

(C)

ORDINANCE NUMBER O- 1580 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 13 2008

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1, BY AMENDING SECTION 113.0103; BY AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2, BY REPEALING SECTION 113.0231, AND BY AMENDING SECTIONS 113.0234, 113.0237, 113.0240, 113.0243, 113.0246, 113.0249, 113.0252, 113.0261, 113.0270, AND 113.0276; BY AMENDING CHAPTER 13, ARTICLE 1 BY AMENDING DIVISION 2, SECTION 131.0215; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3, SECTIONS 131.0315, 131.0331, AND 131.0343, BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4, SECTIONS 131.0415, 131.0431, 131.0443, 131.0444, 131.0448, 131.0449, 131.0453, 131.0455, AND 131.0461; AND BY REPEALING SECTION 131.0465; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5, BY AMENDING SECTION 131.0515; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6, SECTION 131.0615; AND BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 4, BY AMENDING SECTION 143.0410, ALL RELATING 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, the amendments set forth in this ordinance will clarify measurements and definitions used in the Land Development Code; 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 11, Article 3, Division 1, by amending Section 113.0103 to read as follows:

§113.0103 Definitions

Abutting property through Floor [No change.]

Floor Area Ratio (FAR) means the numerical value obtained by dividing the *gross floor area* of all buildings on a *premises* by the total area of the *premises* on which the buildings are located. See Section 113.0234 for additional information on calculating *gross floor area*.

Freeway through Property line [No change.]

Proposed Grade means the grade of a *premises* that will result after all *development* has been completed

Proposition A Lands through Street wall line [No change.]

Street yard means the area of a *lot* or *premises* that lies between the edge of the nearest *street* and the *street wall line*.

Structural envelope through Underfloor [No change]

Urbanized Communities through Yard [No change.]

Section 2. That the San Diego Municipal Code is amended by amending Chapter 11, Article 3, Division 2, by repealing Section 113.0231.

Section 3. That the San Diego Municipal Code is amended by amending Chapter 11, Article 3, Division 2, by amending Sections 113.0234, 113.0237, 113.0240, 113.0243, 113.0246, 113.0249, 113.0252, 113.0261, 113.0270, and 113.0276 to read as follows:

§113.0234 Calculating Gross Floor Area

Gross floor area is calculated in relationship to the *structure* and *grade* adjacent to the exterior walls of a building. The elements included in the *gross floor area* calculation differ according to the type of *development* proposed and are listed in Section 113.0234(a)-(c). *Gross floor area* does not include the elements listed in Section 113.0234(d). The total *gross floor area* for a *premises* is regulated by the *floor area ratio* development standard.

(a) Elements Included in *Gross Floor Area* For Development in All Zones

(1) [No change.]

(2) *Gross floor area* for *basements* is calculated as follows:

(A) [No change.]

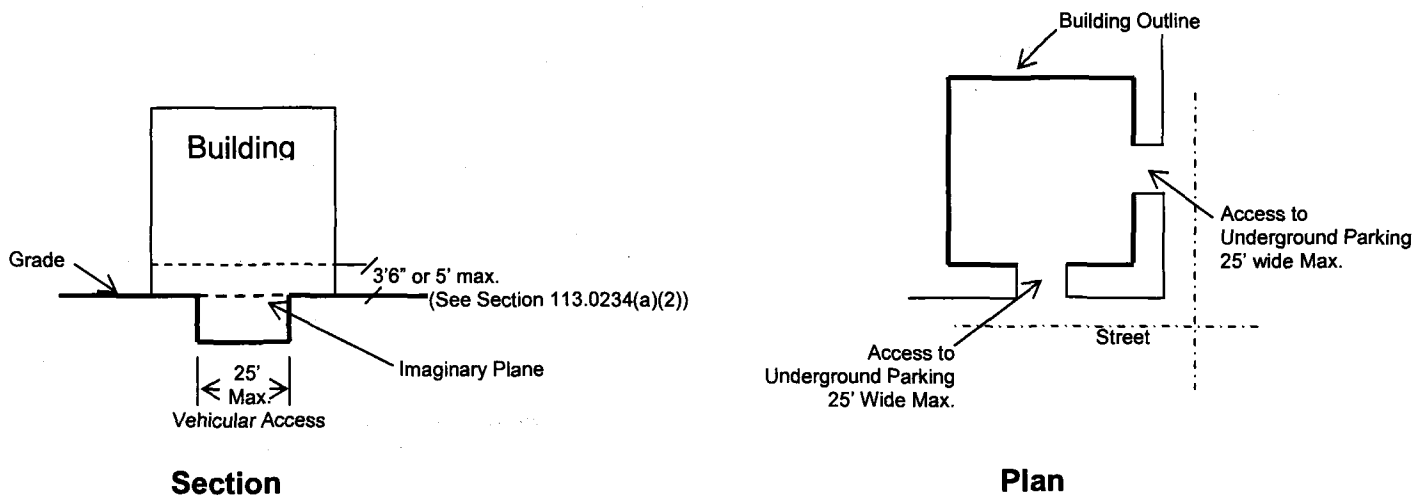
Diagram 113-02I [No Change]
Basements with Less than 5 Percent Slope

(B) [No change.]

Diagram 113-02J [No Change]
Basements with 5 Percent or More Slope

- (3) *Gross floor area* for underground parking *structures* and subterranean garages shall be measured in accordance with Section 113.0234(a)(2), except that the vertical measurement between *grade* and the finished *floor* above shall not include subterranean vehicular access openings (up to a maximum of 25 foot width). In order to determine which portion of the underground parking *structure* counts as *gross floor area*, the vertical distance to the finished *floor* above shall be measured from the imaginary plane perpendicular to the driveway access that connects the adjacent grades on each side as shown in Diagram 113-02K. Where vehicular access openings are greater than 25 feet in width (as measured at the point of entry to the *structure*), the entire *floor* shall be counted as *gross floor area*.

Diagram 113-02K
Underground Parking Structures



(4) through (7) [No change.]

Diagrams 113-02L and 113-02M [No change.]

- (b) Additional Elements Included in *Gross Floor Area* in Residential Zones
and for Residential Development in Other Zones.

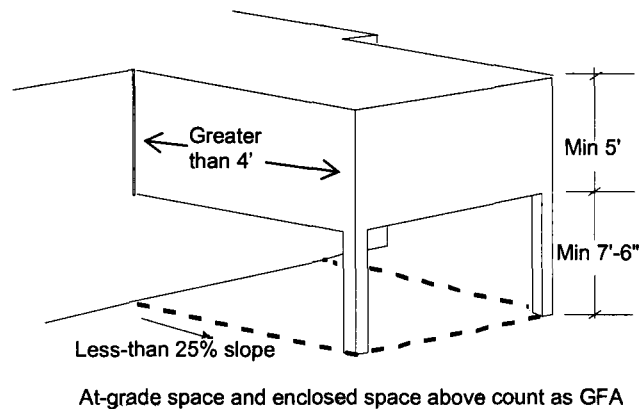
(1) and (2) [No change.]

Diagrams 113-02N and 113-02O [No change.]

- (3) *Gross floor area* includes any at-grade space that is built with enclosed space above, when there is at least 7-foot 6-inches between grade and the finish-floor elevation above, and the enclosed space above projects at least 4 feet from the face of the structure and exceeds a height of 5 feet measured from the top of

the wall or post supporting the space to the top of the roof above;
as shown in Diagram 113-02P. Where the gradient along any edge
of the at-grade space is greater than 25 percent, the unenclosed at-
grade space shall not be counted as *gross floor area*.

Diagram 113-02P
At-Grade Space with Enclosed Space Above



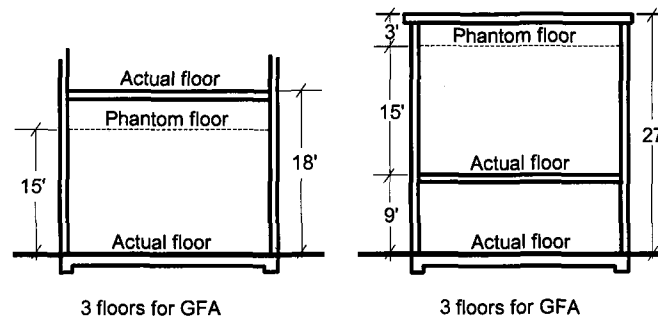
(4) [No change.]

(A) *Phantom Floors*. When the vertical distance between the
finish-floor elevation and the finish-floor or flat roof
immediately above does not exceed 15 feet, the area of one
floor (the actual floor) is included in *gross floor area*, as
shown in Diagram 113-02Q.

Diagram 113-02Q [No change.]

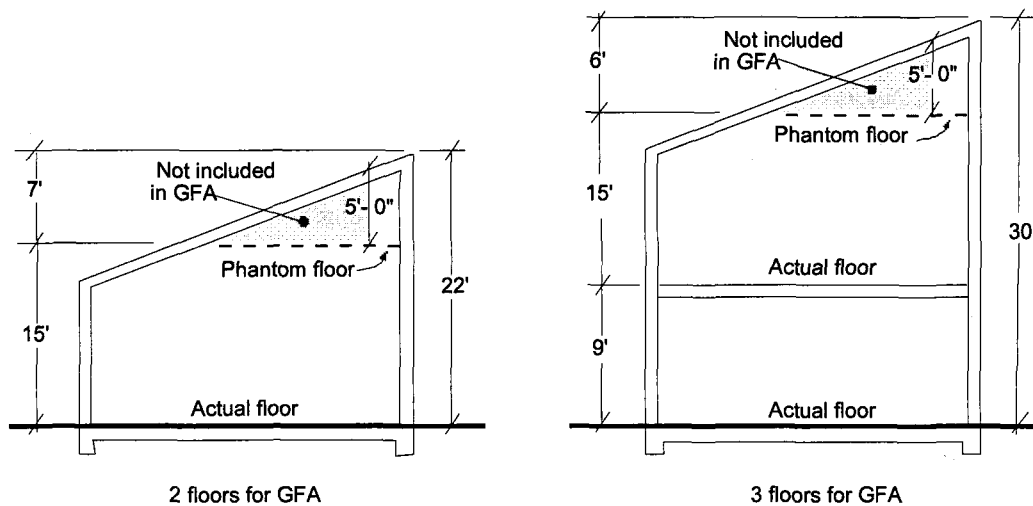
When the vertical distance between the finish-*floor* elevation and the finish-*floor* or roof elevation immediately above exceeds 15 feet, *gross floor area* includes the area of the actual *floor* plus the area of a phantom *floor* at 15 feet of height increments, or portion thereof, of height above the 15-foot height, as shown in Diagram 113-02R.

Diagram 113-02R
Multiple Floors below Actual Floor and Flat Roof



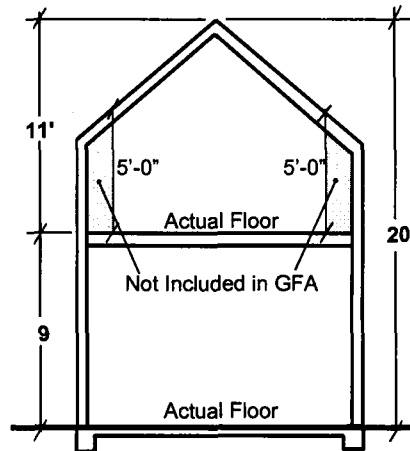
Gross floor area excludes those portions of actual *floors* and phantom *floors* where there is less than 5 feet of vertical distance between the actual or phantom *floor* and the elevation of the roof immediately above.

Diagram 113-02S
Multiple Floors Below Sloped Roof



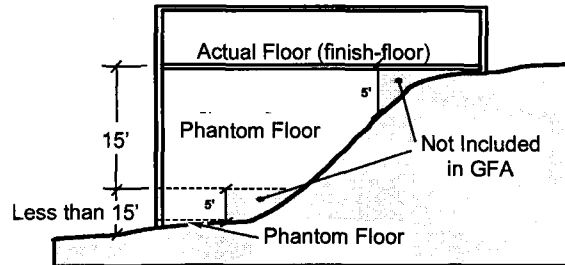
- (B) *Attic Space.* Gross floor area includes the attic space as shown in Diagram 113-02T, where there are at least 5 feet of vertical distance between the *attic floor* and the roof elevation immediately above. The location of any ceilings immediately below the roof does not affect the measurement of phantom floors above the highest finish-floor elevation.

Diagram 113-02T
Attic Space



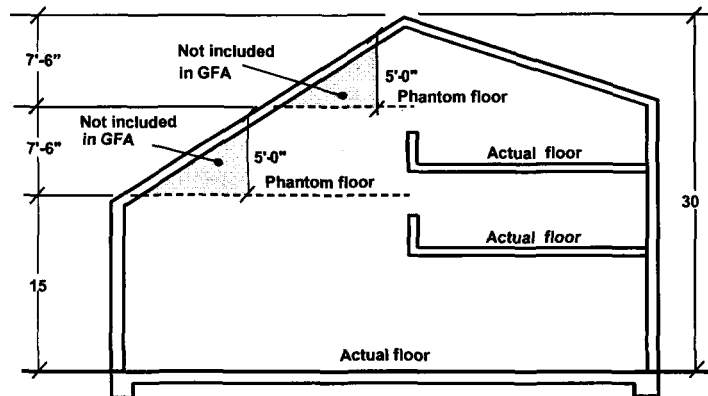
- (C) Underfloor Area. *Gross floor area* includes additional phantom floors within the enclosed space below the lowest finish-floor elevation. In this case, the area of a phantom floor is included in *gross floor area* at each 15-foot increment, or portion thereof, of height between the lowest finish-floor elevation and *grade*, measured vertically from the lowest finish-floor elevation, as shown in Diagram 113-02U. *Gross floor area* excludes any area where there is less than 5 feet of height between *grade* and the finish-floor or phantom floor elevation immediately above.

Diagram 113-02U
Underfloor Area



- (D) Interior Balconies, Mezzanines, and Lofts. *Gross floor area* includes the area within a building adjacent to all interior balconies, mezzanines, and lofts, pursuant to the regulations for phantom *floors* in Section 113.0234(b)(4)(A) as if such elements did not exist adjacent to the space, as shown in Diagram 113-02V. The location of an adjacent interior balcony, mezzanine, or loft does not affect the location of phantom *floors* above the *finish-floor* elevation of the adjacent space.

**Diagram 113-02V
Mezzanines**



- (E) *Atriums.* Gross floor area includes the area of the horizontal projection into the *atrium* from each adjacent floor in plan view. If no adjacent floors exist, the regulations for phantom floors in Section 113.0234(b)(4)(A) apply to the space within the *atrium*. This is illustrated in Diagram 113-02W.

Diagram 113-02W

- (5) [No change.]
- (c) and (d) [No change.]

§113.0237 Determining a Lot

- (a) A lot is legal for purposes of *development* if it meets any one of the following criteria:

- (1) The *lot* is an individual parcel designated with a number or letter on a *final map* or *parcel map* recorded with the County Recorder, a record of survey map approved by resolution of the City Council and recorded with the County Recorder after December 5, 1954, or a division plat approved by and filed with the Development Services Department; or
 - (2) The *lot* has been officially determined as a suitable building site or approved for *development* under the Land Development Code; or
 - (3) The *lot* was created before March 4, 1972 as a result of a boundary adjustment between two adjoining *lot* owners wherein the land was taken from one parcel and added to the adjoining parcel and no new *lots* were thereby created; or
 - (4) The lot was created before March 4, 1972, held as a separate parcel by a subsequent purchaser, and has at least 15 feet of street frontage or other legal access to a dedicated street as approved by the City Engineer; or
 - (5) The *lot* was held as a separate legal parcel upon annexation to the City of San Diego.
- (b) [No change to text.]
- (c) A Certificate of Compliance may be requested in accordance with Section 125.0210 to certify that a *lot* is legal for *development*.

§113.0240 Calculating Lot Coverage

Lot coverage is calculated by dividing the square footage of the *structure's* footprint, measured from the outer surface of the exterior walls or support *structure* by the square footage of the *lot*. *Lot coverage* is expressed as a percentage (for example, 60 percent). This is illustrated in Diagram 113.02X.

Diagram 113-02X

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

(d) Those portions of *underground parking structures*, *first stories*, and *basements* lying 3 feet or less above *grade*; and

(e) [No change.]

§113.0243 Measuring Lot Depth and Lot Width

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

Diagram 113-02Y

(c) *Lot Width for Residential Lots*

(1) For irregularly shaped *lots*, such as pie shaped *lots*, the *lot width* is determined by calculating the average lot width for the first 50 feet of lot depth.

(2) For consolidated *lots*, the *lot width* is equivalent to the total width of the *premises* after the consolidation.

§113.0246 Determining Property Lines

[No change in first paragraph.]

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

Diagram 113-02Z [No change in Diagram.]

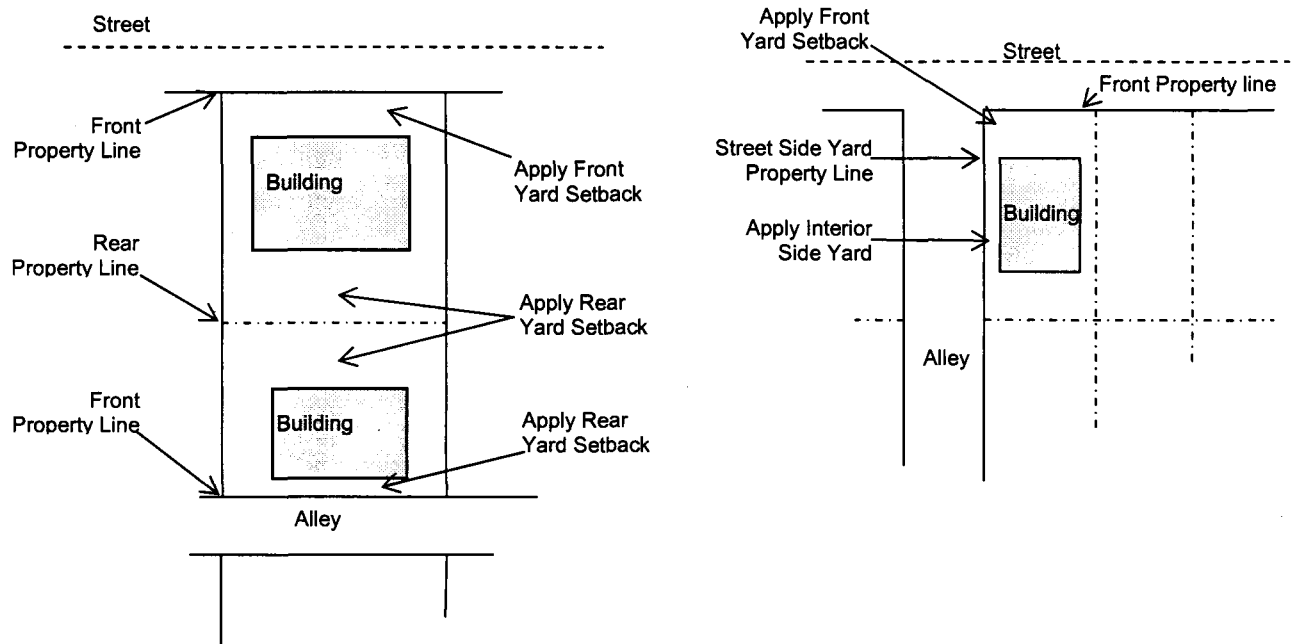
Diagram 113-02AA [No change in Diagram.]

Diagram 113-02BB [No change in Diagram.]

(e) *Property Lines that Abut an Alley.* A *property line* that abuts an *alley* shall be determined in accordance with Section 113.0237 (a) through (d). However, the *property line* that abuts an *alley* shall not be considered a *street property line* for the purpose of determining *setbacks* or *street yards* as indicated below:

- (1) *Alley adjacent to front property line.* A *setback* equivalent to a rear yard shall be applied when a *lot* abuts an *alley* as a front *property line*.
- (2) *Alley adjacent to side property line.* A *setback* equivalent to an interior side yard shall be applied when a *lot* abuts an *alley* as a street side *property line*.
- (3) *Alley adjacent to rear property line.* A *setback* equivalent to a rear yard shall be applied when a *lot* abuts an *alley* as a rear *property line*.

Diagram 113-02CC
Alley Setbacks



§113.0249 Determining Setback Line

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

(c) Where it can be demonstrated that *setback* lines shown on a *final map*, survey or other planning document were plotted solely for information purposes to illustrate the *setback* dimensions that were in effect at the time the document was approved, the *setback* required by the underlying base zone in the Land Development Code shall apply.

- (d) When a side *setback* is allowed to observe the minimum dimensions as described in Section 131.0431, all additions to the primary *structure* thereafter shall maintain that established side *setback*.

§113.0252 Measuring Setbacks

- (a) The distance of the *setback* is measured inward from and perpendicular to the nearest *property line*, as follows, except as otherwise indicated in Section 113.0246(e):

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

- (b) Those portions of *underground parking structures*, first *stories*, and *basements* that are above *grade* are subject to *setback* requirements. *Structures* located completely underground are exempt from the *setback* requirements except where the *structure* would conflict with the required landscape and irrigation, or as otherwise regulated by Section 131.0461.
- (c) For the purpose of determining whether new *development* complies with the *setback*, the measurement shall be taken from the *property line* inward to the outer edge of the building frame. Where a zero *setback* is provided, the edge of finished material shall not extend beyond the *property line*.

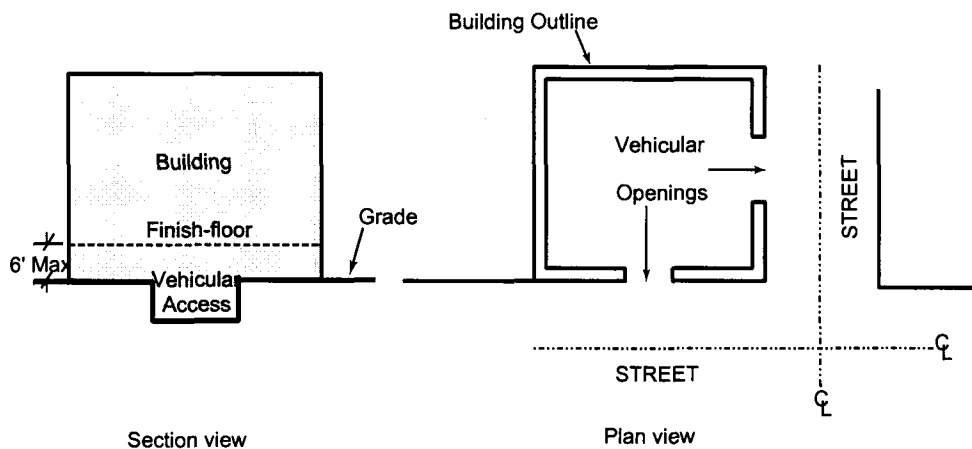
§113.0261 Determining a Story

[No change first paragraph.]

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

- (d) *Underground Parking Structures and Basements.* Underground parking structures and basements are stories if there is a vertical distance, at any point, of 6 feet or more between *existing grade* or *proposed grade*, whichever is lower, and the *finish-floor* elevation immediately above. See Diagram 113-02EE.

Diagram 113-02EE
Underground Parking Structures and Basements



§113.0270 Measuring Structure Height

- (a) *Structure Height of Buildings and Structures (Excluding Fences, Retaining Walls, or Signs)*
- (1) The maximum permitted *structure height* is specified in the applicable zone and defines the upper limits of the *building envelope* for a *premises*. It is measured vertically from the *existing grade* or *proposed grade*, whichever is lower, to form an imaginary plane that is parallel to *grade*, below which all buildings

and *structures* must be located, except as otherwise described in 113.0270(a)(4). This is illustrated in Diagram 113-02II.

Diagram 113-02II [No change.]
Maximum Permitted Structure Height

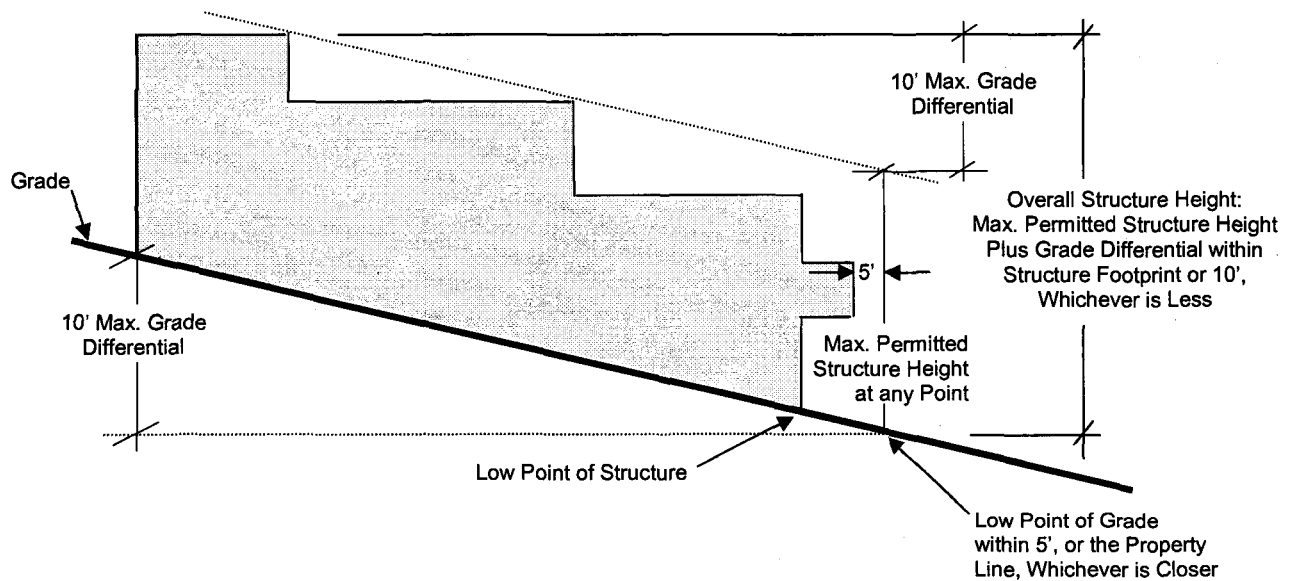
- (2) A two part calculation is required to measure *structure height* including:
- (A) Plumb line measurement. The *structure height* is measured from all points on top of a *structure* to *existing grade* or *proposed grade*, whichever is lower, directly below each point, except as described in Section 113.0270(a)(4). This measurement is taken vertically through the *structure* at each point where *structure height* is being measured, as shown in Diagram 113-2JJ.

Diagram 113-02JJ [No change.]
Measurement of Structure Height

- (B) Overall Height Measurement. The overall *structure height* is measured from the lowest point of *existing grade* or *proposed grade* within 5 feet of the structure's perimeter (building wall, balcony, bay window, or similar *architectural projection*) or at the *property line*, whichever is closer, to the highest point of the *structure*, projected horizontally to directly above this lowest point of *grade*.

The overall *structure height* shall not exceed the maximum permitted *structure height* of the applicable zone plus an amount equal to either the maximum *grade* differential within the structure's footprint or 10 feet, whichever is less. In no case may the *structure height* exceed the maximum allowed by the applicable zone at any one point. This is illustrated in Diagram 113-02KK.

Diagram 113-02KK
Overall Structure Height

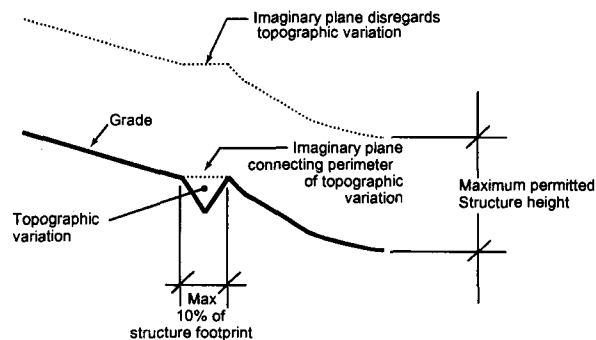


- (3) *Structure height* is measured separately for each *structure* that is separated from another *structure* on the *premises* by 6 feet or more. Separation between *structures* shall be measured in plan view to account for the *structural envelope* of each *structure*.

(4) Special Circumstances

- (A) Extreme Topographic Variation. Where there is an extreme natural topographic variation on a *premises* that covers 10 percent or less of the proposed *structure's* footprint, as shown in Diagram 113-02LL, overall *structure height* is measured from an imaginary plane made by connecting the perimeter points of the topographic variation, so that the imaginary plane above and parallel to *grade* will not reflect the extreme natural topographic variation.

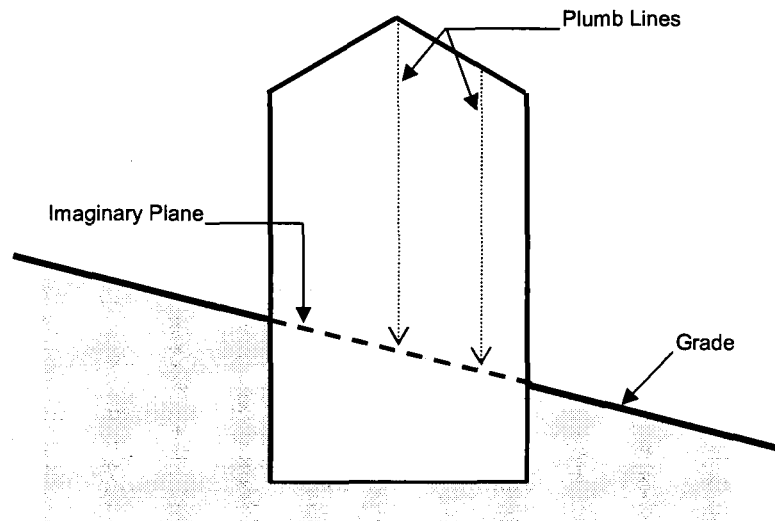
Diagram 113-02LL
Extreme Topographic Variation



- (B) Measuring *Structure* Height for Subterranean Areas
- (i) Interior Subterranean Areas. Where a *basement*, underground parking *structure*, *interior court*, or other similar interior subterranean area is proposed,

the plumb line measurement to the lower of *existing grade* or *proposed grade* shall be measured to an imaginary plane through the building that connects the adjacent *grade* elevations on both sides of the *structure* as shown in Diagram 113-02MM.

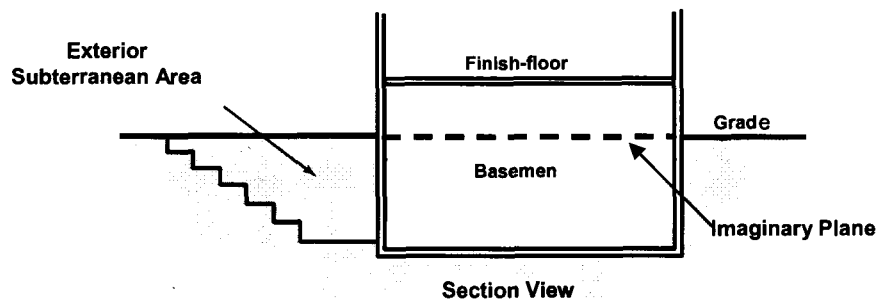
Diagram 113-02MM
Imaginary Plan and Plumb Line



- (ii) Exterior Subterranean Areas. The overall *structure height* measurement shall not include subterranean vehicular access, exterior subterranean pedestrian access or ventilation to a *basement*. Overall *structure* height shall instead be measured from an imaginary plane connecting to the lowest adjacent

grade immediately above the exterior subterranean space, as shown in Diagram 113-02NN.

Diagram 113-02NN
Access and Ventilation to Basement



- (C) When a pool is located within 5 feet of the *structure*, the overall *structure height* shall not include the pool. This is illustrated in Diagram 113-02OO.

Diagram 113-02OO [No change]
Overall Structure Height With Pool

- (D) *Structure Height* of Buildings subject to Coastal Height Limit in accordance with Section 132.0505
- (i) The height of a building is measured to the uppermost point of the *structure* or any appurtenance placed upon the roof thereof, including *signs*, penthouses, mechanical equipment,

chimneys, vent stacks, spires, or steeples, or other projections.

- (ii) The base of the measurement shall be taken from finished grade in accordance with the 1970 Uniform Building Code. The height shall be measured from the highest adjoining sidewalk or ground surface within 5 feet of the *structure*, provided that the height measured from the lowest adjoining surface shall not exceed such maximum height by more than 10 feet.

(b) and (c) [No change.]

Diagrams 113-02PP and 113-02QQ [No change.]

§113.0276 Determining Yards

- (a) [No change to text.]

[No change to Diagram 113-02SS.]

Section 4. That the San Diego Municipal Code is amended by amending Chapter 13, Article 1, Division 2, by amending Section 131.0215 to read as follows:

§131.0215 Where Open Space Zones Apply

On the effective date of Ordinance O-18691, all open space zones that were established in Municipal Code Chapter 10, Article 1, Division 4 were amended and replaced with the base zones established in this division.

Section 5. That the San Diego Municipal Code is amended by amending Chapter 13, Article 1, Division 3, by amending Sections 131.0315, 131.0331, and 131.0343 to read as follows:

§131.0315 Where Agricultural Zones Apply

On the effective date of Ordinance O-18691, all agricultural zones that were established in Municipal Code Chapter 10, Article 1, Division 4 were amended and replaced with the base zones established in this division.

§131.0331 Development Regulations Table for Agricultural Zones

The following development regulations apply in the agricultural zones as shown in Table 131-03C.

**Table 131-03C
Development Regulations of Agricultural Zones**

Development Regulations [See Section 131.0330 for Development Regulations of Agricultural Zones]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-	1-	1-	1-
	4th >>	1	2	1	2
Max Permitted Residential Density (DU Per Lot)		1 ⁽¹⁾	1 ⁽¹⁾	1 ⁽²⁾	1 ⁽³⁾
Min Lot Area (ac)		10	5	10	1
Min Lot Dimensions					
Lot Width (ft)		200	200	200	100 ⁽⁴⁾
Street Frontage (ft)		200	200	200	100 ⁽⁵⁾

Development Regulations [See Section 131.0330 for Development Regulations of Agricultural Zones]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-	1-	1-	1-
	4th >>	1	2	1	2
Lot Depth (ft)		200	200	200	150
Setback Requirements [See Section 131.0343]					
Min Front <i>Setback</i> (ft)		25	25	25	25
Min Side <i>Setback</i> (ft)		20	20	20	20
Min Rear <i>Setback</i> (ft)		25	25	25	25
Max Structure Height (ft) [See Section 131.0344]		30	30	30	30
Max Lot Coverage (%) ⁽⁷⁾		10	20	10	20
Min Floor Area ⁽⁶⁾		applies	applies	applies	applies

Footnotes for Table 131-03C
1-7 [No change]

§131.0343 Setback Requirements in Agricultural Zones

- (a) The minimum side *setback* for a legal *lot* that existed on the effective date of this section and that has less than the minimum lot width specified in Table 131-03C, is 10 percent of the width of the *lot* or 5 feet, whichever is greater.
- (b) *Architectural projections* and *encroachments* may be permitted in accordance with the regulations in Section 131.0461 for *lots* in Agricultural-Residential (AR) zones that are one acre or less in *lot* area.

Section 6. That the San Diego Municipal Code is amended by amending Chapter 13, Article 1, Division 4, by amending Sections 131.0415, 131.0431, 131.0443, 131.0444, 131.0448, 131.0449, 131.0453, 131.0455, and 131.0461 to read as follows:

§131.0415 Where Residential Zones Apply

On the effective date of Ordinance O-18691, all residential zones that were established in Municipal Code Chapter 10, Article 1, Division 4 were amended and replaced with the base zones established in this division.

§131.0431 Development Regulations Table of Residential Zones

[No change first paragraph.]

(a) RE Zones

Table 131-04C
Development Regulations of RE Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones		
	1st & 2nd >>	RE-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
Max permitted <i>density</i> (DU per lot) though Supplemental requirements [See Section 131.0464(a)]		[No change.]		

(b) RS Zones

Table 131-04D
Development Regulations of 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 <i>density</i> (DU per lot) through Min Lot dimensions [No Change]								
Setback requirements								
Min Front setback (ft)		25 ⁽¹⁾	25 ⁽¹⁾	20 ⁽¹⁾	20 ⁽¹⁾	20 ⁽¹⁾	15 ⁽¹⁾	15 ⁽¹⁾

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
Min Side setback (ft) [Multiply number in table by actual lot width to calculate setback]		.08 ⁽²⁾	.08 ⁽²⁾	.08 ⁽²⁾	.08 ⁽²⁾	.08 ⁽²⁾	.08 ⁽²⁾	.08 ⁽²⁾
Min Street side setback (ft) [Multiply number in table by actual lot width to calculate setback]		.10 ⁽²⁾	.10 ⁽²⁾	.10 ⁽²⁾	.10 ⁽²⁾	.10 ⁽²⁾	.10 ⁽²⁾	.10 ⁽²⁾
Min Rear setback (ft)		25 ⁽³⁾	25 ⁽³⁾	20 ⁽³⁾	20 ⁽³⁾	20 ⁽³⁾	15 ⁽³⁾	13 ⁽³⁾
Setback requirements for resubdivided corner lots [See Section 131.0443(i)] through Supplemental requirements [No Change]								
Bedroom regulation [No Change]								

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 Min Lot dimensions [No Change]								
Setback requirements								
Min Front setback (ft)		25 ⁽¹⁾	25 ⁽¹⁾	25 ⁽¹⁾	20 ⁽¹⁾	15 ⁽¹⁾	15 ⁽¹⁾	15 ⁽¹⁾
Min Side setback (ft)		10	8	7	6	5	5	4
Min Street side setback (ft)		20	15	15	10	10	10	10
Min Rear setback (ft)		10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾
Setback requirements for resubdivided corner lots [See Section 131.0443(i)] through Supplemental requirements [No Change]								
Bedroom regulation [No Change]								

Footnotes for Table 131-04D

- 1 For lots where at least one-half of the front 50 feet of the lot depth has a minimum slope gradient of 25 percent, the setback closest to the street frontage may be reduced to a minimum 6 feet.
- 2 The required side setbacks may be reallocated where the combined dimension of each side setback would meet or exceed the combined total required in Table 131-04D. In no case shall a side setback be reduced to less than 4 feet. Once a side setback is established, all additions to the primary structure thereafter shall maintain the established side setback.
- 3 See Section 131.0443(a)(2).
- 4 See Section 131.0444(b).
- 5 See Section 131.0446(a).
- 6 See Section 131.0443(a)(3).
- 7 On lots less than 10,000 square feet a single dwelling unit shall be limited to 6 bedrooms maximum

(c) RX Zones

Table 131-04E
Development Regulations of RX Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones	
	1st & 2nd >>	RX-	
	3rd >>	1-	1-
	4th >>	1	2
Maximum permitted <i>density</i> (DU per <i>lot</i>) through Supplemental regulations [See Section 131.0464(b)]			

Footnote for Table 131-04E [No change.]

§ 131.0443 Setback Requirements in Residential Zones

(a) *Setbacks* in RE and RS Zones

(1) Front *Setbacks* in RE and RS Zones

For that portion of a *lot* that fronts a cul-de-sac, the minimum front *setback* may be reduced 5 feet below the requirement specified in Tables 131-04C and 131-04D; however, in no case shall the *setback* be less than 5 feet.

(2) Rear *Setback* in all RE Zones and the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, RS-1-7 Zones

(A) The required rear *setback* is at least the dimension shown in Table 131-04D, except as follows:

(i) For *lots* less than 100 feet in depth, the rear *setback* is at least 10 percent of the lot depth, but not less than 5 feet; and

(ii) For *lots* greater than 150 feet in depth, the rear *setback* is at least 10 percent of the lot depth or the dimension shown in Tables 131-04C and 131-04D, whichever is greater.

(B) and (C) [No change]

(3) Rear *Setback* in the RS-1-8, RS-1-9, RS-1-10, RS-1-11, RS-1-12, RS-1-13, and RS-1-14 Zones

For *lots* that are served by *alley* access, the rear *setback* may be reduced to 4 feet.

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

§131.0444 Angled Building Envelope Plane/ Maximum Structure Height in Residential Zones

(a) Maximum *structure height* shall not exceed the height of the angled *building envelope* plane, which connects the maximum *structure height* adjacent to the setback and the overall maximum *structure height* as determined by the underlying base zone and the requirements below. Encroachments beyond the *building envelope* are subject to the requirements in Section 131.0461.

- (b) The angle of the *building envelope* plane is based on lot width as established in Table 131-04H.

Table 131-04H
Required Angle Building Envelope Plane

Lot Width: <i>h</i>	Angle of Plane ¹
Less than 75 feet	45 degrees
75 feet to 150 feet	30 degrees
Greater than 150 feet	Not Applicable

Footnote for Table 131-04H

¹ The angled planes are measured from the vertical axis inward.

- (c) The maximum *structure height* requirements for the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, RS-1-7, and RX zones are stated in Tables 131-04D and 131-04E. The angled *building envelope* plane shall be required adjacent to required side *yards*. Angled *building envelope* planes are also required adjacent to front and street side *yards* in cases where the maximum *structure height* exceeds 27 feet. The angled *building envelope* plane shall be measured in accordance with Diagram 131-04L.

Diagram 131-04L [No Change]
Angled Building Envelope Planes in RS, RX, and RT Zones

- (d) The maximum *structure height* requirements for RT zones are stated in Table 131-04F. For buildings with a slab foundation, the maximum permitted *structure height* is 21 feet for one- and two-story *structures* or 31 feet for three-story *structures*. For buildings with a conventional raised floor, the maximum permitted *structure height* is 25 feet for one- and two-story *structures* or 35 feet for three-story *structures*. For buildings with

sloped roofs with at least a 3:12 pitch (3 vertical feet to 12 horizontal feet), the maximum permitted *structure height* is increased by 5 feet. In all cases, unless otherwise excepted, the height of the *building envelope* above 27 feet adjacent to the front *setback line* is established by a 30-degree angled *building envelope* plane slanting inward to the maximum permitted *structure height*. The angled *building envelope* planes shall be measured in accordance with Diagram 131-04L.

- (e) The maximum *structure height* requirements for the RM-1-1, RM-1-2, and RM-1-3 zones are stated in Table 131-04G. The angled *building envelope* plane requirements apply as follows:

- (1) At the front *setback line*, the height of the *building envelope* above 19 feet at the minimum *setback* and 24 feet at the standard setback, is established by a 45-degree angled *building envelope* plane sloping inward to the maximum permitted 30-foot *structure height* limit, as shown in Diagram 131-04M.

Diagram 131-04M [No Change]
Angled Building Envelope at Front Setback

- (2) At the side *setback line*, the height of the *building envelope* above 24 feet in height is established by a 45-degree *building envelope* plane sloping inward to the maximum permitted 30-foot *structure height*.

- (f) The maximum *structure height* requirements for the RM-2-4, RM-2-5, and RM-2-6 zones are stated in Table 131-04G. At the side *setback lines*, the

maximum height of the *building envelope* above 30 feet in height is established by a 60-degree angled *building envelope* plane sloping inward from the side *setback lines* to the maximum permitted 40-foot *structure height*.

§131.0448 Accessory Structures in Residential Zones

- (a) Multiple *accessory buildings* are permitted on a *premises*. However the square footage of all *accessory buildings* cannot exceed 25 percent of the allowable *gross floor area* of the *premises*.
- (b) No *accessory building* may be used for living or sleeping purposes. An *accessory building* may have electrical, gas, and water/sewer connections to provide the following activities:
 - (1) through (3) [No change.]
- (c) *Accessory buildings* may encroach into required *yards* subject to the requirements in Section 131.0461.
- (d) *Structures* containing uses regulated by Chapter 14, Article 1 (Separately Regulated Uses) are not subject to Section 131.0448.

§131.0449 Garage Regulations in Residential Zones

- (a) Garages within an existing embankment in the RE, RS, and RX Zones
Attached or detached garages, not exceeding 12 feet in height, including

parapets and handrails, may encroach into the front and street side yards,
as shown in Diagram 131-04N, subject to the following conditions:

(1) through (8) [No change.]

Diagram 131-04N [No change in Diagram]
Garage Within Existing Embankment

(b) Garages in RT Zones

(1) through (7) [No change.]

(8) [No change.]

(A) A court yard with minimum dimensions of 10 feet by 10 feet must be provided within the rear 50 percent of the *lot*, as shown in Diagram 131-04O, or within the dwelling unit. The court yard shall extend the full height of the *structure* and must be at least 75 percent open to sunlight;

Diagram 131-04 O
Courtyard Requirement with Attached Garage

(B) and (C) [No change.]

(9) [No change.]

§131.0453 Lot Consolidation Regulations in the RM-1-1 and RM-1-2 Zones

[No change.]

- (a) Any building on a consolidated *premises* may cross only one previous *property line*, as shown in Diagram 131-04P;
- (b) If the consolidation results in a total *street frontage* exceeding 60 feet, the number of dwelling units permitted within any single building shall not exceed the number of units that would have been permitted on the largest *premises* before the consolidation, as shown in Diagram 131-04P;

Diagram 131-04P [No change in Diagram]
Buildings on Consolidated Lots

- (c) [No change.]
- (d) Within the front 50 percent of the consolidated *premises*, a minimum 3-foot offset in the front facade shall be required for any building where the dimension most parallel to the *street* exceeds one-and-one-half times the width of the permitted *building envelope* of the largest *lot* existing before consolidation. See Diagram 131-04Q.

Diagram 131-04Q [No change in Diagram.]
Lot Consolidation Offset Requirement

§131.0455 Private Exterior Open Space in the RM Zones

- (a) In the RM-1-1, RM-1-2, and RM-1-3 zones, at least 60 square feet of usable, private, exterior open space abutting each dwelling unit shall be provided with a minimum dimension of 6 feet in any direction. The open space may be located in required *yard* areas, but shall be no closer than 9

feet to the front or rear *property lines*, and no closer than 4 feet to the side *property lines*. See Diagram 131-04R.

Diagram 131-04R [No change in Diagram.]
Private Exterior Open Space

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

§131.0461 Architectural Projections and Encroachments in Residential Zones

(a) The following are permitted *architectural projections* and *encroachments* into required *yards* and the angled *building envelope* plane for RS and RX zones and the RM-1-1, RM-1-2, and RM-1-3 zones. These projections and *encroachments* are not permitted in the required yards within view corridors that are designated by *land use plans* in the Coastal Overlay Zone and may not be located in a required *visibility area* or a required turning radius or vehicle back-up area except where development regulations may allow.

(1) [No change.]

(2) Openly supported *architectural projections*, including trellises, may encroach into required *yards*, as shown in Diagram 131-04S, subject to the following:

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

Diagram 131-04S [No change in Diagram]
Openly Supported Architectural Projections

- (3) Bay windows may project into required *yards*, as shown in Diagram 131-04T, subject to the following requirements:

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

Diagram 131-04T [No change in Diagram]
Bay Window Yard Projections

- (4) Fireplace enclosures may encroach into required *yards* and the angled *building envelope* plane subject to the following requirements:

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

- (5) Mechanical equipment such as air conditioner units, gas meters, electrical fuse boxes, or pool equipment and associated utility enclosures may encroach into required side and rear *yards* subject to the following requirements:

(A) At-grade equipment shall be located a minimum of 4 feet from the *property line*; and

(B) Equipment that is located completely below finished grade, with a permanent, durable, protective cover shall be permitted to encroach up to 2 feet, 6 inches from the *property line*;

- (6) [No change.]

- (7) Entry arbors may encroach into required front and street side *yards*, as shown in Diagram 131-04U, subject to the following requirements:

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

Diagram 131-04U [No change.]
Entry Arbor Yard Projections

- (8) [No change.]

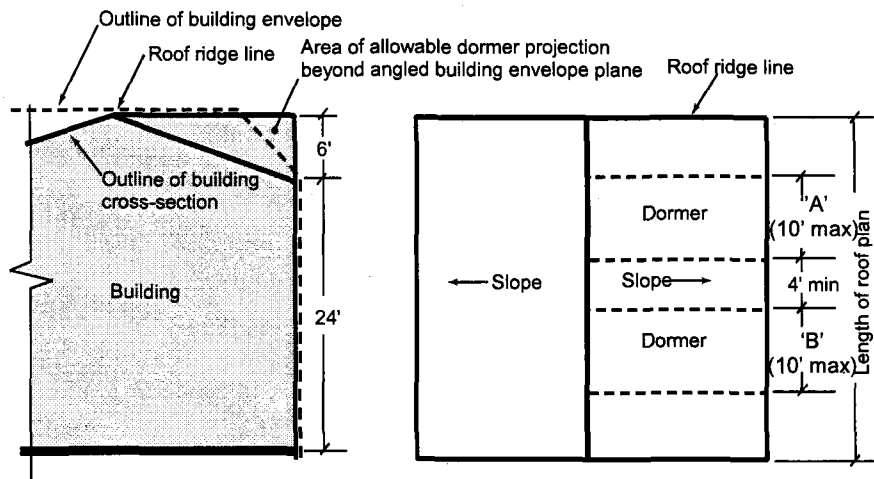
- (9) *Dormers* are permitted to encroach into required *yards* and into the angled *building envelope* plane subject to the following:

(A) [No change.]

(B) A *dormer* may not exceed 10 feet in width, measured at the building wall;

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

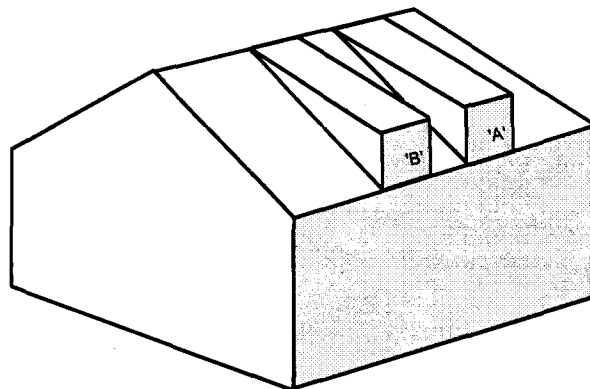
*****Diagram 131-04V**
Dormer Projection into Angled Building Envelope Plane



NOTE: Total width of dormer projections ('A' + 'B') shall not exceed 30% of length of r
in RM -1-1, RM -1-2, RM -1-3 zones or 50% of length of roof plan
in RM -2-4, RM -2-5, RM -2-6 zones.

Section

Roof Plan



3-Dimension

- (10) [No change.]
- (11) Swimming pools, spas, and hot tubs are permitted within a required *yard* subject to the following:
- (A) Swimming pools that project 3 feet or less above grade may be located a minimum of 3 feet from the *property line*.

- (B) Swimming pools that project greater than 3 feet above grade are not permitted to encroach within a required *street yard* or interior side *yard setback*, but may encroach into the rear *yard* setback if located a minimum of 4 feet from the rear *property line*.
- (12) Detached garages or *accessory buildings* may encroach into a required side or rear *yard* as follows:
 - (A) The *lot* size shall not exceed 10,000 square feet of area; and
 - (B) The *accessory building* shall be limited to one *story* and a maximum *structure* height of 15 feet; and
 - (C) The *accessory building* shall not exceed a maximum length of 30 feet within any given *setback*; and
 - (D) The cumulative area of all encroaching *accessory buildings* shall not exceed 525 square feet in *gross floor area*.
- (b) The following are permitted *architectural projections* and *encroachments* into the required front and street side *yard* for the RT zones. A maximum of 50 percent of the area of the required minimum front *yard* (the front 5 feet of the *lot*) may be used for *encroachments*. See Section 131.0464(c) for required building articulation features. No permitted projection or *encroachment* may be located in a required *visibility area* or a required

turning radius or vehicle back-up area except where development regulations may allow.

(1) through (5) [No change.]

(6) *Dormers* may project into required minimum front and street side *yards* subject to the following requirements:

(A) [No change.]

(B) The maximum width of *dormers* shall be 10 feet; and

(C) [No change.]

(7) [No change.]

(c) In the RM-2-4, RM-2-5, RM-2-6, RM-3-7, RM-3-8, RM-3-9, RM-4-10, RM-4-11, and RM-5-12 zones, architectural *encroachments* listed in Section 131.0461(a) are permitted with the following limitations. No permitted projection or *encroachment* may be located in required *yards* within view corridors that are designated by *land use plans* in the Coastal Overlay Zone or in a required *visibility area* or a required turning radius or vehicle back-up area except where development regulations may allow.

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

(4) *Dormers* may project into the angled *building envelope* plane as follows:

(A) The aggregate width of *dormers* may not exceed 50 percent of the length of the roof plan to which the *dormers* will be attached; and

(B) Dormers may not extend beyond a height of 40 feet.

Section 7. That the San Diego Municipal Code is amended by amending Chapter 13, Article 1, Division 4, by repealing Section 131.0465.

Section 8. That the San Diego Municipal Code is amended by amending Chapter 13, Article 1, Division 5, by amending Sections 131.0515 to read as follows:

§131.0515 Where Commercial Zones Apply

On the effective date of Ordinance O-18692, all commercial zones that were established in Municipal Code Chapter 10, Article 1, Division 4 were amended and replaced with the base zones established in this division.

Section 9. That the San Diego Municipal Code is amended by amending Chapter 13, Article 1, Division 6, by amending Sections 131.0615 to read as follows:

§131.0615 Where Industrial Zones Apply

On the effective date of Ordinance O-18691, all industrial zones that were established in Municipal Code Chapter 10, Article 1, Division 4 were amended and replaced with the base zones established in this division.

Section 10. That the San Diego Municipal Code is amended by amending Chapter 14, Article 3, Division 6, by amending Section 143.0410 to read as follows:

§143.0410 General Development Regulations for Planned Development Permits

(a) [No change.]

(b) *Density* and Intensity

(1) The number of dwelling units or total *gross floor area* to be built on the *premises* shall not exceed that set forth by the applicable zone and the applicable *land use plan* except as permitted by 143.0410(a)(3)(D), and shall be based on the area of the entire *premises*. The dwelling units or *gross floor area* may be distributed without regard to the proposed *lot* boundaries.

(2) through (5) [No change.]

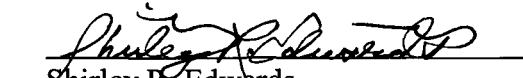
(c) though (j) [No change.]

Section 11. 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 12. 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
10/03/08 COR.COPY
10/14/08 COR.COPY 2
Or.Dept:DSD
O-2009-31
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