require one parking space per bedroom and limit garage conversions for units with 5 bedrooms or more in campus impact areas; reduce the driveway width to 12 feet in campus impact areas; and create minimum single dwelling unit parking design regulations citywide, in an effort to maintain the character of single dwelling unit neighborhoods; and

WHEREAS, on December 11, 2006, Council District 1 wrote a memorandum to the Mayor, on the said increasing incompatible development of single dwelling units in residential-single (RS) unit zones, requesting that actions taken by the City be applied citywide; and

WHEREAS, on May 10, 2007, the City Attorney, along with Council Districts 2 and 7, hosted a public forum, on the said increasing incompatible development of single dwelling units in residential-single (RS) unit zones, led by a panel of numerous City officials, and leaders from the three largest local universities, and attended by over 200 residents and community leaders, public testimony was uniformly in support of an approach that would include regulating incompatible development of single dwelling units as a way to protect the quality of life in residential-single (RS) unit zones; and

WHEREAS, the City wishes to amend the Land Development Code, to ameliorate increasing incompatible development of single dwelling units in residential-single (RS) unit zones, to preserve neighborhood quality, character, and livability, compatible with the purpose of residential-single (RS) unit zones; NOW, THEREFORE,

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

Section 1. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code [SDMC] is amended by amending Section 131.0431, Table 131.04D to read as follows:

**§131.0431 Development Regulations of Residential Zones**

**Table 131-04D  
Development Regulations of RS Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
		RS-						
	1st & 2nd >>							
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
<b>Max permitted density (DU per lot)</b>		1	1	1	1	1	1	1
<b>Min lot area (sf)</b>		40,000	20,000	15,000	10,000	8,000	6,000	5,000
<b>Min lot dimensions</b>								
Lot width (ft)		100	80	75	65	60	60	50
Street frontage (ft) [See Section 131.0442(a)]		100	80	75	65	60	60	50
Lot width (corner) (ft)		110	85	80	70	65	65	55
Lot depth (ft)		100	100	100	100	100	95	95
<b>Setback requirements</b>								
Min Front setback (ft) [See Section 131.0443(a)(1)]		25 <sup>(1)</sup>	25 <sup>(1)</sup>	20 <sup>(1)</sup>	20 <sup>(1)</sup>	20 <sup>(1)</sup>	15 <sup>(1)</sup>	15 <sup>(1)</sup>
Min Side setback (ft)		10 <sup>(2)</sup>	10 <sup>(2)</sup>	6 <sup>(2)</sup>	6 <sup>(2)</sup>	6 <sup>(2)</sup>	5 <sup>(2)</sup>	4 <sup>(2)</sup>
Min Street side setback (ft)		10 <sup>(2)</sup>	10 <sup>(2)</sup>	10 <sup>(2)</sup>	10 <sup>(2)</sup>	10 <sup>(2)</sup>	10 <sup>(2)</sup>	10 <sup>(2)</sup>
Min Rear setback (ft)		25 <sup>(3)</sup>	25 <sup>(3)</sup>	20 <sup>(3)</sup>	20 <sup>(3)</sup>	20 <sup>(3)</sup>	15 <sup>(3)</sup>	13 <sup>(3)</sup>
Setback requirements for resubdivided corner lots [See Section 131.0443(i)]		applies	applies	applies	applies	applies	applies	applies
Max structure height (ft)		24/30 <sup>(4)</sup>	24/30 <sup>(4)</sup>	24/30 <sup>(4)</sup>	24/30 <sup>(4)</sup>	24/30 <sup>(4)</sup>	24/30 <sup>(4)</sup>	24/30 <sup>(4)</sup>

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
		RS-						
	1st & 2nd >>							
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
Lot coverage for sloping lots [See Section 131.0445(a)]		applies	applies	applies	applies	applies	applies	Applies

<b>Max floor area ratio</b>	0.45	varies <sup>(5)</sup>	varies <sup>(5)</sup>	varies <sup>(5)</sup>	varies <sup>(5)</sup>	varies <sup>(5)</sup>	varies <sup>(5)</sup>
<b>Max paving/ hardscape</b> [See Section 131.0447]	applies	applies	applies	applies	applies	applies	applies
<b>Accessory uses and structures</b> [See Section 131.0448 (a),(b)]	applies	applies	applies	applies	applies	applies	applies
<b>Garage regulations</b> [See Section 131.0449(a)]	applies	applies	applies	applies	applies	applies	applies
<b>Building spacing</b> [See Section 131.0450]	applies	applies	applies	applies	applies	applies	applies
<b>Max third story dimensions</b> [See Section 131.0460]	--	applies	applies	applies	applies	applies	applies
<b>Architectural projections and encroachments</b> [See Section 131.0461(a)]	applies	applies	applies	applies	applies	applies	applies
<b>Supplemental requirements</b> [See Section 131.0464(a)]	applies	applies	applies	applies	applies	applies	applies
<b>Diagonal plan dimension</b> [See Section 131.0465]	--	--	--	--	--	--	applies
<b>Bedroom regulation</b>	applies <sup>(7)</sup>	applies <sup>(7)</sup>	applies <sup>(7)</sup>	applies <sup>(7)</sup>	applies <sup>(7)</sup>	applies <sup>(7)</sup>	applies <sup>(7)</sup>

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
		RS-						
		1st & 2nd >>	1-	1-	1-	1-	1-	1-
		3rd >>	8	9	10	11	12	13
4th >>	14							
<b>Max permitted density (DU per lot)</b>		1	1	1	1	1	1	
<b>Min lot area (sf)</b>		40,000	20,000	15,000	10,000	8,000	6,000	
<b>Min lot dimensions</b>								
Lot width (ft)		100	80	75	65	60	60	
street frontage (ft) [See Section 131.0442(a)]		100	80	75	65	60	60	
Lot width (corner) (ft)		110	85	80	70	65	65	
Lot depth (ft)		100	100	100	100	100	95	
<b>Setback requirements</b>								
Min Front setback (ft) [See Section 131.0443(a)(1)]		25	25	25	20	15	15	
Min Side setback (ft)		10	8	7	6	5	5	
Min Street side setback (ft)		20	15	15	10	10	10	
Min Rear setback (ft)		10 <sup>(6)</sup>	10 <sup>(6)</sup>	10 <sup>(6)</sup>	10 <sup>(6)</sup>	10 <sup>(6)</sup>	10 <sup>(6)</sup>	
<b>Setback requirements for resubdivided corner lots</b> [See Section 131.0443(i)]		applies	applies	applies	applies	applies	applies	
<b>Max structure height (ft)</b>		35	35	35	35	35	35	
<b>Lot coverage for sloping lots</b> [See Section 131.0445(a)]		-	-	-	-	-	-	
<b>Max floor area ratio</b> [See Section 131.0446(b)]		0.45	0.60	0.60	0.60	0.60	0.60	
<b>Max paving/ hardscape</b> [See Section 131.0447]		applies	applies	applies	applies	applies	applies	
<b>Accessory uses and structures</b> [See Section 131.0448 (a),(b)]		applies	applies	applies	applies	applies	applies	
<b>Garage regulations</b> [See Section 131.0449(a)]		applies	applies	applies	applies	applies	applies	
<b>Building spacing</b> [See Section 131.0450]		applies	applies	applies	applies	applies	applies	
<b>Max third story dimensions</b>		-	-	-	-	-	-	
<b>Architectural projections and encroachments</b> [See Section 131.0461(a)]		applies	applies	applies	applies	applies	applies	
<b>Supplemental requirements</b> [See Section 131.0464(a)]		applies	applies	applies	applies	applies	applies	
<b>Diagonal plan dimension</b>		-	-	-	-	-	-	
<b>Bedroom regulation</b>		applies <sup>(7)</sup>	applies <sup>(7)</sup>	applies <sup>(7)</sup>	applies <sup>(7)</sup>	applies <sup>(7)</sup>	applies <sup>(7)</sup>	

## Footnotes for Table 131-04D

1 See Section 131.0443(a)(2).

2 See Section 131.0443(a)(3).

3 See Section 131.0443(a)(4).

4 See Section 131.0444(b).

5 See Section 131.0446(a).

6 See Section 131.0443(a)(5).

7 On *lots* less than 10,000 square feet, a *single dwelling unit* shall be limited to 6 *bedrooms* maximum.

Section 2. That Chapter 13, Article 1, Division 4 of the SDMC is amended by amending Section 131.0447 to read as follows:

**§131.0447 Maximum Paving and Hardscape in Residential Zones**

Paving and *hardscape* on *single dwelling unit* lots located in the RS zones shall be minimized as follows:

- (a) The required front *yard* shall be limited to a maximum of 60 percent paving and *hardscape*.
- (b) Within the required *street yard* paving and *hardscape* shall be limited to:
  - (1) A driveway with direct vehicular access to required *off-street parking spaces* located outside of the required *setback* in accordance with section 142.0521,
  - (2) A walkway to facilitate pedestrian access to the *dwelling unit*, and
  - (3) Any decorative paving or *hardscape* that is not designed for vehicular access.
- (c) In order to maintain the character of the RS zone, paving and *hardscape* for vehicular use on *lots* less than 10,000 square feet, shall be further limited to off-street, surface parking for a maximum of 4 vehicles. Additional paving and *hardscape* shall be permitted for non-vehicular use or where necessary to provide vehicular access to garage parking.

Section 3. That Chapter 13, Article 2, Division 8 of the San Diego Municipal Code is amended by amending Section 132.0802, Table 132-08A to read as follows:

**§132.0802 Where the Parking Impact Overlay Zone Applies**

(a) through (b) [No change.]

**Table 132-08A  
Parking Impact Overlay Zone Applicability**

Type of <i>Development Proposal</i>	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Any <i>single dwelling unit development</i> located within the campus impact area	See the parking regulations in Sections 131.0447, 142.0520, 142.0521, and 142.0560	No permit required by this division
(2) Any development located within the beach impact area and any <i>multiple dwelling unit development</i> located within the campus impact area	See the parking regulations in Sections 131.0447, 142.0520, 142.0521, 142.0525, 142.0530, 142.0535, 142.0540 and 142.0560	No permit required by this division
(3) Any eating and drinking establishment that is located in the beach impact area and in the CC-5-2, CC-5-4, or CC-3-5 zones	See the parking regulations in Section 142.0530(b)	No permit required by this division

Section 4. That Chapter 14, Article 2, Division 5, of the SDMC is amended by amending Section 142.0520, Table 142-05 B to read as follows:

**§142.0520 Single Dwelling Unit Residential Uses — Required Parking Ratios**

The required number of *off-street parking spaces* for *single dwelling units* and related uses are shown in Table 142-05B.

**Table 142-05B  
Minimum Required Parking Spaces for  
Single Dwelling Units and Related Uses**

Type of Unit and Related Uses	Number of Required Parking Spaces
All <i>single dwelling units</i> , except those with five or more <i>bedrooms</i> in campus impact areas (See Chapter 13, Article 2, Division 8)	2 spaces per dwelling unit <sup>(1)</sup>
<i>Single dwelling units</i> with five or more <i>bedrooms</i> in campus impact areas (See Chapter 13, Article 2, Division 8)	1 space per <i>bedroom</i> (previously conforming parking regulations in Section 142.0510(d) do not apply <sup>(2)</sup> )
Housing for senior citizens (maximum 1 bedroom)	1 space per dwelling unit

Footnote for Table 142-05B

<sup>1</sup> *Single dwelling units* that do not provide a driveway at least 20 feet long, measured from the back of the sidewalk to that portion of the driveway most distant from the sidewalk, as

illustrated in Diagram 142-05A, shall provide two additional parking spaces. These parking spaces may be on-street, abutting the subject property, but shall conform to section 142.0525(c)(4).

<sup>2</sup> In campus impact areas, new *single dwelling unit development* with 5 or more *bedrooms* shall provide a minimum of 2 parking spaces in a garage. Where an existing garage is proposed for conversion to habitable area, garage parking shall be replaced with an equivalent number of garage parking spaces on the *premises*.

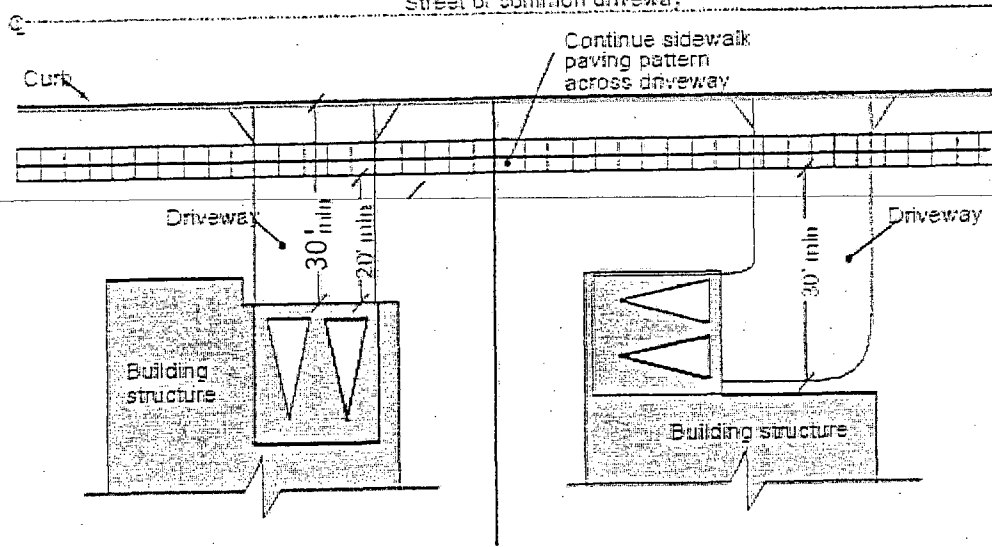
Section 5. That Chapter 14, Article 2 Division 5 of the SDMC is amended by amending, Section 142.0521 to read as follows:

**§142.0521 Parking Site Design for Single Dwelling Unit Residential Uses**

Parking facilities for *single dwelling unit residential* uses shall be designed in accordance with the following:

- (a) *Single dwelling unit developments* shall meet the minimum parking requirement established by section 142.0520.
- (b) Paving and *hardscape* for vehicular use shall be minimized in accordance with section 131.0447.
- (c) *Development* and design of parking areas shall comply with section 142.0560.
- (d) Driveway width (exclusive of driveway apron) shall comply with section 142.0560. The driveway curb cut shall be located a minimum of 3 feet from the side *property line* to accommodate a standard driveway apron.
- (e) Beyond the driveway curb cut opening, the drive aisle width shall be a minimum of 10 feet and a maximum of 25 feet.
- (f) The minimum distance between a parking space and a sidewalk or curb opening shall comply with Diagram 142-05A.

Diagram 142-05A  
Minimum Distance Between an Off-Street Parking Space  
and a Sidewalk or Curb Opening  
Street or common driveway





Section 6. That Chapter 14, Article 2, Division 5 of the SDMC is amended by amending Section 142.0560 to read as follows:

§142.0560 **Development and Design Regulations for Parking Facilities**

- (a) through (i) [No change in text.]
- (j) Driveway and Access Regulations
- (1) Driveway width shall be determined based on the size of the lot, type of use proposed, and location inside or outside of the Parking Impact Overlay Zone. Refer to Tables 142-05L and 142-05M for the applicable minimum and maximum driveway widths.

**Table 142-05L  
Driveway Width (Lots greater than 50 feet in width)**

Use	Minimum Width		Maximum Width (Outside of Parking Impact Overlay Zone)		Maximum Width Parking Impact Area
	One-Way	Two-Way	One-Way	Two-Way	
Detached <i>Single Dwelling Unit</i>	12 feet		25 feet		12 feet
<i>Dwelling Unit</i> in the RX Zone	12 feet		20 feet		12 feet
<i>Multiple Dwelling Unit</i>	14 feet	20 feet	20 feet	25 feet	20 feet
Nonresidential	14 feet	24 feet	20 feet	30 feet	25 feet

**Table 142-05M  
Driveway Width (Lots 50 feet or less in width)**

Use	Minimum Width		Maximum Width (Outside of Parking Impact Overlay Zone)		Maximum Width Parking Impact Area
	One-Way	Two-Way	One-Way	Two-Way	
Detached <i>Single Dwelling Unit</i>	12 feet		20 feet		12 feet
<i>Dwelling Unit</i> in the RX Zone	12 feet		20 feet		12 feet
<i>Multiple Dwelling Unit</i>					
2 units	12 feet		20 feet		12 feet

3-5 units	14 feet		20 feet		14 feet
6 or more units	14 feet	20 feet	20 feet	25 feet	20 feet
Nonresidential	14 feet	24 feet	20 feet	30 feet	25 feet

Section 7. 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 8. This ordinance takes effect outside the Coastal Overlay Zone 30 days after final passage; inside the Coastal Overlay Zone it takes effect upon unconditional certification by the California Coastal Commission.

Section 9. Pursuant to the California Environmental Quality Act (Public Resources Code § 21000 et. seq.) an adequate and final Addendum to Environmental Impact Report No. 96-0333, Project No. 129501 entitled "Amendments to Address 'Mini Dorms' and Preserve the Character of the RS Zones," has been reviewed and completed for this ordinance that reflects the independent judgment of the City of San Diego as Lead Agency. (Cross reference Resolution - certifying the Addendum to Environmental Impact Report No. 96-0333.)

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene  
Marianne Greene  
Deputy City Attorney

MG:ca  
06/28/2007  
Or.Dept:DSD  
O-2007-160

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 24 2007.

ELIZABETH S. MALAND  
City Clerk

By [Signature]  
Deputy City Clerk

Approved: 8-1-07  
(date)

[Signature]  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor