

ORDINANCE NUMBER O- 19800 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 13 2008

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4, BY AMENDING SECTIONS 142.0402, 142.0403, 142.0404, 142.0405, AND 142.0409, ALL RELATED TO THE LAND DEVELOPMENT CODE.

WHEREAS, the 6th Update to the Land Development Code [LDC] is part of the code monitoring program directed by the Mayor and City Council as part of the adoption of the LDC effective January, 2000; and

WHEREAS, the 6th Update project is divided into seven issue categories including: Measurement, Permit Process, Landscape, Parking, Signs, Compliance with State Law, and minor corrections, a total of fifty-one issues; and

WHEREAS, the fifty-one issues have been identified as amendments necessary to clarify existing regulations or to address inconsistencies, as well as assisting to streamline existing processes and better meet existing policies; and

WHEREAS, amendments set forth in this ordinance to the landscaping requirements are needed to clarify that landscaping standards are based on the proposed development, not the underlying zone, to allow for changes in plant material requirements, to allow for flexibility in plant replacement on narrow lots, and to adjust street tree requirements; NOW, THEREFORE

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

Section 1. That the San Diego Municipal Code is amended by amending Chapter 14, Article 2, Division 4, by amending Sections 142.0402, 142.0403, 142.0404, 142.0405 and 142.0409 to read as follows:

§142.0402 When Landscape Regulations Apply

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

Table 142-04A
Landscape Regulations Applicability

Type of Development Proposal			Applicable Regulations	Required Permit Type/ Decision Process
Column A	Column B	Column C ⁽¹⁾		
1. New structures that equal or exceed the gross floor area shown (Column B), and are proposing the type of development shown (Column C)		[Delete Row]		
	1,000 square feet	Multiple Dwelling Unit Residential Development or Commercial Development	142.0403-142.0407, 142.0409, and 142.0413	Building Permit/ Process One
	5,000 square feet	Industrial Development		
2. Additions to structures or additional structures on developed properties that exceed the gross floor area shown or that increase the gross floor area by the percent shown (Column B), and are proposing the type of development shown (Column C)				
	1,000 square feet or a 20 percent increase in gross floor area	Multiple Dwelling Unit Residential Development	142.0403-142.0407, 142.0409, 142.0410(a), and 142.0413	Building Permit/ Process One
	1,000 square feet or a 10 percent increase in gross floor area	Commercial Development		
	5,000 square feet or a 20 percent increase in gross floor area	Industrial Development		
Rows 3-11.	[No change.]			

Footnote to Table 142-04A

¹ Refer to Section 131.0112 for a description of the types of uses that fit into each development category.

§142.0403 General Planting and Irrigation Requirements

[No change.]

(a) Plant Point Schedule

Table 142-04B assigns plant points based on plant type and size and applies where plant points are required by this division.

**Table 142-04B
Plant Point Schedule**

Proposed Plant Material		Plant Points Achieved per Plant
Plant Type	Plant Size	
Proposed Shrub	1-gallon	1.0
	5-gallon	2.0
	15-gallon or larger	10.0
Proposed Dwarf Palm	Per foot of brown trunk height	5.0
Proposed Tree	5-gallon	5.0
	15-gallon	10.0
	24-inch box	20.0
	36-inch box	50.0
	48-inch box and larger	100.0
Proposed Broad Headed Feather Palm Tree	Per foot of brown trunk height	5.0
Proposed Feather Palm Tree	Per foot of brown trunk height up to 20 feet in height	3.0
	each feather palm tree over 20 feet in height	60.0
Proposed Fan Palm Tree	Per foot of brown trunk height up to 20 feet in height	1.5
	each fan palm tree over 20 feet in height	30.0

Existing Plant Material		Plant Points Achieved per Plant
Plant Type	Plant Size	
Existing Shrub	12-inch to 24-inch spread and height	4.0
	24-inch and larger spread and height	15.0
Existing Native Tree	2-inch caliper measured at 4 feet above <i>grade</i>	100.0
	each additional inch beyond 2 inches	50.0
Existing Non-Native Tree	2-inch caliper measured at 4 feet above <i>grade</i>	50.0
	each additional inch beyond 2 inches	25.0
Existing Broad Headed Feather Palm Tree	Per foot of brown trunk height	5.0
Existing Feather Palm Tree	Per foot of brown trunk height up to 20 feet in height	3.0
	each feather palm tree over 20 feet in height	60.0
Existing Fan Palm Tree	Per foot of brown trunk height up to 20 feet in height	1.5
	each fan palm tree over 20 feet in height	30.0

(b) Plant Material Requirements

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

(5) A minimum root zone of 40 square feet in area shall be provided for all trees. The minimum dimension for this area shall be 5 feet. This minimum dimension and root zone area may be reduced with the use of structural soil or where the combination of soil conditions, root zone area, adjacent improvements, and selected tree species can be demonstrated to provide conditions for healthy tree growth that will not damage adjacent improvements.

(6) through (11) [No change.]

(12) Tree root barriers or structural soil shall be installed where trees are placed within 5 feet of *public improvements* including walks, curbs, or *street* pavement or where new public improvements are placed adjacent to existing trees. The City Manager may waive this requirement where the combination of soil conditions, root zone area, adjacent improvements, and selected tree species can be demonstrated to provide conditions for healthy tree growth that will not damage public improvements.

(13) through (14) [No change.]

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

§142.0404 Street Yard and Remaining Yard Planting Area and Point Requirements

When new *structures* or additions to *structures* are subject to this section in accordance with Table 142-04A, the planting area required and the plants necessary to achieve the number of plant points required in Table 142-04C shall be provided. The required planting area is determined by multiplying the total square footage of the *street yard* or *remaining yard* area on the *premises*, by the percentage shown in Table 142-04C, unless stated otherwise in the table. The required planting points are determined by multiplying the total square footage of the *street yard* or *remaining yard* area on the *premises*, by the points shown in the table. The required planting area and plant points for the *street yard* shall be located within the *street yard*. The required planting area and plant points for the *remaining yard* shall be located within the *remaining yard*.

Table 142-04C
Street Yard and Remaining Yard Planting Requirements

Type of Development Proposal ⁽⁶⁾	Type of Yard	Planting Area Required (Percentage of total yard area unless otherwise noted below) ⁽¹⁾	Plant Points Required ⁽¹⁾
Multiple Dwelling Unit Residential Development	Street Yard	50% ⁽²⁾	0.05 points
	Remaining Yard	A minimum of 40 square feet shall be provided per required tree	60 points shall be provided for each residential building ⁽²⁾
Condominium Conversion	Street Yard	50% ⁽⁵⁾	0.05 points
	Remaining Yard	N/A	N/A
Commercial Development, or Industrial Development in Commercial Zones	Street Yard	25% ⁽³⁾	0.05 points per square foot of total street yard to be achieved with trees only ⁽³⁾
	Remaining Yard	30% ⁽³⁾	0.05 points per square foot of total remaining yard
Industrial Development in any zone other than Commercial Zones	Street Yard	25% ⁽⁴⁾	0.05 points per square foot of total remaining yard
	Remaining Yard	See Section 142.0405 (d)	0.05 points per square foot of total remaining yard

Type of Development Proposal ⁽⁶⁾	Type of Yard	Planting Area Required (Percentage of total yard area unless otherwise noted below) ⁽¹⁾	Plant Points Required ⁽¹⁾
Large retail establishments in any Commercial Zone	Street Yard	100% ⁽³⁾ of minimum building front and street side setbacks (except access points and with encroachments allowed into the landscaped area for building articulation elements as defined in section 143.0355(a)(b)) 25% of the balance of <i>street yard</i>	0.05 points, exclusive of palms
	Remaining Yard	30% ⁽³⁾	0.05 points
Large retail establishments in any Industrial Zone	Street Yard	25% ⁽⁴⁾	0.05 points, exclusive of palms
	Remaining Yard	30%	0.05 points

Footnotes to Table 142-04C

¹ through ⁵

[No change.]

⁶

Refer to Section 131.0112 for a description of the types of uses that fit into each *development* category.

§142.0405 Additional Yard Planting Area and Point Requirements

(a) [No change.]

(b) Additional residential *yard* requirements:

(1) *Street Yard*

(A) A minimum separation of 5 feet shall be maintained between driveway edges located in the *street yard*.

(B) Up to 10 percent of the required *street yard* planting area located outside the *vehicular use area for multiple dwelling unit residential development* may consist of *hardscape* or unattached unit pavers.

(C) Planting area in the *public right-of-way* is not counted towards fulfillment of the required *street yard* planting area.

(2) *Remaining Yard*

(A) Residential *development* with only two *dwelling units* on a *lot* shall be subject to a minimum of 60 points in the *remaining yard* regardless of the number of buildings on the *lot*.

(B) Planting for residential *developments* with a single building shall be provided within the *remaining yard* on the side of building access, or where no side access is provided, shall be distributed equally between each side of the building.

(C) A minimum distance of 6 feet shall be provided between any tree and building.

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

§142.0409 Street Tree and Public Right-of-Way Requirements

(a) Street Tree Requirements

When new *structures*, additions to *structures*, *condominium* conversions, or new *vehicular use areas* are subject to this section in accordance with

Table 142-04A, street trees within the *parkway* shall be provided in accordance with the following regulations.

(1) Street Tree Quantity

Street trees shall be planted between the curb and *abutting property line*. The number of required street trees shall be calculated at the rate of one 24-inch box tree for every 30 feet of *street frontage*. The installed tree spacing may be varied to accommodate site conditions or design considerations; however, the number of trees required for each *street frontage* on a *lot* bounded by more than one *street* shall be planted along the corresponding *street frontage*. Where site conditions do not allow the installation of the street trees required by this section in the *parkway*, trees may be located on the private property within 10 feet of the property line along that street frontage. Where palm trees are proposed to satisfy this requirement in accordance with Section 142.0409(a)(3), they shall be planted at a rate of one 10-foot brown trunk height palm for each 20 feet of *street frontage*. For projects in the IL and IH zones that have loading docks along more than 25 percent of the building *street wall*, the street tree requirement shall be increased to the rate of one 24-inch box tree for every 20 feet of *street frontage* or one 10-foot brown trunk height palm for each 10 feet of *street frontage*.

(2) Street Tree Locations

(A) [No change.]

(B) Street trees shall be separated from improvements by the minimum distance shown in Table 142-04E.

**Table 142-04E
Minimum Tree Separation Distance**

Improvement	Minimum Distance to Street Tree
Traffic signal, Stop Sign	20 feet
Underground Utility Lines (except sewer)	5 feet
Sewer Lines	10 feet
Above Ground Utility Structures (Transformers, hydrants, utility poles, etc.)	10 feet
Driveways	10 feet
Intersections (intersecting curb lines of two streets)	25 feet

(C) [No change.]


(3) Street Tree Species Selection. Trees shall be selected in accordance with the landscape standards of the Land Development Manual. Palm trees may only be used to satisfy the street tree requirement where identified as an acceptable street tree species in an adopted *land use plan*.

(b) [No change.]

Section 2. 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 3. Except in the Coastal Overlay Zone, this ordinance shall take effect and be in force on the thirtieth day from and after its final passage. Within the Coastal Overlay Zone, this ordinance shall be in force and effect on the date it is effectively certified by the California Coastal Commission as a City of San Diego Local Coastal Program amendment.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shirley R. Edwards
Chief Deputy City Attorney

SRE:pev
09/24/08
10/06/08 COR.COPY
10/14/08 COR.COPY 2
Or.Dept:DSD
O-2009-30
MMS #6574

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of Oct 28 2008.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11.13.08
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor