

OLD LANGUAGE: ~~STRIKEOUT~~
NEW LANGUAGE: DOUBLE UNDERSCORE

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER 12, ARTICLE 6, BY AMENDING DIVISION 2, BY AMENDING SECTION 126.0203; BY AMENDING DIVISION 3, BY AMENDING SECTION 126.0303; BY AMENDING DIVISION 4, BY AMENDING SECTION 126.0402; AND BY AMENDING DIVISION 5, BY AMENDING SECTION 126.0502; BY AMENDING CHAPTER 12, ARTICLE 9, BY AMENDING DIVISION 7, BY AMENDING SECTION 129.0710; BY AMENDING CHAPTER 13, ARTICLE 1, BY AMENDING DIVISION 2, SECTION 131.0222, BY AMENDING DIVISION 3, BY AMENDING SECTION 131.0322; BY AMENDING DIVISION 4, BY AMENDING SECTIONS 131.0422, AND 131.0466; BY AMENDING DIVISION 5, BY AMENDING SECTION 131.0522; AND AMENDING DIVISION 6, BY AMENDING SECTION 131.0622; AMENDING CHAPTER 14, ARTICLE 1, BY AMENDING DIVISION 3, BY AMENDING SECTIONS 141.0303 AND 141.0306; BY AMENDING DIVISION 6, BY AMENDING SECTION 141.0607; BY AMENDING DIVISION 8, BY AMENDING SECTION 141.0801; AND BY AMENDING ARTICLE 3, DIVISION 3, BY AMENDING SECTION 143.0302, ALL RELATED TO THE LAND DEVELOPMENT CODE.

§126.0203 When a Neighborhood Use Permit Is Required

- (a) An application for the following uses in certain zones may require a Neighborhood Use Permit. To determine whether a Neighborhood Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13.

[Automobile service stations](#)

Bed and breakfast establishments through *Wireless communication facilities* [No change.]

§126.0303 When a Conditional Use Permit Is Required

An application for the following types of uses in certain zones may require a Conditional Use Permit. To determine whether a Conditional Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13. The decision process is described in Section 126.0304.

(a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops through Swap meets and other large outdoor retail facilities [No change.]

~~Transitional housing for 7 to 12 persons~~

Veterinary clinics and hospitals through *Wireless communication facilities* [No change.]

(b) Conditional Use Permits Decided by Process Four

Botanical gardens and arboretums through Theaters that are outdoor or over 5,000 square feet in size [No change.]

~~Transitional housing for 13 or more persons~~

Wireless communication facilities through Wrecking and dismantling of motor vehicles [No change.]

(c) Conditional Use Permits Decided by Process Five

Airports through Sports arenas and stadiums [No change.]

[Transitional Housing for 7 or more persons](#)

Very heavy industrial uses through Zoological parks [No change.]

§126.0402 When a Neighborhood Development Permit Is Required

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

(j) A Neighborhood Development Permit is required for *development requesting deviations for the purposes of reasonable accommodations on developed premises as described in Section 132.0466.*

~~(k) — A Neighborhood Development Permit is required for~~ construction of a privately owned *structure* proposed in the *public right-of-way* dedicated for a *street* or an *alley*, where the *applicant* is the *record owner* of the underlying fee title as described in Sections 129.0710(a) and 129.0710(b)(2).

~~(+)(k)~~ [No change.]

§126.0502 When a Site Development Permit Is Required

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

(d) A Site Development Permit decided in accordance with Process Four is required for the following types of *development*.

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

(5) *Development* for which the *applicant*, using the Affordable Housing Density Bonus Regulations, seeks a deviation from the applicable development regulations ~~as an additional development incentive to a density bonus for affordable housing under that~~ exceeds the allowable incentives provided for in Section 143.0740.

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

(9) A request for a deviation from the applicable development regulations for affordable/in-fill housing and sustainable building projects in accordance with Section 143.0920.

(e) [No change.]

§129.0710 How to Apply for a Public Right-of-Way Permit

[No change.]

(a) If the proposed *encroachment* involves construction of a privately owned *structure* or facility into the *public right-of-way* dedicated for a *street* or an *alley*, and where the *applicant* is the *record owner* of the underlying fee title, a Neighborhood Development Permit is required in accordance with Section 126.0402 (kj) except for the following:

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

(b) [No change.]

(1) [No change.]

(2) Underground utility connections to a public main shall require a Neighborhood Development Permit in accordance with Section 126.0402(kj).

(c) [No change.]

§131.0222 Use Regulations Table for Open Space Zones

[No change.]

**Table 131-02B
Use Regulations Table of Open Space 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 >>		OP-	OC-	OR ⁽¹⁾ -	OF ^(1,2,1)	
		3rd >>	1-	2-	1-	1-	1-
		4th >>	1	1	1	1	2
Open Space through Agriculture [No change.]							
Residential							
<i>Mobilehome Parks through Single Dwelling Units [No change.]</i>							
Separately Regulated Residential Uses:							
<i>Boarder & Lodger Accommodations through Companion Units [No change.]</i>							

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 >>		OP-		OC-	OR ⁽¹⁾ -		OF ⁽⁺²¹¹⁾
	3rd >>		1-	2-	1-	1-		1-
	4th >>		1	1	1	1	2	1
Employee Housing:								
6 or Fewer Employees	-	-	-	-	-	L⁽⁺⁰⁾	-	-
12 or Fewer Employees	-	-	-	-	-	L⁽⁺⁰⁾	-	-
Greater than 12 Employees	-	-	-	-	-	-	-	-
Fraternities, Sororities and Student Dormitories [No Change]								
Garage, Yard, & Estate Sales [No Change]								
Guest Quarters	-	-	-	-	-	N^L	-	-
Home Occupations through Watchkeeper Quarters [No change.]								
Institutional through Retail Sales [No change.]								
Commercial Services								
Building Services through Visitor Accommodations [No change.]								
Separately Regulated Commercial Services Uses								
Adult Entertainment Establishments through Camping Parks [No change.]								
<i>Child Care Facilities</i>								
Eating and Drinking Establishments Abutting Residentially Zoned Property through Fairgrounds [No change.]								
Golf Courses, Driving Ranges, and Pitch & Putt Courses	C	C	-	-	-	C ⁽⁹⁾	C ⁽⁺¹⁰⁾	C ⁽⁺¹⁰⁾
Helicopter Landing Facilities	-	-	-	-	-	-	C ⁽⁺¹⁰⁾	C ⁽⁺¹⁰⁾
Instructional Studios through Zoological Parks [No change.]								
Offices through Signs [No change.]								

Footnotes for Table 131-02B

¹ through ⁹ [No change]

¹⁰ ~~For housing 6 or fewer employees, see Section 141.0303 to determine which use regulations apply.~~ ¹¹ No fill or permanent structures shall be authorized for such development in the Coastal Overlay Zone.

⁺²¹¹ Within the Coastal Overlay Zone, no structures are permitted within a floodway.

§131.0322 Use Regulations Table for Agricultural Zones

[No change.]

Table 131-03B
Use Regulations Table of Agricultural 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 >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Agriculture [No change.]					
Residential					
<i>Mobilehome Parks through Single Dwelling Units</i> [No change.]					
Separately Regulated Residential Uses					
<i>Boarder & Lodger Accommodations through Fraternities, Sororities and Student Dormitories</i> [No change.]					
Guest Quarters					
Home Occupations through Watchkeeper Quarters [No change.]					
Institutional through Signs [No change.]					

§131.0422 Use Regulations Table for Residential Zones

[No change.]

Table 131-04B
Use Regulations Table of 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-																				
		4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2

Open Space through Agriculture [No change.]

Residential																								
<i>Mobilehome Parks through Single Dwelling Units</i> [No change.]																								
Separately Regulated Residential Uses																								
<i>Boarder & Lodger Accommodations through Companion Units</i> [No change.]																								
Employee Housing:																								
6 or Fewer Employees																								
12 or Fewer Employees																								
Greater than 12 Employees																								
Fraternities, Sororities and Student Dormitories through Garage, Yard, & Estate Sales [No change.]																								
Guest Quarters																								
Home Occupations through Watchkeeper Quarters [No change.]																								
Institutional through Signs [No change.]																								

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 Agriculture [No change.]

Residential																								
<i>Mobilehome Parks through Single Dwelling Units</i> [No change.]																								
Separately Regulated Residential Uses																								
<i>Boarder & Lodger Accommodations through Companion Units</i> [No change.]																								
Employee Housing:																								
6 or Fewer Employees																								
12 or Fewer Employees																								

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	
Greater than 12 Employees			-			-			-			-		-	
Fraternities, Sororities and Student Dormitories through Watchkeeper Quarters [No change.]															
Institutional through Signs [No change.]															

Footnotes for Table 131-04B [No change.]

§131.0466 Deviations from Development Regulations for Reasonable Accommodations

The Federal Fair Housing Act and the California Fair Employment and Housing Act require that jurisdictions make *reasonable accommodations* to afford *disabled persons* the equal opportunity to use and enjoy a dwelling. In consideration of the special need and the potential benefit that can be accomplished with a requested modification, deviations may be approved through Process One ~~or Process Two as described below~~, subject to the following:

(a) ~~Deviations from the following regulations may be permitted through a Process One building permit:~~

~~(1) Minimum setback requirements;~~

~~(2) Minimum parking requirements; and~~

~~(3) Minimum floor area ratio requirements for deviations less than or equal to 5 percent.~~

~~(b) — Deviations from the following regulations may be permitted with a Neighborhood Development Permit decided in accordance with Process Two:~~

~~(1) — Minimum *floor area ratio* requirements for deviations greater than 5 percent, but no greater than 10 percent;~~

~~(2) — Angled *building envelope* plane requirements, not to exceed a maximum *structure height* of 30 feet;~~

~~(3) — Accessory *structure* requirements. (c) Deviations from the The *development* regulations described in Section 131.0466(a) may be approved subject to the following: (1) The development will be used by a *disabled person*;~~

(2b) The deviation request is ~~the minimum~~ necessary to make specific housing available to a *disabled person* and complies with all applicable development regulations to the maximum extent feasible;

(3c) The deviation request will not impose an undue financial or administrative burden on the City;

(4d) The deviation request will not create a fundamental alteration in the implementation of the City's zoning regulations; ~~and~~.

(5e) For *coastal development* in the *coastal overlay zone*, that is not exempt pursuant to Section 126.0704, there is no feasible alternative that provides greater consistency with the certified Local Coastal Program.

~~(d) Deviations from the *development* regulations described in Section 131.0466(b) may be approved subject to the following:~~

~~(4) The development will be used by a *disabled* person;~~

~~(5) The deviation request is the minimum necessary to make specific housing available to a *disabled person* and complies with all applicable development regulations to the maximum extent feasible;~~

~~(6) The deviation request will not impose an undue financial or administrative burden on the City;~~

~~(7) The deviation request will not create a fundamental alteration in the implementation of the City's zoning regulations;~~

~~(5) The deviation request will not adversely affect surrounding uses;
and~~

~~(6) For *coastal development* in the *coastal overlay zone*, that is not exempt pursuant to Section 126.0704, there is no feasible alternative that provides greater consistency with the certified Local Coastal Program~~

§131.0522 Use Regulations Table of Commercial Zones

[No change.]

Table 131-05B
Use Regulations Table for Commercial 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 >>	CN ⁽¹⁾ -			CR-		CO-		CV-		CP-	
		1-			1-	2-	1-		1-		1-	
		1	2	3	1	1	1	2	1	2	1	
Vehicle & Vehicular Equipment Sales & Service												
Commercial Vehicle Repair & Maintenance	-			P	P	-	-	-	-	-	-	-
Commercial Vehicle Sales & Rentals	-			P	P	-	-	-	-	-	-	-
Personal Vehicle Repair & Maintenance	-			P	P	-	-	-	-	-	-	-
Personal Vehicle Sales & Rentals	-			P	P	-	-	-	-	-	-	-
Vehicle Equipment & Supplies Sales & Rentals	-			P	P	-	-	-	-	-	-	-
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses												
Automobile Service Stations	-			C <u>N</u>	C <u>N</u>	C	C	-	-	-	-	-
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i>	-			C	C	-	-	-	-	-	-	-

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 >>	CC-																
		3rd >>	1-			2-			3-			4-			5-			
			1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3
Vehicle & Vehicular Equipment Sales & Service																		
Commercial Vehicle Repair & Maintenance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Commercial Vehicle Sales & Rentals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Personal Vehicle Repair & Maintenance	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Personal Vehicle Sales & Rentals	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vehicle Equipment & Supplies Sales & Rentals	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses																		
Automobile Service Stations	C <u>N</u>	C <u>N</u>	C <u>N</u>	C <u>N</u>	C <u>N</u>	C <u>N</u>	C <u>N</u>	C <u>N</u>	C <u>N</u>	C <u>N</u>	C <u>N</u>	C <u>N</u>	C <u>N</u>	C <u>N</u>	C <u>N</u>	C <u>N</u>	C <u>N</u>	C <u>N</u>
Outdoor Storage & Display of New, unregistered Motor Vehicles as a <i>primary use</i>	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

§131.0622 Use Regulations Table for Industrial Zones

**Table 131-06B
Use Regulations Table for Industrial 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 >>		IP-		IL-			IH-		IS-
	3rd >>		1-	2-	1-	2-	3-	1-	2-	1-
	4th >>		1	1	1	1	1	1	1	1
Vehicle & Vehicular Equipment Sales & Service										
Commercial Vehicle Repair & Maintenance	-	-	P	P	P	P	P	P	P	P
Commercial Vehicle Sales & Rentals	-	-	P	P	P	P	P	P	P	P
Personal Vehicle Repair & Maintenance	-	-	P	P	P	-	-	-	-	P
Personal Vehicle Sales & Rentals	-	-	P	P	P	-	-	P	-	P
Vehicle Equipment & Supplies Sales & Rentals	-	-	P	-	P	P	P	P	P	P
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses										
Automobile Service Stations	e _L	e _L	e _L	e _L	e _L	e _L	e _L	e _L	e _L	e _L
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>primary use</i>	-	-	P	P	P	P	P	P	P	P

§141.0303 Employee Housing

[Employee housing is housing provided for agricultural workers in accordance with the California Health and Safety Code, Employee Housing Act. Employee housing does not include housing for persons engaged in household domestic service.](#) Employee housing is permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the regulations in Section 141.0303(a). Employee housing may be permitted with a Neighborhood Use Permit or a Conditional Use Permit in the zones indicated with an “N” or a “C”, respectively, in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the regulations in Section 141.0303(b).

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

§141.0306 Guest Quarters

Guest quarters are attached or detached accessory living quarters located on a *lot* with a *single dwelling unit* that do not provide complete, independent living facilities and do not have direct access to the primary dwelling unit. A guest quarters is solely for the use of the occupants of the primary dwelling unit or their guests or employees. Guest quarters may be permitted ~~with a Neighborhood Use Permit~~ as a limited use in accordance with Process One in the zones indicated with an “NL” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

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

§141.0607 Eating and Drinking Establishments Abutting Residentially Zoned Property

Eating and drinking establishments on *premises* abutting residential zones are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the regulations in Section 141.0607(a). Eating and drinking establishments abutting residentially zoned property that do not comply with Section 141.0607(a) may be permitted with a Neighborhood Use Permit subject to the regulations in Section 141.0607(b).

(a) Limited Use Regulations

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

(3) Drive-in and drive through restaurants, live entertainment, and the sale of intoxicating beverages other than beer and wine are not permitted in the CN zones.

(b) [No change.]

§141.0801 Automobile Service Stations

Automobile service stations are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. Automobile service stations may be permitted with a Neighborhood Use Permit decided in accordance with a Process Two in the zones indicated with an “N” or with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

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

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

[No change.]

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

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Affordable/In-Fill Housing and Sustainable Building Projects with Deviations	143.0910, 143.0915, 143.0920	SDP/Process Four
Site Containing <i>Environmentally Sensitive Lands</i> through Affordable Housing in RE, RS, RX, RT, AR Zones [No change.]		
Affordable Housing with Deviations from Development Regulations	143.0303, 143.0305, 143.0310, 143.0375, 143.0380, 143.0760	SDP/Process Four
<i>Condominium Conversions</i> with Deviations from Development Regulations through Clairemont Mesa Height Limit Overlay Zone [No change.]		

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