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Subitem B
(O-2017-46)
01/24/17

ORDINANCE NUMBER O- 20789 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 03 2017

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0431, RETITLING AND AMENDING SECTION 131.0447, AND BY ADDING NEW SECTION 131.0457; AND AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 142.0510, 142.0520, AND 142.0521, ALL RELATING TO HIGH OCCUPANCY SINGLE DWELLING UNITS.

WHEREAS, the purpose of the RS zone is to provide for development of single dwelling units that promote neighborhood quality, character, and livability; the zone is intended to allow reasonable use of property while minimizing adverse impacts to adjacent properties; and

WHEREAS, demand for housing has resulted in numerous existing single family homes, especially in the College Area Community Plan area, being modified by the addition of bedrooms or other rooms that serve as bedrooms, which has resulted in single family homes within the RS zone that serve as high occupancy residential dwelling units that are out of character with the purpose of the RS zone; and

WHEREAS, high occupancy single dwelling units tend to impair the quiet enjoyment of the surrounding homes within the RS zones by creating excessive trash and litter, excessive paved areas for parking, and excessive noise; and

WHEREAS, excessive paving for vehicular use negatively affects the aesthetic character of the RS zone; and

WHEREAS, single family homes within the RS zones typically consist of three or four bedrooms that are compatible with the bulk, scale, and character of the RS zones; and

WHEREAS, within San Diego County, only 4.5 percent of single-family homes have five or more bedrooms; NOW, THEREFORE,

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

Section 1. That Chapter 11, Article 3, Division 1 of the San Diego Municipal Code is amended by amending section 113.0103, to read as follows:

§113.0103 Definitions

Abutting property through Beach, coastal (See *coastal beach*) [No change in text.]

Bedroom means an enclosed space within a *dwelling unit* that is designed or could be used for sleeping and has or is designed to have a door permitting complete closure and separation from all *kitchen*, living room, and hallway areas. A room or other enclosed space is not considered a *bedroom* if it is the sole access to another *bedroom*.

Benefitted area through Sign, wall (See *wall sign*) [No change in text.]

Single dwelling unit means a detached *dwelling unit* or attached *dwelling units* where each *dwelling unit* is on an individual *lot*.

Social service institution through Yard [No change in text.]

Section 2. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is amended by amending section 131.0431, retitling and amending section 131.0447, and adding new section 131.0457, to read as follows:

§131.0431 Development Regulations Table for Residential Zones

The following development regulations apply in the residential zones as shown in Tables 131-04C, 131-04D, 131-04E, 131-04F, and 131-04G.

(a) [No change in text.]

(b) RS Zones

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

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones							
		1st & 2nd >>	RS-						
		3rd >>	1-	1-	1-	1-	1-	1-	1-
		4th >>	1	2	3	4	5	6	7
Max permitted density (DU per lot) through Supplemental requirements [See Section 131.0464(a)] [No change in text.]		[No change in text.]							
Bedroom regulation [See Section 131.0457]		applies	applies	applies	applies	applies	applies	applies	
Refuse and Recyclable Material Storage [See Section 142.0805] through Visibility Area [See Section 113.0273] [No change in text.]		[No change in text.]							

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones							
		1st & 2nd >>	RS-						
		3rd >>	1-	1-	1-	1-	1-	1-	1-
		4th >>	8	9	10	11	12	13	14
Max permitted density (DU per lot) through Supplemental Requirements [See Section 131.0464(a)] [No change in text.]		[No change in text.]							
Bedroom regulation [See Section 131.0457]		applies	applies	applies	applies	applies	applies	applies	
Refuse and Recyclable Material Storage [See Section 142.0805] through Visibility Area [See Section 113.0273] [No change in text.]		[No change in text.]							

Footnotes for Table 131-04D¹ through ⁶ [No change in text.]

(c) through (e) [No change in text.]

§131.0447 Maximum Paving and Hardscape in RS Zones

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

- (a) [No change in text.]
- (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) [No change in text.]
- (c) In order to maintain the character of the RS zone, paving and *hardscape* for vehicular use shall be further limited as follows:
 - (1) A maximum of four *off-street parking spaces* not located within a garage shall be permitted on *lots* less than 10,000 square feet;
 - (2) A maximum of six *off-street parking spaces* not located within a garage shall be permitted on *lots* 10,000 square feet and greater;
 - (3) Additional paving and *hardscape* shall be permitted for non-vehicular use or where necessary to provide vehicular access to garage parking;
 - (4) For purposes of this subsection, notwithstanding Section 113.0237, unless *development* only occurs on the RS-1-1 zoned portion of a *lot*, the *lot* size shall not include the RS-1-1 zoned portion of a *lot* with more than one zoning designation.

§131.0457 Bedroom Regulation in RS Zones

To maintain the character of the RS zone, *single dwelling units* in the RS zones shall be subject to the following regulations:

- (a) On *lots* less than 10,000 square feet, a *single dwelling unit* shall be limited to a maximum of six *bedrooms*.
- (b) Within the College Area Community Plan area, except in the RS-1-1 zone, the following additional regulations shall apply:
 - (1) On *lots* less than 10,000 square feet, a *single dwelling unit* shall be limited to a maximum of five *bedrooms*.
 - (2) On *lots* 10,000 square feet or greater, a *single dwelling unit* shall be limited to a maximum of six *bedrooms*.
 - (3) The combined *gross floor area* of all *bedrooms* shall not exceed 60 percent of the *gross floor area*, excluding any garage.
- (c) For purposes of this Section, notwithstanding Section 113.0237, unless *development* only occurs on the RS-1-1 zoned portion of a *lot*, the *lot* size shall not include the RS-1-1 zoned portion of a *lot* with more than one zoning designation.

Section 3. That Chapter 14, Article 2, Division 5 of the San Diego Municipal Code is amended by amending sections 142.0510, 142.0520, and 142.0521, to read as follows:

§142.0510 General Parking Regulations

- (a) through (d) [No change in text.]
- (e) Parking in Required Yards. Parking in required *yards* is subject to the following regulations:

(1) *Off-street parking spaces* shall not be located in any required front or street side *yard* except as otherwise provided in the particular zone or by Section 142.0510(f).

(2) No vehicle shall be parked in any required front or street side *yard* except where permitted by a particular zone, or except as provided below:

(A) through (B) [No change in text.]

(f) In RS zones, the required parking may be provided on a driveway or paved surface within the front or street side *yard* on *premises* where required parking was converted to habitable space prior to January 1, 1992, subject to the following requirements:

(1) through (4) [No change in text.]

(g) [No change in text.]

§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 <i>dwelling unit</i> ⁽¹⁾
<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> (<i>previously conforming</i> parking regulations in Section 142.0510(d) do not apply) ⁽²⁾
<i>Single dwelling units</i> that have an occupancy that would consist of 6 or more persons eighteen years of age and older residing in the <i>dwelling unit</i> for a period of 30 or more consecutive days, subject to Section 123.0502 ⁽³⁾	1 space per occupant eighteen years of age and older, less 1 space (<i>previously conforming</i> parking regulations in Section 142.0510(d) do not apply) ^{(4),(5)}

Footnotes for Table 142-05B

¹ through ² [No change in text.]

³ Housing for senior citizens, residential care facilities, and transitional housing facilities in a *single dwelling unit* are not subject to this parking regulation, but are otherwise subject to all other parking regulations.

⁴ This requirement may be reduced if evidence is provided to the satisfaction of the City Manager that an occupant eighteen years of age and older does not have a vehicle or does not have a valid driver's license, in which case, the required number of *off-street parking spaces* shall be one space per occupant eighteen years of age and older with a valid driver's license and a vehicle, less one space.

⁵ In the case of a conflict between this requirement and the requirements set forth in the Parking Impact Overlay Zone, the higher of the applicable *off-street parking space* requirements shall apply.

§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) through (e) [No change in text.]

(f) The minimum distance between an *off-street parking space* and a sidewalk or curb opening shall comply with Diagram 142-05A.

(g) Within the College Area Community Plan area, except in the RS-1-1 zone, notwithstanding Section 142.0510(f), when a required *off-street parking space* is not located in a garage, it shall not be located within 30 feet of the front *property line*.

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

[No change to diagram.]

Section 4. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 5. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station (MCAS) Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this Ordinance shall take effect and be in force as of the date of the finding of consistency by SDCRAA, provided that and not until at least 30 days have passed from the final date of passage, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the City Council for reconsideration.


That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage,

except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote; the proposed decision and findings shall be forwarded to the SDCRAA, California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports; and the City Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and any final decision to overrule a determination of inconsistency shall require a two-thirds vote.

Section 6. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective, which date is determined in accordance with Section 5, above.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Heidi K. Vonblum
Deputy City Attorney

HKV:nja
10/03/16
Or.Dept: Council District 9
Doc. No.: 1341486_3

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 24 2017.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 2/3/17
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0431, RETITLING AND AMENDING SECTION 131.0447, AND BY ADDING NEW SECTION 131.0457; AND AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 142.0510, 142.0520, AND 142.0521, ALL RELATING TO HIGH OCCUPANCY SINGLE DWELLING UNITS.

§113.0103 Definitions

Abutting property through Beach, coastal (See *coastal beach*) [No change in text.]

Bedroom means an enclosed space within a ~~dwelling unit~~ dwelling unit that is designed or could be used for sleeping and has or is designed to have a permanent door permitting complete closure and separation from all *kitchen*, living room, and hallway areas. A room or other enclosed space is not considered a *bedroom* if it is the sole access to another *bedroom*.

Benefitted area through Sign, wall (See *wall sign*) [No change in text.]

Single dwelling unit means a detached *dwelling unit* or attached *dwelling units* where each ~~dwelling unit~~ dwelling unit is on an individual *lot*.

Social service institution through Yard [No change in text.]

§131.0431 Development Regulations Table for Residential Zones

The following development regulations apply in the residential zones as shown in Tables 131-04C, 131-04D, 131-04E, 131-04F, and 131-04G.

- (a) [No change in text.]
- (b) RS Zones

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

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
		1st & 2nd >>	RS-					
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
Max permitted density (DU per lot) through Supplemental requirements [See Section 131.0464(a)] [No change in text.]		[No change in text.]						
Bedroom <u>Bedroom</u> regulation [See Section 131.0457]		applies ^(?)	applies ^(?)	applies ^(?)	applies ^(?)	applies ^(?)	applies ^(?)	applies ^(?)
Refuse and Recyclable Material Storage [See Section 142.0805] through Visibility Area [See Section 113.0273] [No change in text.]		[No change in text.]						

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	8	9	10	11	12	13	14
Max permitted density (DU per lot) through Supplemental Requirements [See Section 131.0464(a)] [No change in text.]		[No change in text.]						
Bedroom Bedroom regulation [See Section 131.0457]		applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾
Refuse and Recyclable Material Storage [See Section 142.0805] through Visibility Area [See Section 113.0273] [No change in text.]		[No change in text.]						

Footnotes for Table 131-04D

¹ through ⁶ [No change in text.]

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

(c) through (e) [No change in text.]

§131.0447 Maximum Paving and Hardscape in Residential RS Zones

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

- (a) [No change in text.]
- (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 sSection 142.0521_;
 - (2) A walkway to facilitate pedestrian access to the *dwelling unit*_; and
 - (3) [No change in text.]

- (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 as follows:
- (1) ~~off-street, surface parking for a Δ maximum of 4 four vehicles.~~ off-street parking spaces not located within a garage shall be permitted on lots less than 10,000 square feet;
 - (2) A maximum of six off-street parking spaces not located within a garage shall be permitted on lots 10,000 square feet and greater;
 - (3) Additional paving and *hardscape* shall be permitted for non-vehicular use or where necessary to provide vehicular access to garage parking-;
 - (4) For purposes of this subsection, notwithstanding Section 113.0237, unless development only occurs on the RS-1-1 zoned portion of a lot, the lot size shall not include the RS-1-1 zoned portion of a lot with more than one zoning designation.

§131.0457 Bedroom Regulation in RS Zones

To maintain the character of the RS zone, single dwelling units in the RS zones shall be subject to the following regulations:

- (a) On lots less than 10,000 square feet, a single dwelling unit shall be limited to a maximum of six bedrooms.
- (b) Within the College Area Community Plan area, except in the RS-1-1 zone, the following additional regulations shall apply:

- (1) On lots less than 10,000 square feet, a single dwelling unit shall be limited to a maximum of five bedrooms.
 - (2) On lots 10,000 square feet or greater, a single dwelling unit shall be limited to a maximum of six bedrooms.
 - (3) The combined gross floor area of all bedrooms shall not exceed 60 percent of the gross floor area, excluding any garage.
- (c) For purposes of this Section, notwithstanding Section 113.0237, unless development only occurs on the RS-1-1 zoned portion of a lot, the lot size shall not include the RS-1-1 zoned portion of a lot with more than one zoning designation.

§142.0510 General Parking Regulations

- (a) through (d) [No change in text.]
- (e) Parking in Required Yards. Parking in required yards is subject to the following regulations:
- (1) *Off-street parking spaces* shall not be located in any required front or street side yard yard except as otherwise provided in the particular zone or by Section 142.0510(f).
 - (2) No vehicle shall be parked in any required front or street side yard yard except where permitted by a particular zone, or except as provided below:
 - (A) through (B) [No change in text.]
- (f) In RS zones, the required parking may be provided on a driveway or paved surface within the front or ~~street side~~ street side yard on premises

where required parking was converted to habitable space prior to January 1, 1992, subject to the following requirements:

(1) through (4) [No change in text.]

(g) [No change in text.]

§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 <i>dwelling unit</i> ⁽¹⁾
<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 <i>previously conforming</i> parking regulations in Section 142.0510(d) do not apply) ⁽²⁾
High occupancy <i>Single dwelling units that have an occupancy that would consist of 6 or more persons eighteen years of age and older residing in the dwelling unit for a period of 30 or more consecutive days, subject to Section 123.0502</i> ⁽³⁾	1 space per occupant eighteen years of age and older, less one 1 space (previously conforming parking regulations in Section 142.0510-(d) do not apply) ^{(4),(5)}

Footnotes for Table 142-05B

¹ through ² [No change in text.]

³ Housing for senior citizens, residential care facilities, and transitional housing facilities in a *single dwelling unit* are not subject to this parking regulation, but are otherwise subject to all other parking regulations.

⁴ This requirement may be reduced if evidence is provided to the satisfaction of the City Manager that an occupant eighteen years of age and older does not have a vehicle or does not have a valid driver’s license, in which case, the required number of *off-street parking spaces* shall be one space per occupant eighteen years of age and older with a valid driver’s license and a vehicle, less one space.

⁵ In the case of a conflict between this requirement and the requirements set forth in the Parking Impact Overlay Zone, the higher of the applicable *off-street parking space* requirements shall apply.

§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) through (e) [No change in text.]
- (f) The minimum distance between an ~~parking space~~ off-street parking space and a sidewalk or curb opening shall comply with Diagram 142-05A.
- (g) Within the College Area Community Plan area, except in the RS-1-1 zone, notwithstanding Section 142.0510(f), when a required off-street parking space is not located in a garage, it shall not be located within 30 feet of the front property line.

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

[No change to diagram.]

HKV:nja
10/03/16
Or.Dept: Council District 9
Doc. No.: 1340502_5

Passed by the Council of The City of San Diego on JAN 24 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 03 2017

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Hinda Bruen*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

NOV 14 2016, and on FEB 03 2017

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Hinda Bruen*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20789