

ORDINANCE NUMBER O- 20483 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 05 2015

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 126.0502; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 131.0422, 131.0445, 131.0449, 131.0460, AND 131.0461; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 142.0402 AND 142.0404; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 142.0525; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0302 AND BY ADDING NEW SECTION 143.0365; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103, ALL RELATING TO SMALL LOT SUBDIVISIONS.

ITEM # 56  
4/21/15

WHEREAS, this small lot subdivisions ordinance will allow infill residential projects consisting of single-family homes in multi-family zones, consistent with the density of the zone and the community plan; and

WHEREAS, this ordinance will encourage the availability of for-sale homes at the median neighborhood housing cost; and

WHEREAS, this ordinance is intended to provide an alternative to larger scale condominiums and apartments, especially in older neighborhoods developed with single-family homes, but designated multi-family in community plans and zoned multi-family; and

WHEREAS, the Woodbury School of Architecture has tested these proposed development regulations as part of their masters program in real estate development (students in the program are licensed architects); and

WHEREAS, the testing consisted of selecting a site and developing multiple projects using the draft regulations; and

WHEREAS, the resulting projects demonstrated that the regulations could produce infill residential projects consisting of single-family homes in multi-family zones, and available for sale at the median neighborhood housing cost; NOW, THEREFORE,

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

Section 1. That Chapter 12, Article 6, Division 5 of the San Diego Municipal Code is amended by amending section 126.0502, to read as follows:

**§126.0502 When a Site Development Permit is Required**

- (a) [No change in text.]
- (b) A Site Development Permit decided in accordance with Process Three is required for residential *development* that involves any of the following:
  - (1) through (5) [No change in text.]
  - (6) *Development* of a small *lot subdivision* in accordance with Section 143.0365.
- (c) through (g) [No change in text.]

Section 2. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is amended by amending sections 131.0422, 131.0445, 131.0449, 131.0460, and 131.0461, to read as follows:

**§131.0422 Use Regulations Table for Residential Zones**

The uses allowed in the residential zones are shown in the Table 131-04B.

**Legend for Table 131-04B**

[No change in text.]

**Table 131-04B**  
**Use Regulations Table for Residential Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1st & 2nd >>	RE-		RS-												RX-		RT-							
	3rd >>	1-		1-												1-		1-							
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	
Open Space through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]																							

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Residential, <i>Rooming House</i> [No change in text.]		[No change in text.]											
Single Dwelling Units		P <sup>(13)</sup>			P <sup>(13)</sup>			P <sup>(13)</sup>			P		-
Separately Regulated Residential Uses through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]											

**Footnotes for Table 131-04B**<sup>(1)</sup> through <sup>(12)</sup> [No change in text.]<sup>(13)</sup> *Development* of a small *lot subdivision* is permitted in accordance with Section 143.0365.**§131.0445 Lot Coverage in Residential Zones**

- (a) In all RE zones, the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, and RS-1-7 zones, and in small *lot subdivisions* in accordance with Section 143.0365, the maximum permitted *lot coverage* is 50 percent on any

*premises* where more than 50 percent of the *premises* contains *steep hillsides*.

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

**§131.0449 Garage Regulations in Residential Zones**

(a) Garages within an existing embankment in the RE, RS, and RX Zones, and in small *lot subdivisions* in accordance with Section 143.0365.

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 in text.]

(b) [No change in text.]

**§131.0460 Maximum Third Story Dimensions in the RS Zones and in Small Lot Subdivisions**

In the RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, and RS-1-7 zones, and in small *lot subdivisions* in accordance with Section 143.0365, the following shall apply:

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

**§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, the RM-1-1, RM-1-2, and RM-1-3 zones, and in small *lot subdivisions* in accordance with Section 143.0365. 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) through (12) [No change in text.]

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

Section 3. That Chapter 14, Article 2, Division 4 of the San Diego Municipal Code is amended by amending sections 142.0402 and 142.0404, to read as follows:

**§142.0402 When Landscape Regulations Apply**

(a) [No change in text.]

(b) Table 142-04A provides the applicable regulations and type of permit required by this division for the landscaping required in conjunction with the specific types of *development* proposals. Any project that proposes more than one of the types of *development* shown is subject to all of the regulations for each type of *development*.

**Table 142-04A  
Landscape Regulations Applicability**

Type of <i>Development</i> Proposal			Applicable Regulations	Required Permit Type/ Decision Process
Column A	Column B	Column C <sup>(1)</sup>		
1. New <i>structures</i> that equal or exceed the <i>gross floor area</i> shown (Column B), and are proposing the type of <i>development</i> shown (Column C)  through 2. Additions to <i>structures</i> or additional <i>structures</i> on developed properties that exceed the <i>gross floor area</i> shown or that increase the <i>gross floor area</i> by the percent shown (Column B), and are proposing the type of <i>development</i> shown (Column C) [No change in text.]	[No change in text.]			

3. New permanent parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a <i>single lot</i> in <i>single dwelling unit</i> zones and small <i>lot subdivisions</i> in accordance with Section 143.0365	[No change in text.]
4. New temporary parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a <i>single lot</i> in <i>single dwelling unit</i> zones through 14. Commercial <i>development</i> with at least 1,000 square feet of landscape area [No change in text.]	[No change in text.]

#### §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**

<b>Type of Development Proposal <sup>(6)</sup></b>	<b>Type of Yard</b>	<b>Planting Area Required (Percentage of total <i>yard</i> area unless otherwise noted below)<sup>(1)</sup></b>	<b>Plant Points Required<sup>(1)</sup></b>
<i>Multiple Dwelling Unit Residential Development through Condominium Conversion</i> [No change in text.]		[No change in text.]	
Small <i>Lot Subdivision</i>	<i>Street Yard</i>	50% <sup>(5)</sup>	0.5 points per square foot of total <i>street yard</i> area
	<i>Remaining Yard</i>	N/A	
Commercial <i>Development</i> , or Industrial <i>Development</i> in Commercial Zones through <i>Large retail establishments</i> in any Industrial Zone. [No change in text.]		[No change in text.]	

**Footnotes to Table 142-04C** [No change in text.]

Section 4. That Chapter 14, Article 2, Division 5 of the San Diego Municipal Code is amended by amending section 142.0525, to read as follows:

**§142.0525 Multiple Dwelling Unit Residential Uses – Required Parking Ratios**

- (a) Minimum Required Parking Spaces. The required automobile parking spaces, motorcycle parking spaces, and bicycle parking spaces for *development of multiple dwelling units*, whether attached or detached, and related and *accessory uses* are shown in Table 142-05C. Other allowances and requirements, including the requirement for additional common area parking for some projects, are provided in Section 142.0525(b) through (d).

**Table 142-05C**  
**Minimum Required Parking Spaces for**  
**Multiple Dwelling Units and Related Accessory Uses**

Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle <sup>(5)</sup> Spaces Required Per Dwelling Unit
	Basic <sup>(1)</sup>	Transit Area <sup>(2)</sup>	Parking Impact <sup>(4)</sup>		
Studio up to 400 square feet through Residential care facility (6 or fewer persons) [No change in text.]	[No change in text.]				
Small lot subdivision in accordance with Section 143.0365					
Studio up to 400 square feet	1.25	1.0	1.5	N/A	N/A
1 bedroom or studio over 400 square feet	1.5	1.25	1.75	N/A	N/A
2+ bedrooms	2.0	1.75	2.25	N/A	N/A
Transitional Housing (6 or fewer persons) through Accessory uses (Spaces per square feet <sup>(7)</sup> ) [No change in text.]	[No change in text.]				

Footnotes for Table 142-05C [No change in text.]

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

Section 5. That Chapter 14, Article 3, Division 3 of the San Diego Municipal Code is amended by amending section 143.0302 and by adding new section 143.0365, to read as follows:

**§143.0302 When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply**

This division applies to any development proposal for which a Neighborhood Development Permit or Site Development Permit is required as described in Sections 126.0402 and 126.0502, in accordance with Table 143-03A.

**Legend for Table 143-03A**

NDP	Neighborhood Development Permit
SDP	Site Development Permit



**Table 143-03A**  
**Supplemental Neighborhood Development Permit or Site Development Permit**  
**Regulations Applicability**

<b>Type of <i>Development</i> Proposal</b>	<b>Applicable Sections</b>	<b>Required <i>Development</i> Permit/Decision Process</b>
Affordable/In-Fill Housing and Sustainable Building Projects with Deviations through Mission Trails Design District [No change in text.]	[No change in text.]	
<i>Development</i> of a small <i>lot subdivision</i> in accordance with Section 143.0365	143.0303, 143.0305, 143.0310, 143.0365, 143.0375	SDP/Process Three
<i>Development</i> Within the Urban Village Overlay Zone through Clairemont Mesa Height Limit Overlay Zone [No change in text.]	[No change in text.]	

**§143.0365 Supplemental Site Development Permit Regulations for Small Lot Subdivisions**

The purpose of these regulations is to provide supplemental regulations for *development of single dwelling units* in a small *lot subdivision*.

A small *lot subdivision* is the subdivision of multi-family zoned land, consistent with the *density* of the zone, for the construction of *single dwelling units*.

The intent is to encourage *development of single dwelling units* on small *lots* in order to provide a space-efficient and economical alternative to traditional *single dwelling unit development*. It is also the intent of these regulations to provide pedestrian-friendly *developments* that are consistent with the neighborhood character.

The following supplemental regulations apply to a Site Development Permit for a small *lot subdivision*.

- (a) A small *lot subdivision development* is permitted in the RM-1-1 through RM-3-8 (Residential Multiple Unit) Zones, and zones with comparable *density* in the Planned Districts regulated in Chapter 15.
- (b) A *dwelling unit* may have a maximum of three bedrooms.
- (c) A small *lot subdivision development* shall comply with the regulations in Table 143-03C and the supplemental regulations in this section.

**Table 143-03C**  
**Development Regulations for Small Lot Subdivisions**

<b>Max permitted density pre-subdivided lot dwelling units (DU) per lot</b>	
Pre-subdivided lot	per the base zone
Subdivided lot	1
<b>Min lot area</b> square feet (sf)	maximum permitted density of the base zone
<b>Min lot dimensions</b>	
Pre-subdivided lot	
Lot width (ft)	25
Lot depth (ft)	50
Street Frontage (ft) [See Section 131.0442(a)]	25
Subdivided lot	
Lot width (ft)	--
Lot depth (ft)	--
Street Frontage (ft) [See Section 131.0442(a)]	--
<b>Setback requirements</b>	per the base zone <sup>(1)</sup>
<b>Maximum lot coverage</b>	--
<b>Setback requirements for resubdivided corner lots</b> [See Section 113.0246(f)]	applies
<b>Max structure height (ft)</b>	
RM-1-1, RM-1-2, and RM-1-3	36 <sup>(2)</sup>
RM-2-4, RM-2-5, and RM-2-6	40 <sup>(3)</sup>
RM-3-7 and RM-3-8	40
<b>Lot coverage for sloping lots</b> [See Section 131.0445(a)]	applies
<b>Max floor area ratio</b>	per the base zone <sup>(4)</sup>
<b>Accessory uses and structures</b> [See Section 131.0448(a),(b)]	applies
<b>Garage regulations</b> [See Section 131.0449(a)]	applies
<b>Building spacing</b> [See Section 131.0450]	--

<b>Max third story dimensions</b> [See Section 131.0460]	--
<b>Architectural projections and encroachments</b> [See Section 131.0461(a)]	applies
<b>Supplemental requirements</b>	
RM-1-1, RM-1-2, and RM-1-3 [See Section 131.0464(d)]	applies
RM-2-4, RM-2-5, and RM-2-6 [See Section 131.0464(e)]	applies
RM-3-7 and RM-3-8 [See Section 131.0464(e)]	applies
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805]	applies

**Footnotes for Table 143-03C**

- <sup>1</sup> Only the setbacks that apply to the pre-subdivided *lot* apply, except that if the pre-subdivided small *lot subdivision development* covers more than one lot, the setback shall not be required for internal *lot* lines of the pre-subdivided *lot*.
- <sup>2</sup> Section 131.0444(e) only applies to the *building envelope* at the front and side *setback lines* of the pre-subdivided *lot*. When adjacent to a RS (Residential--Single Unit Zone), the maximum height is 30 feet.
- <sup>3</sup> Section 131.0444(f) only applies to the *building envelope* at the front and side *setback lines* of the pre-subdivided *lot*.
- <sup>4</sup> Per the base zone, except that reservation of *floor area ratio* for parking shall not be required.

## (d) Required exterior open space.

- (1) Each *dwelling unit* shall provide a minimum of 200 square feet of exterior open space within the small *lot subdivision*.
- (2) Each *dwelling unit* shall provide a minimum of one private exterior useable open space area measuring 60 square feet, with a minimum dimension of no less than 6 feet.
- (3) The area of a driveway shall not be counted toward required exterior open space.

(e) *Dwelling units* that abut the *front yard* of the pre-subdivided *lot* shall locate the primary pedestrian entrance facing that *front yard*.

## (f) A Mutual Maintenance and Access Agreement for all facilities used in common shall be entered into to the satisfaction of the City Manager and shall be recorded against the applicable property or properties in the office of the San Diego County Recorder prior to issuance of a certificate of

occupancy. The Mutual Maintenance and Access Agreement shall, at a minimum, include and provide for the following:

- (1) Easements for:
  - (A) Shared driveway(s)
  - (B) Utilities
  - (C) Drainage and runoff
  - (D) Encroachments
  - (E) Maintenance, repair, and reconstruction
- (2) Maintenance for:
  - (A) Shared driveway(s)
  - (B) Sewer lines
  - (C) Cable and electrical lines
  - (D) Exterior lighting
  - (E) Perimeter fences
- (g) When an *alley* abuts the *premises*, access to required *off-street parking spaces* shall only be from the *alley*.
- (h) Parking requirements and parking site design shall comply with the following regulations and Chapter 14, Article 2, Division 5 (Parking Regulations) for *single dwelling units*. Where there is a conflict with Chapter 14, Article 2, Division 5, the requirements of this section shall apply.
  - (1) The number of *off-street parking spaces* shall be consistent with the ratios for small *lot subdivision* in Table 142-05C.

- (2) Required parking shall be provided on each lot, or within a common parking area, or in a combination of the two.
- (3) Tandem parking is permitted, provided that the tandem spaces are assigned to the same *dwelling unit*.
- (4) A maximum of one driveway curb cut shall be permitted for each 50 feet of pre-subdivided *street frontage*.
- (5) Driveway width shall be determined based on the size of the *lot*, the number of parking spaces and location inside or outside of the Parking Impact Overlay Zone. The applicable minimum and maximum driveway widths are shown in Table 143-03D.
- (6) Required *off-street parking spaces* may be provided within a garage, a carport, or an unenclosed parking space.

**Table 143-03D**  
**Driveway Width for Small Lot Subdivisions**

Pre-subdivided <i>lots</i> greater than 50 feet in width		
<i>Off-street</i> Parking Spaces in Small <i>Lot Subdivision</i>	Required Width	
	One-Way	Two-Way
10 or fewer	12 feet	
More than 10	14 feet	20 feet
Pre-subdivided <i>lots</i> 50 feet or less in width		
<i>Off-street</i> Parking Spaces in Small <i>Lot Subdivision</i>	Required Width	
	One-Way	Two-Way
10 or fewer	12 feet	
More than 10	14 feet	20 feet

- (i) The planting requirements shall be in accordance with the requirements for small *lot subdivisions* shown in Table 142-04C.
- (j) An existing *development* that proposes to be subdivided into a small *lot subdivision* that deviates from the supplemental regulations set forth in this section or the parking ratios shown in Table 142-05C may be permitted only with a Site Development Permit decided in accordance with Process Three subject to the following regulations:
  - (1) the *development* must be consistent with permitted *density*; and
  - (2) the *development* must comply with the requirement for a Mutual Maintenance and Access Agreement in Section 143.0365(f).

Section 6. That Chapter 15, Article 1, Division 1 of the San Diego Municipal Code is amended by amending section 151.0103, to read as follows:

**§151.0103 Applicable Regulations**

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
  - (1) through (8) [No change in text.]
  - (9) Supplemental Site Development Permit Regulations for Small Lot Subdivisions contained in Land Development Code Section 143.0365.

Section 7. That, in recognition that another ordinance (City Attorney Ordinance Number O-2015-84 pertaining to the 9th Land Development Code Update) is processing simultaneously that also proposes to amend provisions of San Diego Municipal Code section 141.0461(a), the City Clerk is directed to reconcile the provisions of the two ordinances to amend San Diego Municipal Code section 141.0641(a) and its subsections, consistent with the amendments

reflected in both ordinances, even though those amendments are not reflected herein, regardless of the order of final passage of this Ordinance and Ordinance O-2015-84.

Section 8. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 9. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

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

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

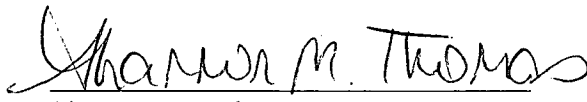
That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and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

are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

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

Section 10. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective, which date is determined in accordance with Section 9, above.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
03/19/15  
Or.Dept:DSD  
Doc. No.: 892906\_2



## STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 126.0502; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 131.0422, 131.0445, 131.0449, 131.0460, AND 131.0461; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 142.0402 AND 142.0404; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 142.0525; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0302 AND BY ADDING NEW SECTION 143.0365; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103, ALL RELATING TO SMALL LOT SUBDIVISIONS.

### §126.0502 When a Site Development Permit is Required

- (a) [No change in text.]
- (b) A Site Development Permit decided in accordance with Process Three is required for residential *development* that involves any of the following:

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

(6) Development of a small lot subdivision in accordance with Section 143.0365.

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

# §131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

## Legend for Table 131-04B

[No change in text.]  
~~§ 131.0422~~

**Table 131-04B**  
**Use Regulations Table of for Residential Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1st & 2nd >>	RE-		RS-										RX-		RT-									
	3rd >>	1-		1-										1-		1-									
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	
Open Space through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]																							

Use Categories/ Subcategories  [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Residential, <i>Rooming House</i> [No change in text.]		[No change in text.]											
Single Dwelling Units		P <sup>(13)</sup>			P <sup>(13)</sup>			P <sup>(13)</sup>			P		-
Separately Regulated Residential Uses through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]											

### Footnotes for Table 131-04B

<sup>(1)</sup> through <sup>(12)</sup> [No change in text.]

<sup>(13)</sup> Development of a small lot subdivision is permitted in accordance with Section 143.0365.

**§131.0445 Lot Coverage in Residential Zones**

- (a) In all RE zones, ~~and the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-4, RS-1-5, RS-1-6, and RS-1-7 zones,~~ and in small lot subdivisions in accordance with Section 143.0365, the maximum permitted *lot coverage* is 50 percent on any *premises* where more than 50 percent of the *premises* contains *steep hillsides*.

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

**§131.0449 Garage Regulations in Residential Zones**

- (a) Garages within an existing embankment in the RE, RS, and RX Zones, and in small lot subdivisions in accordance with Section 143.0365.

Attached or detached garages, not exceeding 12 feet in height, including parapets and handrails, may encroach into the front and ~~street side yards~~ street side yards, as shown in Diagram 131-04N, subject to the following conditions:

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

(b) [No change in text.]

**§131.0460 Maximum Third Story Dimensions in the RS Zones and in Small Lot Subdivisions**

In the RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, and RS-1-7 zones, and in small lot subdivisions in accordance with Section 143.0365, the following shall apply:

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

**§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, and in small lot subdivisions in accordance with Section 143.0365. These projections and *encroachments* are not permitted in the required ~~yards~~ 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~~ development regulations may allow.

(1) through (12) [No change in text.]

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

**§142.0402 When Landscape Regulations Apply**

(a) [No change in text.]

(b) Table 142-04A provides the applicable regulations and type of permit required by this division for the landscaping required in conjunction with the specific types of *development* proposals. Any project that proposes more than one of the types of *development* shown is subject to all of the regulations for each type of *development*.

**Table 142-04A**  
**Landscape Regulations Applicability**

Type of Development Proposal			Applicable Regulations	Required Permit Type/ Decision Process
Column A	Column B	Column C <sup>(1)</sup>		
1. New <i>structures</i> that equal or exceed the <i>gross floor area</i> shown (Column B), and are proposing the type of <i>development</i> shown (Column C) through 2. Additions to <i>structures</i> or additional <i>structures</i> on developed properties that exceed the <i>gross floor area</i> shown or that increase the <i>gross floor area</i> by the percent shown (Column B), and are proposing the type of <i>development</i> shown (Column C) [No change in text.]				
3. New permanent parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a <i>single lot</i> in <i>single dwelling unit</i> zones <u>and small lot subdivisions in accordance with Section 143.0365</u>				
4. New temporary parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a <i>single lot</i> in <i>single dwelling unit</i> zones through 14. Commercial <i>development</i> with at least 1,000 square feet of landscape area [No change in text.]				

**§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~~  
**Street Yard and Remaining Yard Planting Requirements**

Type of Development Proposal <sup>(6)</sup>	Type of <del>Yard</del> <u>Yard</u>	Planting Area Required (Percentage of total <i>yard</i> area unless otherwise noted below) <sup>(1)</sup>	Plant Points Required <sup>(1)</sup>
<i>Multiple Dwelling Unit Residential Development through Condominium Conversion</i> [No change in text.]	[No change in text.]		
<u>Small Lot Subdivision</u>	<u>Street Yard</u>	50% <sup>(5)</sup>	0.5 points per square foot of total
	<u>Remaining Yard</u>	N/A	<u>street yard area</u>
Commercial Development, or Industrial Development in Commercial Zones through Large retail establishments in any Industrial Zone. [No change in text.]	[No change in text.]		

Footnotes to Table 142-04C ~~Footnotes to Table 142-04C~~ [No change in text.]

#### **§142.0525 Multiple Dwelling Unit Residential Uses – Required Parking Ratios**

- (a) Minimum Required Parking Spaces. The required automobile parking spaces, motorcycle parking spaces, and bicycle parking spaces for *development of multiple dwelling units*, whether attached or detached, and related and *accessory uses* are shown in Table 142-05C. Other allowances and requirements, including the requirement for additional common area parking for some projects, are provided in Section 142.0525(b) through (d).

**Table 142-05C**  
**Minimum Required Parking Spaces for**  
**Multiple Dwelling Units and Related Accessory Uses**

Multiple Dwelling Unit <u>Multiple Dwelling Unit</u> Type and Related and Accessory Uses <u>Accessory Uses</u>	Automobile Spaces Required Per Dwelling Unit <u>Dwelling Unit</u> (Unless Otherwise Indicated)			Motorcycle Spaces Required Per <u>Dwelling Unit</u>	Bicycle <sup>(5)</sup> Spaces Required Per <u>Dwelling Unit</u>
	Basic <sup>(1)</sup>	<u>Transit Area</u> <sup>(2)</sup>	Parking Impact <sup>(4)</sup>		
Studio up to 400 square feet through Residential care facility (6 or fewer persons) [No change in text.]	[No change in text.]				
<u>Small lot subdivision in accordance with Section 143.0365</u>					
<u>Studio up to 400 square feet</u>	<u>1.25</u>	<u>1.0</u>	<u>1.5</u>	<u>N/A</u>	<u>N/A</u>
<u>1 bedroom or studio over 400 square feet</u>	<u>1.5</u>	<u>1.25</u>	<u>1.75</u>	<u>N/A</u>	<u>N/A</u>
<u>2+ bedrooms</u>	<u>2.0</u>	<u>1.75</u>	<u>2.25</u>	<u>N/A</u>	<u>N/A</u>
Transitional Housing (6 or fewer persons) through <u>Accessory uses</u> (Spaces per square feet <sup>(7)</sup> ) [No change in text.]	[No change in text.]				

Footnotes for Table 142-05C [No change in text.]

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

**§143.0302 When Supplemental Neighborhood Development Permit and Site  
Development Permit Regulations Apply**

This division applies to any development proposal for which a Neighborhood  
Development Permit or Site Development Permit is required as described in  
Sections 126.0402 and 126.0502, in accordance with Table 143-03A.

**Legend for Table 143-03A**

<u>NDP</u>	<u>Neighborhood Development Permit</u>
<u>SDP</u>	<u>Site Development Permit</u>

**Table 143-03A**  
**Supplemental Neighborhood Development Permit or Site Development Permit**  
**Regulations Applicability**

<b>Type of <i>Development</i> Proposal</b>	<b>Applicable Sections</b>	<b>Required <i>Development</i> Permit/Decision Process</b>
Affordable/In-Fill Housing and Sustainable Building Projects with Deviations through Mission Trails Design District [No change in text.]	[No change in text.]	
<u>Development of a small lot subdivision in accordance with Section 143.0365</u>	<u>143.0303, 143.0305, 143.0310, 143.0365, 143.0375</u>	<u>SDP/Process Three</u>
<i>Development</i> Within the Urban Village Overlay Zone through Clairemont Mesa Height Limit Overlay Zone [No change in text.]	[No change in text.]	

<b>Legend to Table 143-03A</b>	
NDP	NDP means Neighborhood Development Permit
SDP	SDP means Site Development Permit

**§143.0365 Supplemental Site Development Permit Regulations for Small Lot Subdivisions**

The purpose of these regulations is to provide supplemental regulations for development of single dwelling units in a small lot subdivision.

A small lot subdivision is the subdivision of multi-family zoned land, consistent with the density of the zone, for the construction of single dwelling units.

The intent is to encourage development of single dwelling units on small lots in order to provide a space-efficient and economical alternative to traditional single dwelling unit development. It is also the intent of these regulations to provide



pedestrian-friendly developments that are consistent with the neighborhood character.

The following supplemental regulations apply to a Site Development Permit for a small lot subdivision.

- (a) A small lot subdivision development is permitted in the RM-1-1 through RM-3-8 (Residential Multiple Unit) Zones, and zones with comparable density in the Planned Districts regulated in Chapter 15.
- (b) A dwelling unit may have a maximum of three bedrooms.
- (c) A small lot subdivision development shall comply with the regulations in Table 143-03C and the supplemental regulations in this section.

**Table 143-03C**  
**Development Regulations for Small Lot Subdivisions**

<b><u>Max permitted density pre-subdivided lot dwelling units (DU) per lot</u></b>	
<u>Pre-subdivided lot</u>	<u>per the base zone</u>
<u>Subdivided lot</u>	<u>1</u>
<b><u>Min lot area square feet (sf)</u></b>	<u>maximum permitted density of the base zone</u>
<b><u>Min lot dimensions</u></b>	
<u>Pre-subdivided lot</u>	
<u>Lot width (ft)</u>	<u>25</u>
<u>Lot depth (ft)</u>	<u>50</u>
<u>Street Frontage (ft) [See Section 131.0442(a)]</u>	<u>25</u>
<u>Subdivided lot</u>	
<u>Lot width (ft)</u>	<u>--</u>
<u>Lot depth (ft)</u>	<u>--</u>
<u>Street Frontage (ft) [See Section 131.0442(a)]</u>	<u>--</u>
<b><u>Setback requirements</u></b>	<u>per the base zone<sup>(1)</sup></u>
<b><u>Maximum lot coverage</u></b>	<u>--</u>
<b><u>Setback requirements for resubdivided corner lots [See Section 113.0246(f)]</u></b>	<u>applies</u>
<b><u>Max structure height (ft)</u></b>	
<u>RM-1-1, RM-1-2, and RM-1-3</u>	<u>36<sup>(2)</sup></u>
<u>RM-2-4, RM-2-5, and RM-2-6</u>	<u>40<sup>(3)</sup></u>
<u>RM-3-7 and RM-3-8</u>	<u>40</u>
<b><u>Lot coverage for sloping lots [See Section 131.0445(a)]</u></b>	<u>applies</u>

**Table 143-03C**  
**Development Regulations for Small Lot Subdivisions**

<b><u>Max floor area ratio</u></b>	<b><u>per the base zone<sup>(4)</sup></u></b>
<b><u>Accessory uses and structures</u></b> [See Section 131.0448(a),(b)]	<b><u>applies</u></b>
<b><u>Garage regulations</u></b> [See Section 131.0449(a)]	<b><u>applies</u></b>
<b><u>Building spacing</u></b> [See Section 131.0450]	<b><u>--</u></b>
<b><u>Max third story dimensions</u></b> [See Section 131.0460]	<b><u>--</u></b>
<b><u>Architectural projections and encroachments</u></b> [See Section 131.0461(a)]	<b><u>applies</u></b>
<b><u>Supplemental requirements</u></b>	
<u>RM-1-1, RM-1-2, and RM-1-3</u> [See Section 131.0464(d)]	<b><u>applies</u></b>
<u>RM-2-4, RM-2-5, and RM-2-6</u> [See Section 131.0464(e)]	<b><u>applies</u></b>
<u>RM-3-7 and RM-3-8</u> [See Section 131.0464(e)]	<b><u>applies</u></b>
<b><u>Refuse and Recyclable Material Storage</u></b> [See Section 142.0805]	<b><u>applies</u></b>

**Footnotes for Table 143-03C**

<sup>1</sup> Only the setbacks that apply to the pre-subdivided lot apply, except that if the pre-subdivided small lot subdivision development covers more than one lot, the setback shall not be required for internal lot lines of the pre-subdivided lot.

<sup>2</sup> Section 131.0444(e) only applies to the building envelope at the front and side setback lines of the pre-subdivided lot. When adjacent to a RS (Residential- -Single Unit Zone), the maximum height is 30 feet.

<sup>3</sup> Section 131.0444(f) only applies to the building envelope at the front and side setback lines of the pre-subdivided lot.

<sup>4</sup> Per the base zone, except that reservation of floor area ratio for parking shall not be required.

**(d) Required exterior open space.**

- (1) Each dwelling unit shall provide a minimum of 200 square feet of exterior open space within the small lot subdivision.**
- (2) Each dwelling unit shall provide a minimum of one private exterior useable open space area measuring 60 square feet, with a minimum dimension of no less than 6 feet.**
- (3) The area of a driveway shall not be counted toward required exterior open space.**

**(e) Dwelling units that abut the front yard of the pre-subdivided lot shall locate the primary pedestrian entrance facing that front yard.**

(f) A Mutual Maintenance and Access Agreement for all facilities used in common shall be entered into to the satisfaction of the City Manager and shall be recorded against the applicable property or properties in the office of the San Diego County Recorder prior to issuance of a certificate of occupancy. The Mutual Maintenance and Access Agreement shall, at a minimum, include and provide for the following:

(1) Easements for:

(A) Shared driveway(s)

(B) Utilities

(C) Drainage and runoff

(D) Encroachments

(E) Maintenance, repair, and reconstruction

(2) Maintenance for:

(A) Shared driveway(s)

(B) Sewer lines

(C) Cable and electrical lines

(D) Exterior lighting

(E) Perimeter fences

(g) When an *alley* abuts the *premises*, access to required *off-street parking spaces* shall only be from the *alley*.

(h) Parking requirements and parking site design shall comply with the following regulations and Chapter 14, Article 2, Division 5 (Parking Regulations) for *single dwelling units*. Where there is a conflict with

Chapter 14, Article 2, Division 5, the requirements of this section shall apply.

- (1) The number of off-street parking spaces shall be consistent with the ratios for small lot subdivision in Table 142-05C.
- (2) Required parking shall be provided on each lot, or within a common parking area, or in a combination of the two.
- (3) Tandem parking is permitted, provided that the tandem spaces are assigned to the same dwelling unit.
- (4) A maximum of one driveway curb cut shall be permitted for each 50 feet of pre-subdivided street frontage.
- (5) Driveway width shall be determined based on the size of the lot, the number of parking spaces and location inside or outside of the Parking Impact Overlay Zone. The applicable minimum and maximum driveway widths are shown in Table 143-03D.
- (6) Required off-street parking spaces may be provided within a garage, a carport, or an unenclosed parking space.

**Table 143-03D**  
**Driveway Width for Small Lot Subdivisions**

<b><u>Pre-subdivided lots greater than 50 feet in width</u></b>		
<b><u>Off-street Parking Spaces in Small Lot Subdivision</u></b>	<b><u>Required Width</u></b>	
	<u>One-Way</u>	<u>Two-Way</u>
<u>10 or fewer</u>	<u>12 feet</u>	
<u>More than 10</u>	<u>14 feet</u>	<u>20 feet</u>
<b><u>Pre-subdivided lots 50 feet or less in width</u></b>		
<b><u>Off-street Parking Spaces in Small Lot Subdivision</u></b>	<b><u>Required Width</u></b>	
	<u>One-Way</u>	<u>Two-Way</u>
<u>10 or fewer</u>	<u>12 feet</u>	
<u>More than 10</u>	<u>14 feet</u>	<u>20 feet</u>

- (i) The planting requirements shall be in accordance with the requirements for small lot subdivisions shown in Table 142-04C.
- (j) An existing development that proposes to be subdivided into a small lot subdivision that deviates from the supplemental regulations set forth in this section or the parking ratios shown in Table 142-05C may be permitted only with a Site Development Permit decided in accordance with Process Three subject to the following regulations:
- (1) the development must be consistent with permitted density; and
  - (2) the development must comply with the requirement for a Mutual Maintenance and Access Agreement in Section 143.0365(f).

**§151.0103 Applicable Regulations**

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:

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

(9) Supplemental Site Development Permit Regulations for Small Lot


Subdivisions contained in Land Development Code Section

143.0365.

SMT:als  
03/19/15  
Or.Dept: DSD  
Doc. No.: 892675\_4

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 21 2015.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 4/29/15  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on APR 21 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 05 2015.

AUTHENTICATED BY:

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

(Seal)

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

By Stacy Brady, Deputy

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

APR 07 2015, and on MAY 05 2015.

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

(Seal)

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

By Stacy Brady, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20483