

(O-2006-88)
(COR.COPY)

ORDINANCE NUMBER O- 19468 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 01 2006

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 6, ARTICLE 9, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING DIVISIONS 1-3, PERTAINING TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2, BY AMENDING SECTION 113.0267; AMENDING CHAPTER 12, ARTICLE 1, DIVISION 5, BY AMENDING SECTION 121.0505; AMENDING CHAPTER 12 ARTICLE 4, DIVISION 1, BY AMENDING SECTION 124.0106; AMENDING CHAPTER 12 ARTICLE 6, DIVISION 3, BY AMENDING SECTION 126.0303; AMENDING CHAPTER 12, ARTICLE 8, DIVISION 3, BY AMENDING SECTIONS 128.0310, AND 128.0313; AMENDING CHAPTER 12, ARTICLE 9, BY AMENDING SECTIONS 129.0102, 129.0211, 129.0218, 129.0219, 129.0312, AND 129.0413; AMENDING CHAPTER 13 ARTICLE 1, DIVISION 4, BY AMENDING SECTION 131.0443; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 3, BY AMENDING SECTION 132.0306; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 10, BY AMENDING SECTION 141.1004; AMENDING CHAPTER 14, ARTICLE 2, BY AMENDING SECTIONS 142.0505, 142.0820, 142.1250, 142.1270, AND 142.1291; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1, BY AMENDING SECTION 143.0101; AMENDING CHAPTER 14, ARTICLE 5, DIVISION 4, BY AMENDING SECTIONS 145.0410, AND 145.0425, OF THE SAN DIEGO MUNICIPAL CODE, RELATING TO THE LAND DEVELOPMENT CODE.

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

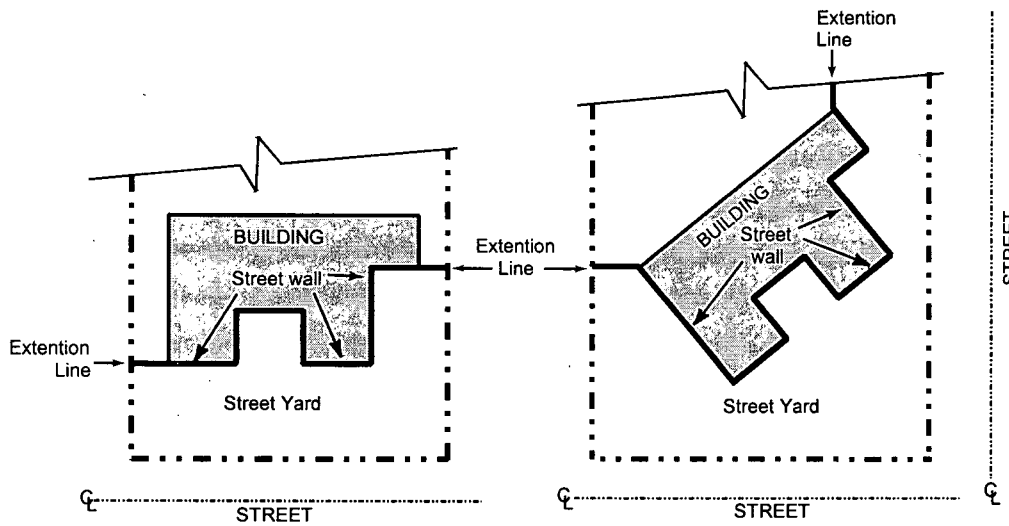
Section 1. That Chapter 6, Article 9; of the San Diego Municipal Code is amended by repealing Divisions 1 through 3.

Section 2. That Chapter 11, Article 3, Division 2, of the San Diego Municipal Code is amended by amending Section 113.0267, to read as follows:

§113.0267 Determining Street Wall Line

The *street wall line* is used to delineate the *street yard*. The *street wall line* includes the *street wall* plus a line extending outward from the limits of the *street wall*, as shown in Diagram 113-02HH. The extension lines shall be parallel to the *street* or single plane used to determine the *building facade*. Porches more than 3 feet above *grade* and site walls that are integral in material, design, and placement with the building and which maintain a minimum height of 4 feet may be included in determining the *street wall line*. For a corner lot, the street wall line includes the street walls for both frontages.

Diagram 113-02HH Street Wall Line



Section 3: That Chapter 12, Article 1, Division 5, of the San Diego Municipal Code is amended by amending Section 121.0505, to read as follows:

§121.0505 Sign Permit Violations

- (a) [No change.]

- (b) It is unlawful to erect or maintain a *sign* subject to Chapter 14, Article 2, Division 12 (Sign Regulations) without a Sign Permit Sticker as required by the Sign Regulations.

Section 4. That Chapter 12, Article 4, Division 1, of the San Diego Municipal Code is amended by amending Section 124.0106, to read as follows:

§124.0106 Recordation of Development Agreements

The City Clerk shall forward a copy of the Development Agreement, and an ordinance that describes the land subject to the agreement, to the County Recorder for recordation no later than 10 *business days* after receipt of a fully executed Development Agreement. The agreement shall be binding upon, and the benefits of the agreement shall inure, to the parties and all successors in interest to the parties to the agreement.

Section 5. That Chapter 12, Article 6, Division 3, of the San Diego Municipal Code is amended by amending Section 126.0303, to read as follows:

§126.0303 When a Conditional Use Permit Is Required

[No change in text.]

- (a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops through Boarding kennels [No change in text.]

Child Care Centers

Churches and places of religious assembly through Veterinary clinics and hospitals [No change in text.]

- (b) through (c) [No change.]

Section 6. That Chapter 12, Article 8, Division 3, of the San Diego Municipal Code is amended by amending Sections 128.0310 and 128.0313, to read as follows:

§128.0310 Final Environmental Document Preparation, Distribution and Public Review

[No change in text.]

(a) Final Environmental Document Distribution

At least 14 calendar days before the first public hearing or discretionary action on the project, the Development Services Director shall make all final environmental documents, including EIR Candidate Findings and Statements of Overriding Consideration if applicable, available to the public and decision makers and shall also mail copies of final environmental documents to the officially recognized community planning groups and members of the public who commented on the draft document. Failure to provide this 14-calendar day review period shall not be treated as a procedural defect and shall not preclude discretionary action on the project when necessary to avoid conflict with time limits imposed by law. The Development Services Director shall provide a final EIR to any public agency that commented on the draft consistent with CEQA.

(b) [No change in text.]

§128.0313 Notice of Determination

The Development Services Director, or City Clerk as appropriate for Process Five decisions, shall file a Notice of Determination within 5 working days of the *date of final action* for each project approval for which an environmental document was considered. The contents of the Notice of Determination and procedures for

its filing shall be consistent with the State CEQA Guidelines, Section 15075 and 15094.

Section 7. That Chapter 12, Article 9, Division 1, of the San Diego Municipal Code is amended by amending Section 129.0102 to read as follows:

§129.0102 When Construction Permit Procedures Apply

The following permits require construction review, and the procedures for *construction permits* apply to these permits unless stated otherwise in this article: Building Permits, Electrical Permits, Plumbing or Mechanical Permits, Demolition/Removal Permits, Grading Permits, Public Right-of-Way Permits, and Sign Permits.

Section 8. That Chapter 12, Article 9, Division 2, of the San Diego Municipal Code is amended by amending Sections 129.0211, 129.0218, and 129.0219, to read as follows:

§129.0211 Closing of Building Permit Application

- (a) If one year has elapsed since the date of submittal of a Building Permit application and the *applicant* has not requested that a Building Permit be issued, the application file shall be closed. Plans and other data submitted for review may be returned to the *applicant* or destroyed by the Building Official. To reapply, the *applicant* shall submit a new Building Permit application with required submittal materials and shall be subject to all applicable fees and regulations in effect on the date the new application is filed.

- (b) The application file for City projects shall be closed after two years have elapsed since the date of submittal of a Building Permit application.
- (c) The Building Official may extend a Building Permit application, for a period not exceeding 180 calendar days, if the Building Official determines that circumstances beyond the control of the *applicant* prevented issuance of the Building Permit.
- (d) If a request to extend the closing date of a Building Permit application has been filed in accordance with this section, the existing Building Permit application shall be automatically extended until the Building Official has made a decision on the request for an extension.

§129.0218 Expiration of a Building Permit

- (a) A Building Permit for single dwelling unit or two-dwelling unit projects, and for the relocation of structures shall expire by limitation and become void two years after the date of permit issuance, unless an exception is granted in accordance with Section 129.0218(b). A Building Permit for all other projects shall expire by limitation and become void four years after the date of permit issuance.
- (b) If the building or work authorized by a Building Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued or an extension of time is approved in accordance with Section 129.0219. All Electrical, Plumbing, or

Mechanical Permits associated with a Building Permit shall expire concurrently with the Building Permit.

§129.0219 Extension of Time for a Building Permit

- (a) Except for relocation of *structures*, a permittee may submit to the Building Official an application for an extension of time before the expiration date of the Building Permit. The application shall be filed no later than one month in advance of the expiration date. The Building Official may extend the Building Permit one time, for a period not exceeding 180 calendar days, if the Building Official determines that circumstances beyond the control of the permittee prevented completion of the work. All Electrical, Plumbing, or Mechanical Permits associated with a Building Permit shall be extended to expire concurrently with the Building Permit.

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

Section 9. That Chapter 12, Article 9, Division 3, of the San Diego Municipal Code is amended by amending Section 129.0312 to read as follows:

§129.0312 Expiration of an Electrical Permit

An Electrical Permit shall expire by limitation and become void 2 years after the date of permit issuance. If the work authorized by the Electrical Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued. Any Electrical Permit associated with a Building Permit shall expire concurrently with the Building Permit.

Section 10. That Chapter 12, Article 9, Division 4, of the San Diego Municipal Code is amended by amending Section 129.0413 to read as follows:

§129.0413 Expiration of a Plumbing/Mechanical Permit

A Plumbing/Mechanical Permit shall expire by limitation and become void 2 years from the date of permit issuance. If the work authorized by the Plumbing/Mechanical Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued. Any Plumbing/Mechanical Permit associated with a Building Permit shall expire concurrently with the Building Permit.

Section 11. That Chapter 13, Article 1, Division 4, of the San Diego Municipal Code is amended by amending Section 131.0443 to read as follows:

§131.0443 Setback Requirements in Residential Zones

(a) *Setbacks* in RE and RS Zones

(1) and (2) [No change.]

(3) [No change in text.]

(A) through (D) [No change.]

(E) For irregularly shaped *lots*, such as pie shaped *lots*, the *setbacks* are based on the average lot width for the first 50 feet of lot depth.

(F) [No change.]

(4) [No change.]

(b) *Setbacks* in RX Zones

(1) [No change in text.]

(A) [No Change.]

(B) No more than 40 percent of the total number of dwelling units are permitted to have front *setbacks* in any one category (i.e. 10 feet, 15 feet, or 20 feet) described in 131.0443(b)(1)(A); and

(C) [No change.]

(2) through (3) [No change.]

(c) through (d) [No change.]

Section 12. That Chapter 13, Article 2, Division 3, of the San Diego Municipal Code is amended by amending Section 132.0306, to read as follows:

§132.0306 Supplemental Regulations of the Comprehensive Land Use Plans

(a) [No change]

(b) [No change.]

[No change in text.]

(1) For residential *development* within the 60dB CNEL contour, the applicant must demonstrate that indoor noise levels that are attributable to airport operations shall not exceed 45db. For uses not specifically identified, the City Manager shall determine the standard based upon applicable City and State statutory and regulatory requirements. The applicant will be required to spend no more than 10% of construction costs to meet noise attenuation requirements.

(2) [No change.]

Section 13. That Chapter 14, Article 1, Division 10, of the San Diego Municipal Code is amended by amending Section 141.1004, to read as follows:

§141.1004 Mining and Extractive Industries

[No change in text.]

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

(j) [No change.]

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

(4) [No change in text.]

(A) through (C) [No change.]

(D) Other security which the State Mining and Geology Board determines are reasonably available and adequate to ensure reclamation in accordance with the California Surface Mining and Reclamation Action of 1975.

(5) [No change.]

(k) through (o) [No change.]

Section 14. That Chapter 14, Article 2, Division 5, of the San Diego Municipal Code is amended by amending Section 142.0505, to read as follows:

§142.0505 When Parking Regulations Apply

[No change in text.]

**Table 142-05A
Parking Regulations Applicability**

Type of <i>Development</i> Proposal	Applicable Regulations	Required Permit Type/ Decision Process
<i>Any single dwelling unit residential development</i>	Sections 142.0510 , 142.0520 and 142.0560	No permit required by this division
<i>Any multiple dwelling unit residential development</i>	Sections 142.0510, 142.0525 and	No permit required by this division

Type of <i>Development Proposal</i>	Applicable Regulations	Required Permit Type/ Decision Process
	142.0560	
Any nonresidential <i>development</i>	Sections 142.0510, 142.0530, and 142.0560	No permit required by this division
<i>Multiple dwelling unit</i> projects in planned urbanizing communities that are processing a Planned Development Permit.	Section 142.0525(c)	No permit required by this division

Section 15. That Chapter 14, Article 2, Division 8, of the San Diego Municipal Code is amended by amending Section 142.0820, to read as follows:

§142.0820 Refuse and Recyclable Materials Storage Regulations for Multiple Unit Residential Development

[No change in text.]

(a) Interior Refuse and *Recyclable Material* Storage. Each dwelling unit shall be equipped with an interior refuse and *recyclable material* storage area of at least 5 cubic feet. The storage area shall consist of at least 2.5 cubic feet for *recyclable material* and at least 2.5 cubic feet for non-recyclable material.

(b) [No change.]

Section 16. That Chapter 14, Article 2, Division 12, of the San Diego Municipal Code is amended by amending Sections 142.1250, 142.1270, and 142.1291, to read as follows:

§142.1250 Permanent Secondary Signs in Commercial and Industrial Zones

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

(h) [No change.]

(1) [No change.]

(2) The open side of the lobby does not front a *public right-of-way*; or

(3) [No change.]

(i) through (k) [No change.]

§142.1270 Signs in Multiple Dwelling Unit Residential Zones

[No change in text.]

(a) [No change.]

(1) *Street* address numbers are permitted, provided that the numbers do not exceed .5 square foot each. Address numbers may be either internally or externally illuminated.

(2) through (4) [No change.]

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

§142.1291 Ocean Beach Sign Enhancement District

(a) Purpose of the Ocean Beach Sign Enhancement District

It is the purpose of the Ocean Beach Sign Enhancement District to maintain, preserve, and promote the distinctive commercial signage of the Ocean Beach area and to regulate identification of commercial enterprises within the Ocean Beach community's Newport Avenue commercial core area. *Signs* in the commercial core area shall reflect the goals of the Ocean Beach Community Plan and Commercial Improvement Program. It is the intent of the Ocean Beach Sign Enhancement District to acknowledge and preserve design elements of the area's initial major period of *development* during the decades of the 1920's to 1940's. Neon tubing and other design elements that reference this era are encouraged, if feasible, as elements in new or renovated *signs*. In addition to those types of *signs* currently permitted by the Sign Regulations, Category C, as set forth in Chapter 14, Article 2, Division 12, certain additional types of *signs* are specifically permitted and other additional types of *signs* are

specifically prohibited in the Ocean Beach Sign Enhancement District, as set forth in this section.

(b) *Boundaries*

The boundaries of the Ocean Beach Sign Enhancement District are designated as those boundaries set forth for the Pedestrian Commercial Overlay Zone in Ocean Beach on that certain Map No.C-747; and that certain Map No. C-772, Maps "A" and "B"; and on file in the office of City Clerk under Document No. 769627 and Document No. 272788, respectively.

(c) *Signs*

The following types of *signs* are permitted in addition to those types of *signs* permitted by Chapter 14, Article 2, Division 12, Sign Regulations Category C. Permitted *signs* shall be maintained or erected in conformance with all applicable building regulations in Municipal Code Chapter 9, Article 1, and the regulations concerning total permitted *sign* area as determined by the applicable sections of the Sign Regulations.

Those existing *signs* permitted by subsection (1) of this section are hereby exempted from the total permitted *sign* area regulations noted in subsections (2), (3) and (4) of this section and from the total permitted signage area regulations permitted by the Sign Regulations.

- (1) Existing *projecting signs* that extend above the *roof line* are permitted, if installed before the adoption to the City-Wide Sign

Ordinance on March 6, 1973. Retention of one such *sign* per 50 feet of *street frontage* is permitted, subject to all applicable regulations set forth in Chapter 14, Article 2, Division 12. No other *projecting signs* (those provided by subsections (2), (3), and (4) following) are permitted with the retention of an existing *projecting sign* extending above the *roof line*.

(2) through (4) [No change.]

(d) [No change.]

(e) Abatement

All *signs* are subject to the abatement procedures as set forth in Chapter 12, Article 1, Division 5, (Sign Violations and Enforcement Procedures), except that those *signs* specifically prohibited in this district and typically allowed in the Sign Regulations, which are not in compliance with this section shall not be subject to abatement.

Section 17. That Chapter 14, Article 3, Division 1, of the San Diego Municipal Code is amended by amending Section 143.0101, to read as follows:

§143.0101 Purpose of Environmentally Sensitive Lands Regulations

The purpose of these regulations is to protect, preserve and, where damaged restore, the *environmentally sensitive lands* of San Diego and the viability of the species supported by those lands. These regulations are intended to assure that *development*, including, but not limited to *coastal development* in the Coastal Overlay Zone, occurs in a manner that protects the overall quality of the resources and the natural and topographic character of the area, encourages a sensitive form

of *development*, retains biodiversity and interconnected habitats, maximizes physical and visual public access to and along the shoreline, and reduces hazards due to *flooding* in specific areas while minimizing the need for construction of *flood* control facilities. These regulations are intended to protect the public health, safety, and welfare while employing regulations that are consistent with sound resource conservation principles and the rights of private property owners.

It is further intended for the Development Regulations for Environmentally Sensitive Lands and accompanying Biology, Steep Hillside, and Coastal Bluffs and Beaches Guidelines to serve as standards for the determination of impacts and mitigation under the California Environmental Quality Act and the California Coastal Act. These standards will also serve to implement the Multiple Species Conservation Program by placing priority on the preservation of biological resources within the Multiple Habitat Planning Area, as identified in the City of San Diego Subarea Plan. The habitat based level of protection which will result through implementation of the Multiple Habitat Planning Area is intended to meet the mitigation obligations of the Covered Species addressed. In certain circumstances, this level of protection may satisfy mitigation obligations for other species not covered under the Multiple Species Conservation Program but determined to be sensitive pursuant to the CEQA review process. This determination will be addressed in the environmental documentation.

Section 18. That Chapter 14, Article 5, Division 4, of the San Diego Municipal Code is amended by amending Sections 145.0410 and 145.0425, to read as follows:

§145.0410 Regulations for Buildings Not Classified as Essential or Hazardous Facilities

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

(d) The removal, stabilization, and bracing process shall include the provision of roof-to-wall anchors around the perimeter of the entire building.

Existing roof-to-wall anchors must meet, or shall be upgraded to meet, the minimum requirements of Section A113.1 of the 1997 UCBC Appendix Chapter 1, or new anchors meeting the minimum requirements of Section A113.1 shall be installed.

(e) through (f) [No change.]

§145.0425 Regulations for Buildings of Archaic Unreinforced Masonry

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

(c) Existing or re-erected walls of adobe or stone shall conform to the following:

(1) Exterior bearing walls of unreinforced stone masonry shall not exceed the height-to-thickness or length-to-thickness ratio, and exterior walls of unreinforced adobe masonry shall not exceed the length-to-thickness ratio, specified in Table No. A-1- B of the UCBC Appendix Chapter 1. Exterior walls of unreinforced adobe masonry shall not exceed a height-to-thickness ratio of 6 to 1 for Seismic Zone No. 3, or a ratio of 5 to 1 for Seismic Zone No. 4. The walls shall be provided with a reinforced concrete bond beam at the top that interconnects all walls. The bond beam shall have a minimum depth of 6 inches. The bond beam may have a width equal to the width of the wall less 8 inches, provided the resulting

width is not less than 8 inches. Bond beams of other materials or seismic retrofit designs may be used with the approval of the Building Official.

Exterior bearing walls shall have a minimum wall thickness of 18 inches in Seismic Zone Nos. 3 and 4. Interior adobe partitions shall be a minimum of 10 inches in thickness. No adobe or stone structure may exceed one story in height unless the historic evidence, satisfactory to the Building Official, indicates a two-story height. In such cases, the height-to-thickness ratio shall be as above for the first floor based on the total two-story height and the second floor wall thickness shall not exceed a ratio of 6 to 1. Bond beams shall be provided at the roof and second floor levels.

- (2) Foundations shall be reinforced concrete under newly reconstructed walls and shall be 50 percent wider than the wall above, soil conditions permitting, except that the foundation wall may be 4 inches less in width than the wall if a rock, burned brick, or stabilized adobe facing is necessary to provide authenticity.
- (3) New or existing unstabilized brick and adobe brick masonry shall test to 75 percent of the compressive strength required of new materials by the 2001 California Building Code, as adopted by the City. Unstabilized brick shall only be used where existing brick is unstabilized and where the building is not susceptible to flooding

conditions or direct exposure. Adobe may be allowed a maximum value of 3 pounds per square inch for shear with no increase of lateral forces.

- (4) Mortar may be of the same soil composition and stabilization as the brick, in lieu of cement mortar, if cement mortar is required for new materials under the 2001 California Building Code.
- (5) Nominal tension forces due to seismic forces that are normal to the wall may be neglected if the wall meets thickness requirements and shear values allowed by this Section.

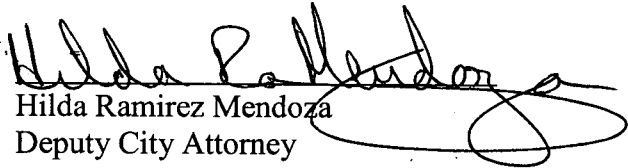
- (d) Allowable stresses for archaic materials not specified in the 2001 California Building Code, as adopted by the City or in this division shall be based on substantiating research data or engineering judgement with the approval of the Building Official.

Section 19. 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 20. That City departments are instructed not to issue any permit for development that is inconsistent with this ordinance unless application for such permit was submitted and deemed complete by the City Manager prior to the date the applicable provisions of this ordinance become effective.

Section 21. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

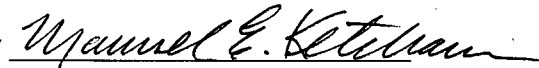
APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Hilda Ramirez Mendoza
Deputy City Attorney

HRM:cfq
12/08/05
02/02/06 **COR.COPY**
Or.Dept:DSD
O-2006-88
MMS#2207

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at its meeting of FEB 21 2006.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 3-1-06
(Date)


JERRY SANDERS, Mayor

Vetoed: _____
(Date)

JERRY SANDERS, Mayor