

ORDINANCE NUMBER O- 15801 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 13 2008

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER 12, ARTICLE 5, DIVISION 2, BY AMENDING SECTION 125.0220; BY AMENDING CHAPTER 12, ARTICLE 6, DIVISION 4, BY AMENDING SECTION 126.0404; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2, BY AMENDING SECTION 131.0231; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4, BY AMENDING SECTION 131.0431; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 10, BY AMENDING SECTION 142.1010; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12, BY AMENDING SECTION 142.1270; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1, BY AMENDING SECTION 143.0145; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 2, BY AMENDING SECTION 143.0210; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 9, BY AMENDING SECTION 143.0915; BY AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2, BY AMENDING SECTIONS 155.0238 AND 155.0242; BY AMENDING CHAPTER 15, ARTICLE 12, DIVISION 3, BY AMENDING SECTIONS 1512.0308 AND 1512.0310; BY AMENDING CHAPTER 15, ARTICLE 19, DIVISION 3, BY AMENDING SECTION 1519.0303; AND BY AMENDING CHAPTER 15, ARTICLE 19, DIVISION 4, BY AMENDING SECTION 1519.0403, ALL TO MAKE MINOR CORRECTIONS 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 to the Land Development Code are necessary to correct formatting, typographical errors and to make minor corrections to some of the Planned District Ordinances; 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 12, Article 5, Division 2, by amending Section 125.0220 to read as follows:

**§125.0220 How to Apply for a Certificate of Compliance**

An applicant shall apply for a Certificate of Compliance in accordance with Section 112.0102.

Section 2. That the San Diego Municipal Code is amended by amending Chapter 12, Article 6, Division 4, by amending Section 126.0404 to read as follows:

**§126.0404 Findings for Neighborhood Development Permit Approval**

A Neighborhood Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(b) through (d) that are applicable to the proposed *development* as specified in this section.

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

Section 3. That the San Diego Municipal Code is amended by amending Chapter 13, Article 1, Division 2, by amending Section 131.0231 to read as follows:

**§131.0231 Development Regulations Table for Open Space Zones**

[No change]

**Table 131-02C**  
**Development Regulations of Open Space Zones [No change.]**

Footnotes for Table 131-02C

<sup>1</sup> Refer to Section 143.0146 for supplemental development regulations for the OF zone.

Footnotes 2-8 [No change.]

Section 4. That the San Diego Municipal Code is amended by amending Chapter 13, Article 1, Division 4, by amending Section 131.0431 to read as follows:

**§131.0431 Development Regulations Table of Residential Zones**

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

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

(e) RM Zones

**Table 131-04G [No change.]**

Footnotes 1-16 [No change.]

<sup>17</sup> See Section 131.0444(f)

<sup>18</sup> See Section 131.0444(g)

<sup>19-36</sup> [No change.]

Section 5. That the San Diego Municipal Code is amended by amending Chapter 14, Article 2, Division 10, by amending Section 142.1010 to read as follows:

**§142.1010 General Loading Area Regulations**

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

**Table 142-10B  
Required Off-Street Loading Spaces**

Use Category or Subcategory	Gross Floor Area of Structure (Square Feet)	Minimum Number of Spaces Required
Multiple Unit Residential Use Subcategory  or  Commercial Services Subcategories not specified below	0-100,000	0
	100,001-200,000	1
	200,001-500,000	2
	More than 500,000	3 - plus 1 space for each additional 400,000 sq. Ft.
Retail Sales Use Category  or  Eating and Drinking Establishments Subcategory	0-10,000	0
	10,000-30,000	1
	30,000-50,000	2
	Over 50,000	1 space per 25,000 sq. ft. of <i>gross floor area</i>
Visitor Accommodations Subcategory	0-40,000	1
	Over 40,000	0.25 space per 10,000 sq. ft. of <i>gross floor area</i>
Office Use Category	0-50,000	0
	Over 50,000	0.1 space per 10,000 sq. ft. of <i>gross floor area</i>

Use Category or Subcategory	Gross Floor Area of Structure (Square Feet)	Minimum Number of Spaces Required
Wholesale, Distribution, and Storage Use Category  or  Industrial Use Category	0-10,000	0
	10,001-50,000	1
	Over 50,000	0.2 space per 10,000 sq.ft. of <i>gross floor area</i>

Section 6. That the San Diego Municipal Code is amended by amending Chapter 14, Article 2, Division 12, by amending Section 142.1270 to read as follows:

**§142.1270 Signs in Multiple Dwelling Unit Residential Zones**

The following regulations apply to all *signs*, both permanent and temporary, that are permitted in all *multiple dwelling unit* residential zones, unless otherwise indicated.

- (a) No Change.
- (b) In all *multiple dwelling unit* residential zones, the following *signs* are permitted on a temporary basis.
  - (1) *Ground signs* offering new residential *developments* for sale, lease, or rent are permitted for 1 year from the issuance of occupancy permits or until all units have been sold, rented, or leased, whichever occurs first. The *signs* shall comply with the following regulations:
    - (A) through (D) No Change.

(E) For the RM-4-10, RM-4-11, and RM-5-12 zones, the maximum *sign* area is 48 square feet, and the maximum height is 16 feet.

(F) No Change

(2) *Ground signs* offering existing residential *developments* and vacant *lots* for sale, lease, or rent are permitted, provided that the *sign* complies with the following regulations.

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

(E) For the RM-4-10, RM-4-11, and RM-5-12 zones, the maximum *sign* area is 10 square feet, and the maximum height is 6 feet.

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

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

(c) [No change.]

(d) Permanent *Signs* in the RM-4-10, RM-4-11, and RM-5-12 Zones

The permanent *signs* listed below are permitted in the RM-4-10, RM-4-11, and RM-5-12 zones only.

(1) through (2) No Change

Section 7. That the San Diego Municipal Code is amended by amending Chapter 14, Article 3, Division 1, by amending Section 143.0145 to read as follows:

**§143.0145 Development Regulations for Special Flood Hazard Areas**

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

(f) [No change.]

(1) [No change.]

(2) All *development* that involves *fill, channelization, or other alteration of a Special Flood Hazard Area* is subject to the requirements for *channelization* in Section 143.0145(e)(5) and with FEMA regulations.

Section 8. That the San Diego Municipal Code is amended by amending Chapter 14, Article 3, Division 2, by amending Section 143.0210 to read as follows:

**§143.0210 When Historical Resources Regulations Apply**

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

**Table 143-02A  
Applicability of Historical Resources Regulations**

Type of Development Proposal		Historical Resources Potentially Impacted by Project		
		<i>Designated Historical Resources or Historical Districts</i>	<i>Traditional Cultural Properties</i>	<i>Important Archaeological Sites</i>
1. Projects exempt from obtaining a <i>development permit</i> in accordance with Section 143.0220	R	143.0251	143.0251	143.0252
	P	Construction Permit/Process One	Construction Permit/Process One	Construction Permit/Process One
2. <i>Single dwelling units</i> on any size <i>lot</i>	R	143.0251	143.0252	143.0253

	P	SDP/Process Four	NDP/Process Two	NDP/Process Two
3. Multiple dwelling unit, non-residential development, subdivisions and public works construction projects on any size Lot	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	SDP/Process Four	SDP/Process Four
4. Project-Specific Land Use Plans	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	SDP/Process Four	SDP/Process Four
5. Development that deviates from any of the regulations in this division	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	SDP/Process Four	SDP/Process Four

Section 9. That the San Diego Municipal Code is amended by amending Chapter 14, Article 3, Division 9, by amending Section 143.0915 to read as follows:

**§143.0915 When Affordable/In-Fill Housing and Sustainable Building Regulations Apply**

These regulations apply to the following types of *development*:

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

Section 10. That the San Diego Municipal Code is amended by amending Chapter 15, Article 5, Division 2, by amending Sections 155.0238, and 155.0242 to read as follows:

**§155.0238 Use Regulations Table of CU Zones**

[No change.]

**Table 155-02C  
Use Regulations Table for CU Zones**

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones							
	1st & 2nd >>	CU-							
	3rd >>	1-(1)		2-			3-		
	4th >>	1	2	3	4	5	3 <sup>(2)</sup> (12)	6	7
<b>Open Space through Retail Sales [No change.]</b>									
<b>Commercial Services</b>									
<b>Building Services through Visitor Accommodations</b>									



Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones							
	1st & 2nd >>		CU-							
	3rd >>		1-(1)		2-			3-		
	4th >>		1	2	3	4	5	3 <sup>(2)(12)</sup>	6	7
[No change.]										
<b>Separately Regulated Commercial Services Uses</b>										
Adult Entertainment Establishments through Nightclubs & Bars over 5,000 square feet in size [No change.]										
Parking Facilities as a <i>Primary Use</i> through Theaters That Are Outdoor or over 5,000 Square Feet in Size [No change.]										
Urgent Care Facilities										
Veterinary Clinics & Animal Hospitals through Zoological Parks [No change.]										
<b>Offices through Signs [No change.]</b>										

Footnotes to Table 155-02C [No change.]

**§155.0242 Development Regulations Table for CU Zones**

[No change.]

**Table 155-02D  
Development Regulations of CU Zones**

Development Regulations	Zone Designator		Zones							
	1st & 2nd >>		CU-							
	3rd >>		1-		2-	3-	2-		3-	
	4th >>		1 <sup>(1)</sup>	2 <sup>(1)</sup>	3	4	5	6	7	8
<b>Max residential density through Pedestrian paths [No change.]</b>										
<b>Transparency [See Land Development Code Section 131.0552]</b>										
-										
<b>Building articulation through Parking lot orientation [No change.]</b>										
-										

Footnotes for Table 155-02D [No change.]

Section 11. That the San Diego Municipal Code is amended by amending Chapter 15, Article 12, Division 3, by amending Sections 1512.0308, and 1512.0310 to read as follows:

**§1512.0308 Commercial Nodes - CN-1, CN-1A, CN-2, CN-2A, CN-3, and CN-4 Zones**

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

(1) [No change.]

**Table 1512-03M  
Residential Density**

<b>Zone</b>	<b>Lot Size (sq. ft.)</b>	<b>One Unit per "X" (sq. ft.)</b>
CN-1, CN-1A	30,000 or more	400
CN-1, CN-1A	less than 30,000	600
CN-2, CN-2A	10,000 or more	800
CN-2, CN-2A	less than 10,000	1,000
CN-3	any size legal lot	1,000
CN-4	any size legal lot	1,000

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

**§1512.0310 Commercial Village Zones - CV-1, CV-2, CV-3, CV-4**

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

(1) [No change.]

**Table 1512-03S  
Residential Density**

<b>Zone</b>	<b>Lot Size (sq. ft.)</b>	<b>One Unit per "X" (sq. ft.)</b>
CV-1	30,000 or more	400
CV-1	less than 30,000	600

Zone	Lot Size (sq. ft.)	One Unit per "X" (sq. ft.)
CV-2	15,000 or more	600
CV-2	less than 15,000 but at least 10,000	800
CV-2	less than 10,000	1,000
CV-3	any size legal lot	1,000
CV-4	any size legal lot	1,500

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

Section 12. That the San Diego Municipal Code is amended by amending Chapter 15, Article 19, Division 3, by amending Section 1519.0303 to read as follows:

**§1519.0303 Multiple-Family Residential Zone Regulations - MF-3000, MF-2500, MF-2000, MF-1750, MF-1500**

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

(i) Special Character Multi-Family Neighborhood Criteria

The regulations in Section 1519.0302 (applicable to SF-5000 zone) shall apply to the multi-family residential neighborhoods shown on Attachment A, entitled "Southeast San Diego Special Character Multi-Family Neighborhoods" in addition to the requirements listed below.

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

Section 13. That the San Diego Municipal Code is amended by amending Chapter 15, Article 19, Division 4, by amending Section 1519.0403 to read as follows:

**§1519.0403 Parking**

(a) [No change.]

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(b) Parking Regulations for Multi-Family Residential Zones


- (1) Every premises used for one or more of the permitted uses listed in Appendix A, shall be provided with a minimum of permanently maintained, off-street parking spaces in a parking area or private garage on the same premises as required by Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).
- (2) For any lot containing four or more dwelling units a minimum of 25 percent of the required off-street parking spaced shall be fully enclosed, entirely within the occupied building or in a garage or structure attached to the occupied building or buildings located on the said lot.

An additional 25 percent of required off-street parking may be covered by carports that have roofing materials and design comparable to the primary building or buildings on the site or by trellis coverings that are made of wood, wrought iron or other similar screen material. Flat or corrugated metal or plastic sheeting material is not permitted for use as carport or trellis covering. In no case shall the uncovered parking on-site exceed 50 percent of the required parking.

(c) [No change.]

Section 14. 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.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Shirley R. Edwards  
Chief Deputy City Attorney

SRE:pev  
09/25/08  
10/06/08 COR.COPY  
10/14/08 COR.COPY2  
Or.Dept:DSD  
O-2009-35  
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