

ORDINANCE NUMBER O- 19999 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 10 2010

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 13, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 1513.0103, 1513.0104, 1513.0105; AMENDING CHAPTER 15, ARTICLE 13, DIVISION 2 BY AMENDING SECTION 1513.0202 AND BY REPEALING SECTION 1513.0203; AMENDING CHAPTER 15, ARTICLE 13, DIVISION 3 BY AMENDING SECTIONS 1513.0303, 1513.0304, 1513.0306, AND 1513.0307; AMENDING CHAPTER 15, ARTICLE 13, DIVISION 4 BY AMENDING 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 15, Article 13, Division 1 of the San Diego Municipal Code is amended by amending Sections 1513.0103, 1513.0104 and 1513.0105, to read as follows:

Article 13: Mission Beach Planned District

Division 1: General Rules

§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) except Article 3, Division 4, Section 113.0222 (Calculating Density);

Chapter 12 (Land Development Reviews) except Article 6, Division 6 (Planned Development Permit Procedures) and Article 6, Division 4,

Sections 126.0402(a)(4) and 126.0402(g) (When a Neighborhood Development Permit is Required);

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 2, Division 11 (Outdoor Storage, Display, and Activity 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 Ordinance History and Community Boundary

(a) 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, are hereby repealed insofar as they conflict with this Article.

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

(b) The area, described in the 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 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, are hereby incorporated in the Mission Beach Planned District Ordinance as such district, together with its various subdistricts, as described 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.

The definitions in Land Development Code Section 113.0103 shall apply unless they conflict with the definitions set forth in this Planned District Ordinance, in which case the definitions in the Planned District Ordinance shall apply.

Balcony, Exterior through Court [No change in text.]

Dormer - Dormer means an enclosed roofed structure projecting from a sloping roof that is no more than 10 feet in width measured on the exterior frame. A dormer may or may not include a window or ventilating louver.

Gross Floor Area – The total horizontal area, expressed in square feet, of all the floors of a building included within the surrounding walls. For calculating gross floor area, an exterior wall thickness of 6 inches shall be used. Gross floor area shall include:

- (a) through (c) [No change in text.]
- (d) Carports, unless constructed and maintained with less than two elevations (walls) that are at least 75 percent completely open (see Diagram 113.02M in Section 113.0234(a)(6) of the Land Development Code).

Lot Coverage - through Place [No change in text.]

Standard Setback – The required distance inward from and perpendicular to a property line at or behind which all structures must be located. Setbacks allowed as exceptions are not standard setbacks.

Subdistrict – through **Yard, Bayfront, Ocean Front, Court, Place, and Mission Boulevard** [No change in text.]

Section 2: That Chapter 15, Article 13, Division 2 of the San Diego Municipal Code is amended by amending Section 1513.0202 and by repealing section 1513.0203, to read as follows:

Article 13: Mission Beach Planned District

Division 2: Permits and Procedures

§1513.0202 Conditional Use Permit

(a) [No change in text.]

(1) through (3) [No change in text.]

(4) Residential care homes for 7 or more aged or mentally disordered or otherwise handicapped persons or dependent or neglected children and which are licensed by the State of California.

(5) [No change in text.]

(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) through (E) [No change in text.]

- (F) Residential, commercial, industrial and institutional uses in and on historical resources 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) through (v) [No change in text.]

- (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.

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

Article 13: Mission Beach Planned District

Division 3: Zones and Subdistricts

§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 [No change in text.]

(b) Accessory Uses

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

(1) through (2) [No change in text.]

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

(B) For duplexes and multiple dwelling units, not more than one lodger being provided with a bedroom and with more than one full bathroom facility on the premises.

- (4) On-premises signs subject to the Sign Regulations in accordance with Section 1513.0404(a) titled Residential Subdistricts – On Premises Signs.

§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 as follows:

- (1) A single R-S lot of 2,000 to 2,400 square feet shall be entitled to a maximum of 2 dwelling units;
- (2) Two contiguous R-S lots developed concurrently with common wall construction shall be entitled to a maximum of 4 dwelling units; and
- (3) Fractions of a dwelling unit shall not be rounded up when determining the total units permitted on a lot or lots.

(b) Minimum Lot Standards

The minimum lot standards as shown in Table 1513-03A apply except that any lot as defined in Land Development Code Section 113.0103 that meets the criteria for being a legal lot under Section 113.0237 and which does not comply in all respects with the minimum lot dimensions specified in Table 1513-03A, may be used in accordance with the regulations of the applicable zone.

Table 1513-03A
Minimum Lot Standards

Standard	R-N	R-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

(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 foot standard setback.

(B) R-N Subdistrict, Ocean Front Walk.

(i) First story – 7-foot standard setback

(ii) Second and third story – a maximum of 50 percent of each story shall observe a minimum 3-foot setback from the standard setback with the remaining portion of each story observing a minimum 5-foot setback from the standard setback.

(iii) Use of these varying setback requirements of Section 1513.0304(c)(1)(B) shall fulfill requirements for vertical offset.

- (C) R-S Subdistrict, Bayside and Ocean Front Walks – 10-foot standard setback.
- (D) Exceptions
- (i) Bayside Walk. In the R-S Subdistrict, buildings abutting Bayside Walk shall observe an additional setback beginning at 20 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle. In the R-N Subdistrict, buildings abutting Bayside Walk shall observe an additional setback beginning at 15 feet above existing grade or proposed grade, whichever is lower, at the standard setback 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.
- (ii) Ocean Front Walk. In the R-S Subdistrict, buildings abutting Ocean Front Walk shall observe an additional setback beginning 25 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle. In the R-N Subdistrict, buildings abutting Ocean Front Walk shall observe an additional setback beginning at 20 feet above existing grade or proposed grade, whichever is lower, at the standard setback 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.

- (2) Minimum Yards for Courts and Places
 - (A) R-N Subdistrict - 10 foot standard setback
 - (B) R-S Subdistrict - 15 foot standard setback
 - (C) Exceptions:
 - (i) Buildings on the south side of a Court or Place shall observe an additional setback beginning at 20 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle on the north facing facade. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction as shown in Diagram 1513-03A.
 - (ii) Buildings on the north side of a Court or Place shall observe an additional setback beginning 25 feet above existing grade or proposed grade, whichever is lower, at the setback and sloping back at a 45 degree angle on the south facing facade. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction, as shown in Diagram 1513-03B.

Diagram 1513-03A
Elevation on South Side of Court or Place
45° Angle on North Facing Facade

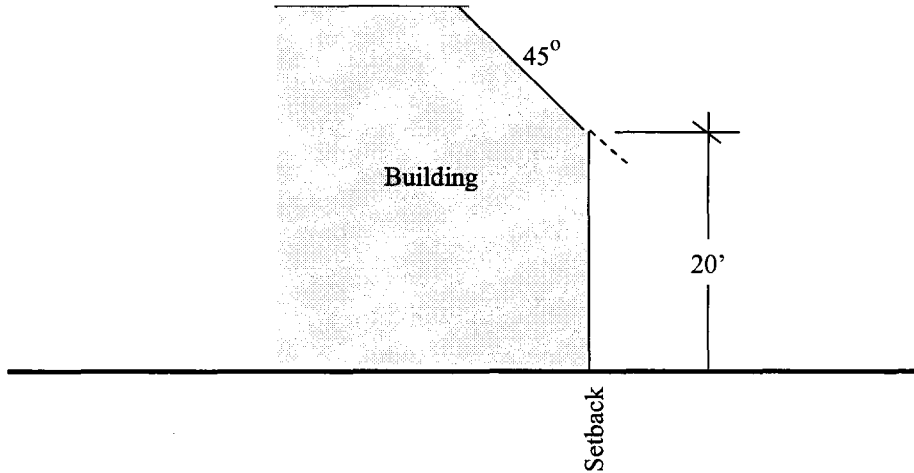
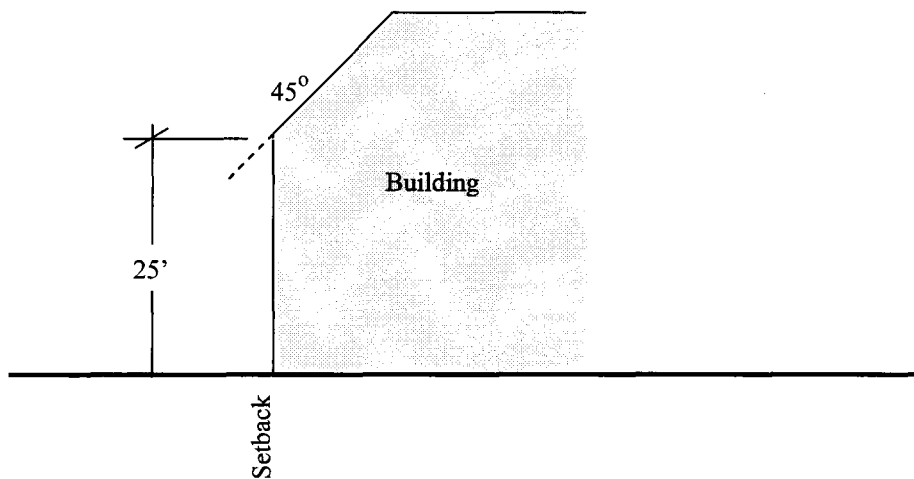


Diagram 1513-03B
Elevation on North Side of Court or Place
45° Angle on South Facing Facade



- (3) **Minimum Interior Yards**
- (A) Five foot standard setback.
 - (B) Exceptions:

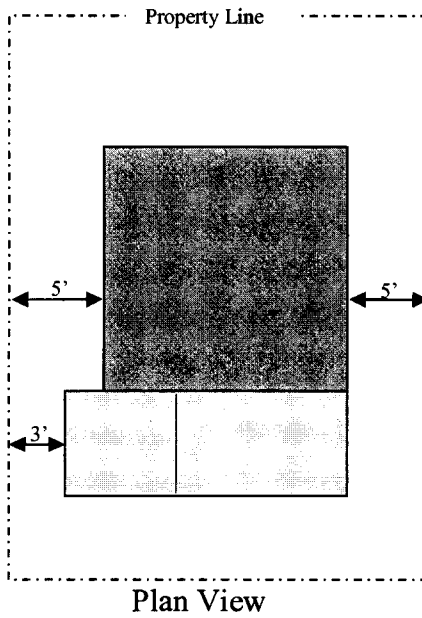
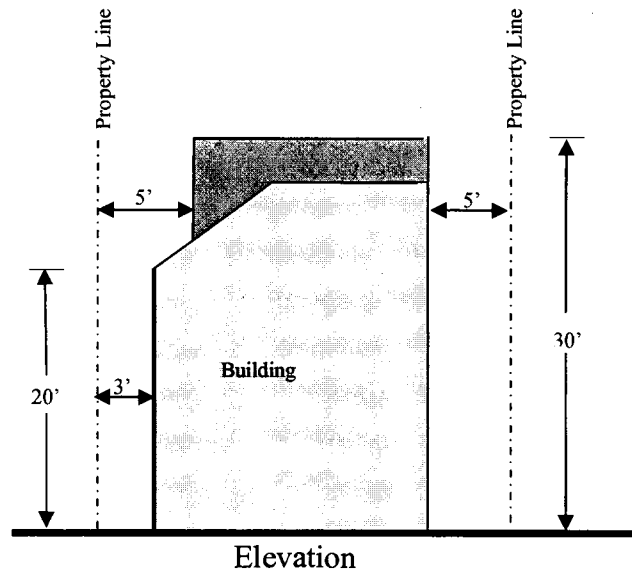
- (i) A three-foot setback may be applied to a structure that is 20 feet or less above existing or proposed grade, whichever is lower, provided that any portion of the structure's facade that exceeds 20 feet in height above existing grade or proposed grade, whichever is lower, shall observe an additional setback for the remainder of the structure height by sloping away from the vertical plane of the facade at an angle not to exceed 45 degrees.
 - (ii) Structures that are developed with portions of the structure observing a 3-foot setback, and other portions of the structure observing a 5-foot setback may use a combination of Sections 1513.0304(c)(3)(A) and 1513.0304(c)(3)(B)(i), as shown in Diagram 1513-03C.
 - (iii) In the R-N Subdistrict development of any lot or combination of lots 45 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater.
 - (iv) In the R-S Subdistrict development of any lot or combination of lots 55 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater.
- (4) Minimum Yards on Streets and Alleys [No change in text.]

(5) Mission Boulevard Yards

Buildings abutting Mission Boulevard shall observe a minimum standard setback 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 a 7-foot standard setback.

(6) Minimum Rear Yards [No change in text.]

Diagram 1513-03C
Interior Yards and Building Height



(d) Encroachments

- (1) Only the encroachments identified in Section 1513.0304(d) are allowed.

Table 1513-03B
Allowable Encroachments¹

Feature	Courts, Places, and Walks	Interior and Street Side Yard
Casings for Doors & Windows	6 inches	6 inches
Cornices ^{2,3}	1 foot	6 inches
Direct Vent Gas	1 foot	6 inches in 3- foot setback 1 foot in 5-foot setback
Eaves ²	2 feet ⁴	6 inches
Entry Roofs ^{2,5}	3 feet	None
Lighting Fixtures	9 inches	9 inches
Rain Gutters	6 inches	6 inches
Vents	6 inches	6 inches

¹ For features in Table 1513-03B that are located on any portion of the façade that encroaches 18 inches into the Court, Place, or Walk yard setback using the vertical offset in Section 1513.0304(d)(2)(A)(i), a maximum additional encroachment of 6 inches is allowed.

² The area that encroaches may not be used to support decks, exterior balconies, or floors.

³ Cornices shall not exceed 1-foot in height.

⁴ The eave shall not intrude into any required 45 degree angle for a Court, Place, Walk or interior yard.

⁵ See Section 1513.0304(d)(2)(A)(ii).

(2) Encroachments into yards for Courts, Places, and all yards on
Ocean Front and Bayside Walks

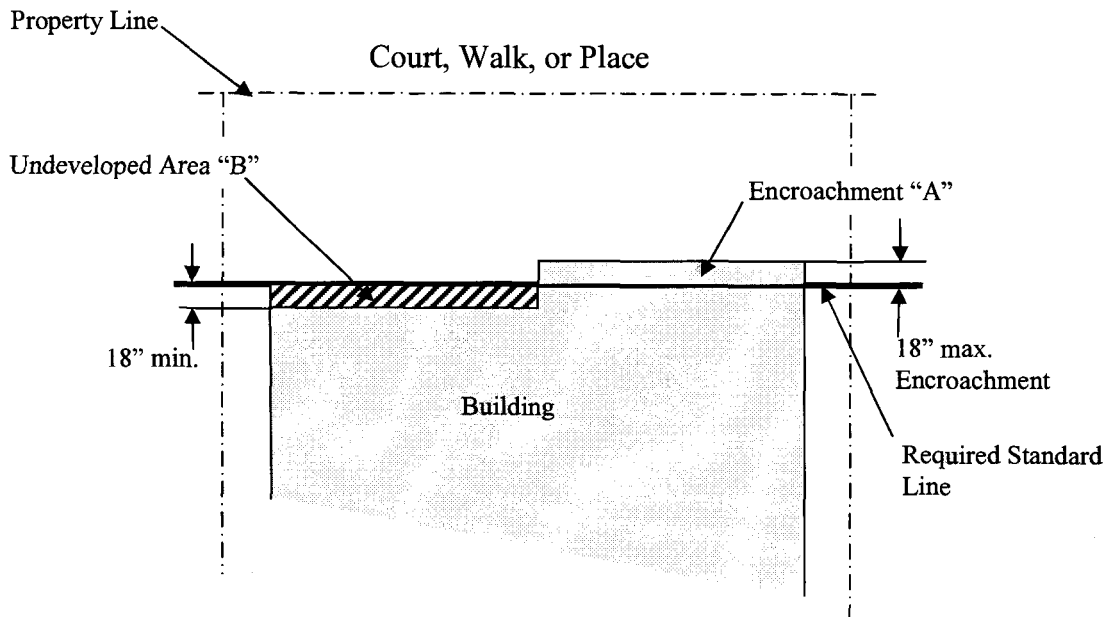
(A) The following encroachments, in addition to those
identified in Table 1513-03B, are permitted in yards for
Courts, Places, and Walks:

- (i) An encroachment of up to 18 inches or a vertical
offset extending full height of the building that is a
maximum of 3 feet in deep and not less than 45

degrees for at least 50 percent of the building as illustrated in **Diagram 1513-03D** provided that the width of the encroaching offset is not more than one-half of the total building width, and an insert area equal to the width of the encroaching offset at a minimum depth of 18 inches is undeveloped behind the required setback line parallel to the Court, Place, or Walk.

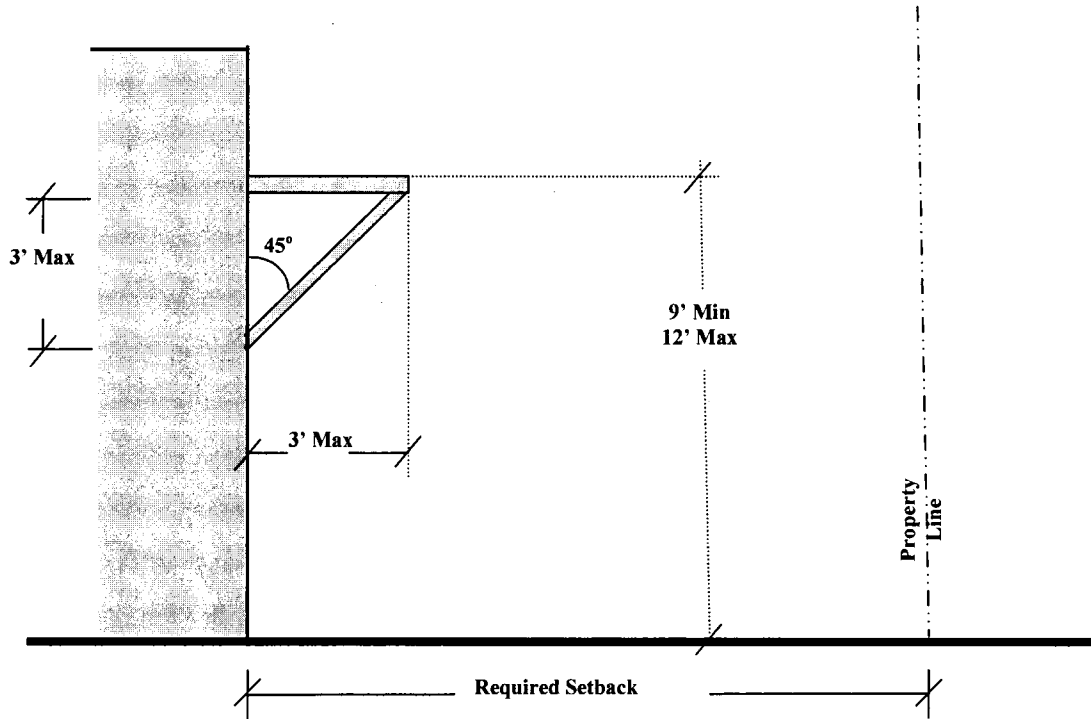
- (ii) Only those encroachments identified in Table 1513-03B are allowed in the offset and inset areas.

Diagram 1513-03D
18 inch Offset for a Court, Walk, or Place



- (B) In addition to those encroachments identified in Table 1513-03B, entry roofs may encroach up to 3 feet into the Court or Place setback consistent with the following, as set forth in Diagram 1513-E:
- (i) The entry roof must be at least 9 feet above existing grade or proposed grade, whichever is lower, and no more than 12 feet above existing grade or proposed grade, whichever is lower;
 - (ii) The entry roof must be supported by diagonal supports from the building wall, such as knee braces, extending within a 45 degree angle from the building wall to the horizontal portion of the projection, provided that the horizontal and vertical components of the supports do not exceed 3 feet. The entry roof shall not be supported through a continuation of the floor joist;
 - (iii) The maximum width of the entry roof is the door width plus three feet; and
 - (iv) Within the R-N Subdistrict only one entry roof is allowed, and within the R-S Subdistrict two entry roofs are allowed, provided the entry roofs serve separate residential units.

Diagram 1513-03E
Entry Roof Encroachment



- (C) The following encroachments are not permitted into yards for Courts, Places, or Walks:
- (i) Encroachment into the 45 degree setback by any part of the structure (including but not limited to eaves, fireplaces, chimneys, stairs, or railings).
 - (ii) Any structure that exceeds 3 feet in height above existing grade or proposed grade, whichever is lower, (including fences; solid, glass, planter, or retaining walls; stairs; rails; bay or garden windows; and fireplaces, grills, or barbeques that are constructed in place) except that encroachments

consistent with Section 1513.0304(d)(2)(A) are permitted.

- (3) Encroachments into interior yards and yards abutting Mission Boulevard
- (A) Only those encroachments listed in Table 1513-03B are allowed in the interior yard.
- (B) No encroachment may be closer than 2 feet, 6 inches from the property line.
- (4) Encroachments into the required 45 degree angled setbacks of the interior yard
- The following features may encroach into the 45 degree angled setback required for interior yards:
- (A) Chimneys measuring no more than 2 feet by 2 feet, and roof vents;
- (B) Dormers shall be permitted to encroach into the 45 degree angled setback consistent with the following:
- (i) The dormer shall be setback a minimum of 5 feet from the property line or the distance of the interior yard setback if the setback is greater than 5 feet;
- (ii) Dormers may be located on each side of the roof ridge;

- (iii) There shall be a minimum separation of 2 feet between dormers located on the same side of the roof ridge;
- (iv) In the R-N Subdistrict the combined width of the dormers on the same side of the roof ridge shall not exceed 10 feet; and
- (v) In the R-S Subdistrict the combined width of all dormers on the same side of the roof ridge shall not exceed 20 feet.

(C) Roof decks shall be permitted to encroach into the 45 degree angled setback consistent with the setback, location, and dimension requirements for dormers in Section 1513.0304(d)(4)(B).

(e) **Building Width**

- (1) 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 front facade is provided. The vertical offset shall be a minimum of 3 feet in depth, not less than 45 degrees, and extend the full height of the building. The offset in Section 1513.0304(d)(2)(A)(i) may be used to satisfy this requirement (see diagram 1513-03D).

(2) The use of vertical offsets in Section 1513.0304(e)(1) is allowed for building widths less than 25 feet in the R-N Subdistrict and less than 30 feet in the R-S Subdistrict.

(f) Maximum Lot Coverage [No change in text.]

(g) Floor Area Ratio

(1) through (2) [No change in text.]

(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(g)(2) from the calculations of floor area ratio shall not be considered as part of the 5,280 square feet.

(h) Height [No change in text.]

§1513.0305 [No change in text.]

§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) [No change in text.]

(b) [No change in text.]

(1) through (2) [No change in text.]

- (3) On-premises signs as permitted by Section 1513.0404(b) Sign Regulations - Commercial Subdistricts – On Premise Signs.

§1513.0307 Property Development Regulations – Commercial Subdistricts

(a) Minimum Lot Standards

The minimum lot standards as shown in Table 1513-03C apply, except any lot as defined in Land Development Code Section 113.0103 that meets the criteria for a legal lot in accordance with 113.0237 and which does not comply in all respects with the minimum lot dimensions specified in Table 1513-03C may be used in accordance with the regulations of the applicable zone.

Table 1513-03C

Minimum Lot Standards

Standard	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) 5-foot standard setback.

(B) Exceptions:

- (i) A 3-foot setback may apply to a structure that is 20 feet or less above existing or proposed grade, whichever is lower, provided that any portion of the

structure's facade that exceeds 20 feet in height above existing grade or proposed grade, whichever is lower, shall observe an additional setback for the remainder of the structure height by sloping away from the vertical plane of the facade at an angle not to exceed 45 degrees.

- (ii) Structures that are developed with portions of the structure observing a 3-foot setback, and other portions of the structure observing a 5-foot setback may use a combination of Sections 1513.0307(b)(1)(A) and 1513.0307(b)(1)(B)(i), as shown in Diagram 1513-03C.
 - (iii) In the NC-N and VC-N Subdistricts, development of any lot or combination of lots 45 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater.
 - (iv) In the NC-S and VC-S Subdistricts, development of any lot or combination of lots 55 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater.
- (2) Minimum Yards on Streets and Alleys

- (A) A yard shall not be required for lots abutting Strandway and Bayside Lane and alleys.
 - (B) A yard shall not be required for lots abutting Ventura Place and West Mission Bay Drive.
 - (C) A yard shall not be required on Mission Boulevard except as set forth in Section 1513.0402(b)
- (3) Minimum Yards on Bayside and Ocean Front Walks in NC-N, NC-S, VC-N and VC-S Subdistricts shall be as follows:
- (A) NC-N and VC-N Subdistricts, Bayside Walk-5-foot standard setback.
 - (B) NC-N and VC-N Subdistricts Ocean Front:
 - (i) First story – 7-foot standard setback.
 - (ii) Second and third story – a maximum of 50 percent of each story shall observe a minimum 3-foot setback from the standard setback with the remaining portion of each story observing a minimum 5-foot setback from the standard setback.
 - (C) NC-S and VC-S Subdistricts, Bayside and Ocean Front Walks – 10-foot standard setback.
 - (D) Exceptions:
 - (i) Bayside Walk. In the NC-S and VC-S Subdistricts, buildings abutting Bayside Walk shall observe an additional setback beginning at 20 feet above

existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle. In the NC-N and VC-N Subdistricts, buildings abutting Bayside Walk shall observe an additional setback beginning at 15 feet above existing grade or proposed grade, whichever is lower, at the standard setback 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.

- (ii) Ocean Front Walk. In the NC-S and VC-S Subdistricts, buildings abutting Ocean Front Walk shall observe an additional setback beginning at 25 feet above existing grade or proposed grade, whichever is lower at the standard setback 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.
- (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). The R-N Subdistrict requirements shall apply to the VC-N and NC-N and the R-S Subdistrict requirements shall apply to the VC-S and NC-S.

(c) Encroachments

- (1) Encroachments into Interior Yards. Allowable encroachments into the interior yard are listed in Table 1513-03D.

Table 1513-03D

Allowable Encroachments

Feature	Interior Yard
Direct Vent Gas	6 inches in 3-foot setback 1 foot in 5-foot setback
Eaves	6 inches
Lighting Fixtures	9 inches
Rain Gutters	6 inches
Vents	6 inches

- (2) Encroachments into the required 45 degree angled setbacks of the interior yard. The following features may encroach into the 45 degree angles required for interior yards:

- (A) Chimneys measuring no more than 2 feet by 2 feet, and roof vents;
- (B) Dormers shall be permitted to encroach into the 45 degree angled setback consistent with the following:
- (i) The dormer shall be setback a minimum of 5 feet from the property line or the distance of the interior yard setback if the setback is greater than 5 feet;
 - (ii) Dormers may be located on each side of the roof ridge; and

- (iii) There shall be a minimum separation of 2 feet between dormers located on the same side of the roof ridge.
 - (C) In the NC-N and VC-N Subdistricts the combined total width of the dormers on the same side of the roof ridge shall not exceed 10 feet.
 - (D) In the NC-S and VC-S Subdistricts the combined width of all dormers on the same side of the roof ridge shall not exceed 20 feet.
- (d) Floor Area Ratio
- (1) For lots developed exclusively for residential use in any Commercial Subdistrict, the floor area ratio provisions of Section 1513.0304(g) shall apply.
 - (2) through (3) [No change in text.]
 - (4) For NC-N and NC-S Subdistricts, no individual building or structure shall exceed the total amount of gross floor area of 8,750 square feet.
- (e) Height [No change in text.]

Section 4. That Chapter 15, Article 13, Division 4 of the San Diego Municipal Code is amended by amending 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

- (1) No fence shall exceed 3 feet in height above existing grade or proposed grade, whichever is lower, in that triangular area created by measuring 10 feet along each property line from the point of intersection where any combination of streets or alleys intersect.
- (2) No sharp-pointed or electrically charged fence shall be erected or maintained.

(b) Residential Subdistricts

- (1) Fences and walls, including glass walls, trellis walls, and retaining walls, located within required yards for Courts, Places, and Walks shall not exceed a height of 3 feet above existing grade or proposed grade, whichever is lower.
- (2) Fences and walls, including glass walls, trellis walls, and 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 above existing grade or proposed grade, whichever is lower.
- (3) Fences and walls, including glass walls, trellis walls, and retaining walls, located in yards adjacent to Mission Boulevard shall not exceed a height of 3 feet above existing grade or proposed grade, whichever is lower.

(c) Commercial Subdistricts

- (1) Fences and walls, including glass walls, trellis walls, and retaining walls, located within required yards for Courts, Places, and Walks shall not exceed 3 feet in height above existing grade or proposed grade, whichever is lower.
- (2) Fences and walls, including glass walls, trellis walls, and retaining walls, located in interior yards or adjacent to alleys, Bayside Lane or Strandway shall not exceed a combined height of 6 feet above existing grade or proposed grade, whichever is lower.
- (3) Prior to the use or occupancy of any premises, a wall shall be constructed along all portions of said premises that abut property within a Residential Subdistrict. Such walls shall be not less than 6 feet in height above existing grade or proposed grade, whichever is lower, except within any required yards for Bayside and Ocean Front Walks, Court and Places, such walls shall be 3 feet above existing or proposed grade, whichever is lower.

§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 30 percent and shall be any combination of trees, shrubs and ground cover; except that the use of trees to meet this requirement shall be optional. The remaining 70 percent may include, but is not

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

- (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 finished grade, as measured at the trunk. All landscaping and irrigation within the public-right-of-way shall be developed in accordance with the Landscape Standards of the Land Development Manual.

(b) Commercial Subdistricts

[No change in text.]

§1513.0403 Parking

(a) All Subdistricts

(1) [No change in text.]

- (2) When an existing use is enlarged, the number of additional off-street parking spaces required are only those required by the enlargement consistent with Section 1513.0403.

(b) Residential Subdistricts

- (1) Every premises used for one or more of those uses permitted in Section 1513.0303 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 for the following:
 - (i) 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.
 - (ii) In the R-N Subdistrict 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) [No change in text.]

(2) [No change in text.]

(3) Parking shall not be permitted in required yards other than interior or rear yards, except as provided herein.

(A) Development between February 27, 1964 and February 1, 1979.

For properties where any legal development, redevelopment or improvement created or enlarged floor area on the premises 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) and (ii) [No change in text.]
- (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 Standards of the Land Development Manual.
- (iv) [No change in text.]
- (v) The parking space was in existence on _____.

(B) Development prior to February 27, 1964.

For properties where any legal development, redevelopment or improvement created or enlarged floor area on the premises and the yard was being used for parking on or before 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 that:

- (i) Said property is in compliance with permits or regulations in effect at the time the property was developed;
- (ii) The parking space was in existence on _____.

- (4) Tandem off-street parking is permitted consistent with the following:
 - (A) The space required is 8 feet by 36 feet and accommodates 2 cars, one behind the other, except that the width of parking spaces that abut a wall, column, or other immovable obstacle shall be 8 feet and 6 inches.
 - (B) Both of the tandem spaces shall be assigned to the same unit.
 - (C) Tandem spaces are not required to be enclosed.
 - (D) Unenclosed tandem parking spaces may only encroach into an interior yard to achieve the required 36-foot depth.
- (5) Fifty percent of the individual (non-tandem) parking spaces shall have a minimum 8-foot width and 19-foot depth. The other 50 percent shall not be less than a minimum 8-foot width and 17-foot depth. The width of parking spaces that abut a wall, column, or other immovable obstacle shall be 8 feet and 6 inches.
- (6) All parking areas adjacent to Courts, Places, Walks or Mission Boulevard shall be screened by a solid fence 3 feet in height.
- (7) Driveways and parking are not allowed within required yards for Courts, Places, or Walks unless exempted in accordance with Section 1513.0403(b)(3).
- (8) Curb cuts are not allowed on Mission Boulevard unless the premises has less than 10 feet of vehicular access from an alley.

(c) [No change in text.]

§1513.0404 Sign Regulations

(a) Residential Subdistricts – On-Premises Signs

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:

- (1) One nameplate per dwelling unit not exceeding one square foot in total area to identify only the occupant; or
- (2) In lieu of Section 1513.0404(a)(1), 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.
- (3) 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.
- (4) 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.
- (5) 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.

- (6) 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.
- (7) Any sign not in compliance with the provisions of this section within 7 years from April 7, 1998, 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 February 1, 1979.

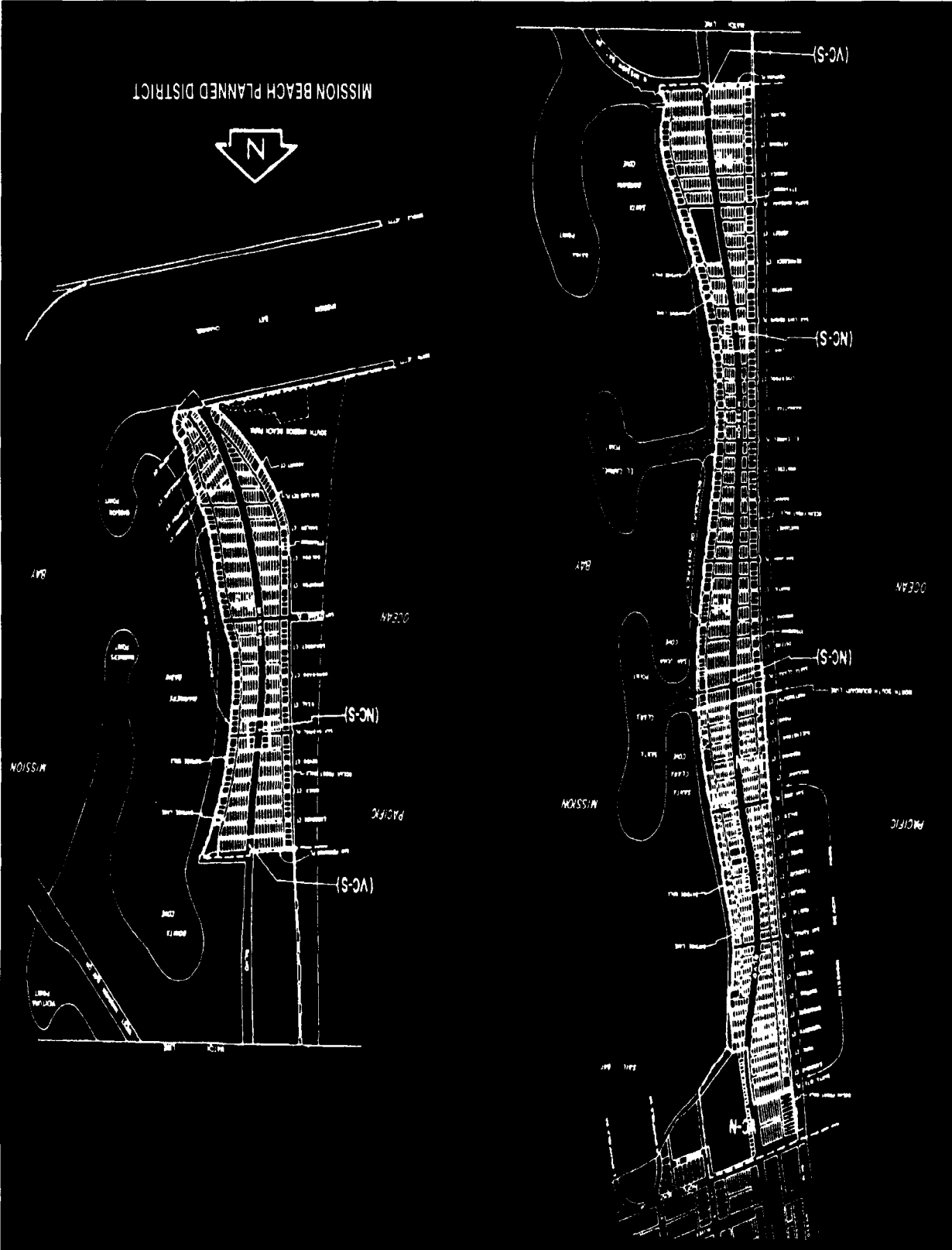
(b) Commercial Subdistricts – On-Premises Signs

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

- (1) through (3) [No change in text.]
- (4) Any sign not in compliance with the provisions of this section within 7 years from April 7, 1998, 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 February 1, 1979.
- (5) through (7) [No change in text.]

(c) Commercial Subdistrict – Off-Premises Signs

Off-premises signs, including signs on the sidewalk for Ventura Place, shall comply with the Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations).

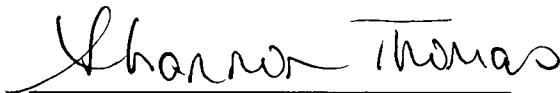


Section 5. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 6. That this ordinance shall not take effect until the date the California Coastal Commission unconditionally certifies these provisions as a local coastal program amendment.

Section 7. That the City Clerk is instructed to insert the effective date of this ordinance, once known, in the blank spaces provided in Municipal Code sections 1512.0403(b)(3)(A)(v) and 1513.0403(b)(3)(B)(ii).

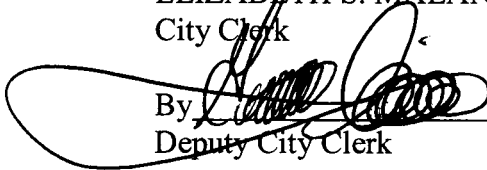
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon Thomas
Deputy City Attorney

ST:als
09/14/10
09/22/10 Cor.Copy
Or.Dept:DSD
O-2011-14
PL#2010-01345

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 12 2010.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 10-18-10
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor