

Following is a summary of the 32 amendments organized into Permit Process/Use Types, Measurement, Parking, and Minor Corrections categories. Within each category the amendments are listed in order of the associated code sections to be amended.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
<p>Permit Process/Use Amendments: The following 17 amendments are proposed to improve the permit process, clarify the requirements for various public notice types, address inconsistencies in the regulations, and clarify the regulations applicable to various use types.</p>			
1	Clarification	111.0207	<p><u>Board of Building Appeals and Advisors</u> Amend Section 111.0207(b)(2) per the request of the Planning Department to reflect the current organizational structure whereby the City’s historic resource staff are in the Planning Department. The amendment will transfer the authority in matters pertaining to historical buildings to allow the Planning Director to participate on the Board of Building Appeals and Advisors on such matters.</p>
2	Regulatory Reform	112.0301	<p><u>Types of Notice: Notice of Application</u> A Notice of Application is required for an application (Process Three, Four, or Five) for a permit or map. The Notice of Application is required to be distributed and posted at the site and is intended to notify potential interested persons that an application has been filed, a brief description of the request, and a staff contact for additional information. The issue is that the code currently requires the Notice of Application to be distributed no later than 10 business days after the date on which the application is deemed complete. The amendment would allow for the Notice of Application to be distributed within 30 calendar days of the application being deemed complete and at least 45 calendar days prior to the public hearing, which is a more reasonable time frame to distribute and post this type of notice. Subsequent public notice is already provided in such cases because a separate Notice of Public Hearing is also required to be distributed at least 10 business days prior to the public hearing.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
3	Regulatory Reform	112.0301	<p><u>Types of Notice: Notice of Future Decision</u> A Notice of Future Decision is required for a Process Two application. A Notice of Future Decision is required to be distributed and posted at the site and is intended to notify potential interested persons that an application has been filed, a brief description of the request, and a staff contact for additional information prior to the staff decision. Similar to the Notice of Application, the issue is that the code currently requires the Notice to be distributed and posted no later than 10 business days after the date on which the application is deemed complete. The amendment would allow for the Notice of Future Decision to be distributed within 30 calendar days of the application being deemed complete and at least 45 calendar days prior to the decision date, which is a more reasonable time frame to distribute and post this type of notice.</p>
4	Clarification	112.0301	<p><u>Types of Notice: Notice of Availability</u> Amend Section 112.0301(d) to officially reincorporate code language as previously adopted by the City Council (with the 7th Update to the LDC ordinance) in place of the current published text that reads “Reserved Notice of Availability”. <i>[The City Clerk indicated that because of the order of action taken by the Airport Authority with respect to separate ordinances that each amended Section 112.0301 in an overlapping time frame (7th Update and ALUCP Implementation), the Council must readopt the language from the 7th Update before it can be published in the municipal code. The City Council adopted the ALUCP Implementation ordinance on April 26, 2011, and then later adopted the 7th Update to the LDC ordinance on August 2, 2011. However, because the Airport Authority required amendments to the City’s ALUCP Implementation ordinance it delayed the effective date for that ordinance to a date after the 7th Update.]</i></p>
5	Regulatory Reform		<p><u>Types of Notice: Noticing for Environmental Documents per CEQA</u> <i>Item incomplete--Kerry Santoro, Deputy Director will clarify the submitted concern regarding the City’s environmental noticing requirements, and will identify a procedural noticing requirement from CEQA that the City can try to mirror as an alternative.</i></p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
6	Clarification	112.0505 112.0507	<p><u>Waiver of Appeal Period</u> Delete the waiver of appeal period provision in Sections 112.0505(c) and 112.0507(c). Appeals of environmental documents can't be limited to only interested parties because CEQA (PRC § 21115(c)) allows anyone to appeal the approval of an environmental document, or to appeal an environmental determination that CEQA does not apply to a project. Also, even if no interested parties participate at the public hearing, the Community Planning Group is always considered an interested party and can appeal the decision maker's action on a project accordingly.</p>
7	Regulatory Reform	121.0315	<p><u>Types of Notice: Notice of Appeal of a Permit Revocation Decision</u> Revise the requirement for noticing for permit revocation appeal hearings so that the same distribution list for noticing is provided for the appeal hearing as for the initial revocation. Currently, revocation hearings require mailed notice to the permit holder and to any persons who request the notice at least 10 business days before the date of the revocation hearing. However, because the appeal section requires noticing in accordance with Section 112.0308, more extensive notice (i.e. noticing of all property owners in a 300 foot radius) be provided than is required for initial revocation hearing, which is contrary to intent.</p>
8	Regulatory Reform	126.0704 132.0402 132.0403 132.0404 143.0110	<p><u>Categorical Exclusion from a Coastal Development Permit (Single Dwelling Units)</u> Create a new permit exemption for single dwelling unit development to be categorically excluded from the requirement to obtain a Coastal Development Permit if the development meets the specified criteria for eligibility: can't be in Coastal Commission appealable area or sensitive coastal resource overlay zone, can't otherwise require a development permit or subdivision map; can't be a designated historical resource or a potential historical resource; and must comply with the beach impact area regulations. New development must comply with 90% of the applicable height and 80% of the applicable floor area permitted by the underlying base zone.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
9	Regulatory Reform/ Compliance with State Law	129.0308 131.0222 131.0322 131.0422 131.0522 131.0622 141.0419 151.0103 155.0238	<p><u>Electric Vehicle Charging Stations</u></p> <p>Implement AB 1236 to provide a streamlined approval process for electric vehicle charging stations, narrow the scope of permit review to compliance with public health and safety requirements, and provide for appeal to Planning Commission in case of denial by the Building Official. The City is required to comply by September 30, 2016. [Make consistent with new SDMC Section 86.0151.]</p>
10	Regulatory Reform	131.0422 131.0522 141.0407	<p><u>Grade K-12 Educational Facilities and One-on-One Teaching Facilities</u></p> <ul style="list-style-type: none"> • Amend Section 141.0407 to clarify that one-on-one teaching facilities and small educational facilities (50 students maximum) such as independent study sites that function like professional offices with no assembly facilities may be permitted (without a CUP) in accordance with the business and professional office use category. • Allow K-12 schools as a limited use in RM zones and CR and CC commercial zones where the facility capacity does not exceed 300 students. Require a CUP for schools with occupancy over 300 people in RM, CR, and CC zones.) <i>Should the existing CUP requirement be removed from the Commercial-Office (CO) zones as well?</i>
11	Clarification	131.0622	<p><u>Assembly and Entertainment Uses</u></p> <p>Amend Footnote 16 in Table 131-06B to clarify that the footnote applies only to instructional studios. The limit on assembly and entertainment uses, including places of religious assembly, in prime industrial lands is published separately within LDC Section 141.0602 (adopted with 9th update to the Land Development Code April 21, 2015).</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
12	State Law/ Regulatory Reform	141.0308	<p><u>Home Occupation Regulations/Cottage Food Industry</u></p> <ul style="list-style-type: none"> Amend the home occupation regulations per state law (AB 1616 and AB 1252) to allow cottage food operations by a resident from their home. The law provides for residents to prepare, package, and sell foods that don't require refrigeration and are non-potentially hazardous (i.e. fruits, nuts, chocolate, grains, baked goods, and tortillas) from their home (maximum of \$50,000 in annual gross sales). The state law allows for direct sales to consumers, indirect sales to third party retailers under certain conditions, and allows for one full time employee. Streamline existing home occupation regulations for all small home business types per the ED&IR Committee recommendation to allow operators to have an employee or business partner and ability to have customers visit their home via Process one instead of a discretionary permit.
13	Regulatory Reform	141.0310	<p><u>Housing for Senior Citizens</u></p> <p>Repeal this separately regulated use category, which was originally created to provide for a break on the parking rate for a senior housing development that meets the listed design criteria. However, implementation and applicability has been confusing and problematic. Housing for seniors in a dwelling unit must otherwise be treated like housing for anyone else living in a dwelling unit and is exempt from a CUP.</p>
14	Regulatory Reform	141.0604	<p><u>Boarding Kennels/Pet Day Care Facilities</u></p> <p>Amend Section 141.0604 to allow this use type in prime industrial lands, and to clarify that the parking requirement of 2.5 spaces per 1,000 square feet applies to all boarding kennel facilities. List the parking requirement under the "general regulations" section to clarify that it applies to all kennel/pet day care establishments regardless of whether they are permitted as limited uses or conditional uses. Currently, the existing regulations can be interpreted as requiring more parking for facilities just because they are requesting a Neighborhood Use Permit, which does not make sense.</p>
15	Clarification	142.1305 143.0915	<p><u>Affordable/In-Fill Housing and Sustainable Regulations</u></p> <p>Clarify that Section 143.0915(a) applies to both for sale and rental residential development and fix the incorrect section reference to Section 142.1305. Amend the title to add "and rental".</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
16	Regulatory Reform	143.0212	<p><u>Process for Requirement of Site-Specific Surveys (Historic Resource Regulations)</u> Amend Section 143.0212(c) to clarify that after a site specific survey is provided for a proposed development project subject to a development permit (or if the proposed development is determined to be exempt from the need to obtain a site specific survey), then it is not necessary to require an additional site specific survey at the construction permit phase for that same development project.</p>
17	Regulatory Reform	155.0238	<p><u>Sidewalk Cafes and other Minor Clean-Up Changes to the Central Urbanized Planned District Ordinance Use Table</u> Allow sidewalk cafes as a limited use “L” in the CU-1, -2, and -3 zones of the CUPDO consistent with the permit process established citywide, instead of requiring a Neighborhood Use Permit “N” as is currently indicated. Other use categories that need minor clean-up amendments include: group living accommodations, shopkeeper units, wireless communication facilities, electric vehicle charging stations, satellite antennas, farmers markets, retail farms, retail tasting stores, tasting rooms, medical marijuana consumer cooperatives, mobile food trucks, wholesale, warehouse, distribution facilities, mining and extractive industries, community entry signs, neighborhood identification signs, and comprehensive sign programs.</p>

Measurement Amendments: The following 6 items clarify how various things are defined or measured in the Land Development Code.			
18	Clarification	113.0103 113.0273 131.0231 131.0331 131.0431 131.0531 131.0631	<u>Visibility Area</u> Adequate sight distance is a determination made by the City Engineer. Section 113.0273 and the Street Design Manual address measurement of visibility areas; however the code is unclear about the requirement for all proposed development to provide adequate sight distance or the authority of the City Engineer to modify the visibility triangles as needed to maintain adequate sight distance. This has been a frequent conflict resolution topic. As proposed, the code would be amended to clarify that visibility area is required of all development and that the City Engineer may modify the visibility triangle as necessary via Process One permit review pursuant to the authority in 129.0104.
19	Regulatory Reform	113.0225	<u>Calculating the Separation Distance Between Uses</u> Modify the calculation of separation distance between uses to be consistent with the existing calculation for alcoholic beverage establishments to apply in circumstances where the purpose of the requirement is to evaluate how difficult it is to access the establishment by certain use types within certain proximity and limit that physical access accordingly. The change would allow the calculation to include and factor in any manmade or natural barriers in such cases, except in cases where the purpose of the separation distance is to address noise, air quality, or odor.
20	Clarification	113.0234(b)	<u>Floor Area Calculation for Mixed Use Projects</u> Section 113.0234(b) is a special floor area calculation for residential development to count an unenclosed space below an enclosed space to address bulk and scale. Clarify that Section 113.0234(b) does not apply to the commercial portion of a mixed use development. The regulations apply to residential development in any zone.
21	Clarification	141.0607 142.0560(i)	<u>Drive-through Queuing Space for Vehicles</u> Measurement of the standard for 5 vehicles to queue in a stacking lane is currently taken from the pick-up window. Staff was asked to consider taking the measurement from the order window instead or require additional distance from the order window. As proposed, a minimum of 40 feet would be required between the order window and the nearest curb cut for all eating and drinking establishments with drive-in or drive-through services to accommodate additional queuing space for at least two cars on the premises.

22	Compliance with state law	142.0413(d) LDM Landscape Standards: Section 2.6 and Appendix E	<p><u>Landscape Water Budgets</u> Amend the City’s landscape standards and calculation for landscape water budgets to implement the 2013 California Green Building Standards (Part 11 of Title 24) state law changes adopted as “emergency express terms” in May 2015 (effective June 1, 2015) to require a more efficient water budget for landscape areas 500 sq ft or greater, project level audits, and annual local status reports based on a watershed approach. Amendments include new plant factors to estimate plant water usage, irrigation efficiency changes, and new factors for evapotranspiration (to reduce the evapotranspiration adjustment factor from .7 to .55 for residential and to .45 for non-residential, and to increase the special landscape area ETAF from .3 to .45 for residential and to .55 for non-residential). Generally, the landscape water budget must now be about 15% more efficient than the City’s prior standards to demonstrate that the project’s estimated total water use will be less than the maximum applied water allowance.</p>
23	Regulatory Reform	143.0365 Table 143-03C	<p><u>Criteria for Small Lot Subdivisions Related to Lot Area</u> The minimum lot area requirement recently adopted within the small lot subdivision ordinance has been identified as an unnecessary barrier to better design alternatives on various projects. Amend Table 143-03C to remove the minimum lot area requirement. Continue to apply the minimum lot width and depth standards of the pre-subdivided lot, and calculate the maximum density for a pre-subdivided lot based on the maximum density of the base zone to ensure there would be no increase in allowable density.</p>
<p>Parking: The following 3 items address parking and driveway related regulations.</p>			
24	Regulatory Reform	142.0505 Table A 142.0525(c)	<p><u>Common Area Parking</u> Common area parking is required for multiple dwelling unit development in “planned urbanized communities” in cases when a Planned Development Permit is required. The term planned urbanized has created confusion in applicability because the associated map is not readily accessible. To help clarify the applicability, an amendment is proposed to clarify that the common area parking requirement applies in the communities of Black Mountain Ranch, Carmel Mountain Ranch, Miramar Ranch North, Mira Mesa, Rancho Bernardo, Rancho Penasquitos, Sabre Springs, Scripps Miramar Ranch, and Torrey Highlands.</p>

25	Regulatory Reform	142.0545	<p><u>Shared Parking</u> Modify the existing provision that requires shared parking to be within 600 feet. Replace with a reasonable walking distance such as the typical accepted standard of a 1200 feet (equivalent of 4 City blocks and double the existing standard).</p>
26	Clarification	142.0560(j)(8)	<p><u>Maximum Number of Driveways</u> Section 142.0560(j)(8) states, “For properties with no access to an alley, there shall be at least one driveway opening permitted per street frontage with a maximum of one driveway opening for each 100 feet of street frontage.” Clarify the code to remove potential for multiple interpretations. Transportation staff indicated the frontage must be greater than 200 feet to have two driveways.</p>
<p>Minor Corrections: The following 6 items would fix typos, punctuation and formatting errors, incorrect terms, and incorrect section references.</p>			
27	Incorrect Reference	126.0704(i)	<p><u>Exemptions from a Coastal Development Permit</u> Amend Section 126.0704 to correct the reference to state law section 13250, California Administrative Code Title 14. The code currently references Title 24, which does not exist.</p>
28	Italicization Error/ Incorrect Term	126.0707	<p><u>Coastal Development Section</u> Amend Section 126.0707(f) to correct an italicization error of the defined term “public right-of-way” and to correct an outdated reference to a term that was changed throughout various code sections via a previous ordinance from “vacation” to “abandonment”.</p>
29	Typographical Error	131.0601	<p><u>Purpose of Industrial Zones</u> Amend Section 131.0601 to correct the typographical error. The code is currently published with an incorrect term “ide” instead of the intended term “provide”.</p>
30	Incorrect References	142.0560	<p><u>Standard Drawings for Driveways</u> The City’s standard drawings have been amended. However, the code still refers to the old drawing numbers. Amend the incorrect references in Section 142.0560(j)(3). The reference to G-16 should be SDG-164. The reference to G-14A should be SDG-159. The reference to G-14B should be SDG-160. The reference to SDG-114 should be SDG-163.</p>

31	Typographical Error	143.0302 Table 143-03A	<p><u>Supplemental NDP Requirement for Previously Conforming Site</u> Fix typographical error in Table 143-03A, Row 10, column 2 where Section 127.0106 is currently published as “127/0106”, but instead should be published as Section “127.0106”.</p>
32	Incorrect Reference	155.0253 Table 155-02F	<p><u>Central Urbanized PDO</u> Amend the incorrect reference in row one/column one of the table so that the existing reference to Section 151.0253(a) is changed to 155.0253(a).</p>

DRAFT: 10th Update Code Language—Permit Process and Use Types

PROCESS AMENDMENTS:

ISSUE #1: Board of Building Appeals and Advisors

§111.0207 Board of Building Appeals and Advisors

- (a) [No change]
 - (b) Appointment and Terms
 - (1) through (2)[No change]
 - (3) The Building Official, the Chief of the Fire Department, and the City Attorney shall be ex officio members of the Board. The **Planning Department** Director of ~~Development Services~~ shall be an ex officio member of the Board in matters pertaining to *Historical Buildings*.
 - (c) through (d) [No change]
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ISSUE #2: Types of Notice: Notice of Application

§112.0301 Types of Notice

- (a) Notice of Application. A Notice of Application is required for an application for a permit, map, or other matter acted upon in accordance with Process Three, Process Four, Process Five, or Process CIP-Five.
 - (1) [No change]
 - (2) Distribution. The City Manager shall mail the Notice of Application to the persons described in Section 112.0302(b), no later than ~~10 business days~~ **30 calendar days** after the date on which the application is *deemed complete* **and at least 45 calendar days prior to the first public hearing**. The *applicant* shall post the Notice of Application on the property that is the subject of the application in accordance with Section 112.0304.
- (b) [See Issue #3]
- (c) [No change]
- (d) [See Issue #4]
- (e) [No change]

Issue #3: Types of Notice: Notice of Future Decision

§112.0301 Types of Notice

- (a) [See Issue #2]
 - (b) Notice of Future Decision. A Notice of Future Decision shall be provided for an application for a permit or other matter acted upon in accordance with Process Two or Process CIP-Two.
 - (1) [No change]
 - (2) Distribution. The City staff person approving, conditionally approving, or denying an application for a permit or other matter shall mail a Notice of Future Decision to the persons described in Section 112.0302(b) no later than ~~40 business days~~ **30 calendar days** after the date on which the application is *deemed complete* in accordance with 12.0102(b) **and at least 45 calendar days prior to the *decision date***. The *applicant* shall post the Notice of Future Decision on the property that is the subject of the application in accordance with Section 112.0304.
 - (c) [No change]
 - (d) [See Issue #4]
 - (e) [No change]
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Issue #4: Types of Notice: Notice of Availability

§112.0301 Types of Notice

- (a) [See Issue #2]
- (b) [See Issue #3]
- (c) [No change]
- (d) ~~Reserved~~ Notice of Availability **of *Local Coastal Program Amendment*. A Notice of Availability is a written notice to advise of the availability of supporting materials for an action that will be taken by the City Council at a future date. A Notice of Availability is required as part of the certification process for *Local Coastal Program Amendments* in accordance with Section 122.0106.**
 - (1) **Content. The Notice of Availability of *Local Coastal Program Amendment* shall include the following:**

- (A) A general description of the project;
- (B) The location of the property that is the subject of the application;
- (C) The applicable community planning area(s);
- (D) The name, telephone number, and city address of the City staff person to contact for additional information;
- (E) The name of the *applicant* and, with the consent of the *applicant*, the *applicant's* address and telephone number; and
- (F) An explanation that the final decision by the City Council will occur no sooner than 6 weeks after the date of mailing the Notice of Availability.

(2) Distribution.

- (A) The City Manager shall distribute the Notice of Availability at least 6 weeks prior to the City Council hearing to approve or deny an amendment to the *Local Coastal Program*.
- (B) The City Manager shall distribute the Notice of Availability to the persons described in Section 112.0302(b) and to the public agencies required in accordance with the applicable provisions of the California Coastal Act and Guidelines for *Local Coastal Program* certification.
- (C) The Notice of Availability may be combined into a single notice document with the Notice of Planning Commission Hearing.

(3) A subsequent Notice of Public Hearing shall be provided in accordance with Section 112.0301(c) prior to final decision by the City Council.

(e) [No change]

Issue #5: Types of Notice: Noticing for Environmental Documents per CEQA

Issue #6: Waiver of Appeal Period

§112.0505 Process Three

An application for a permit, map, or other matter acted upon in accordance with Process Three may be approved, conditionally approved, or denied by a Hearing Officer in the following manner.

(a) through (b) [No change]

~~(c) — Waiver of Appeal Period. Before the close of the public hearing, an applicant may request that the appeal period be waived. The Hearing Officer shall grant the request only after determining for the record that there are no interested persons and that the applicant has waived all rights to appeal.~~

§112.0507 Process Four

An application for a permit, map, or other matter acted upon in accordance with Process Four may be approved, conditionally approved, or denied by the Planning Commission in the following manner.

(a) through (b) [No change]

~~(c) Waiver of Appeal Period. Before the close of the public hearing, an applicant may request that the appeal period be waived. The Planning Commission shall grant the request only after determining for the record that there are no interested persons and that the applicant has waived all rights to appeal.~~

Issue #7: Types of Notice: Notice of Appeal of a Permit Revocation Decision

§121.0315 Revocation Appeal

The Hearing Officer's decision to revoke or to not revoke a permit may be appealed to the Planning Commission in the following manner:

- (a) Persons Who Can Appeal. A revocation decision may be appealed by the following persons:
 - ~~(1) — The applicant;~~
 - ~~(2) (1) The permit holder;~~ or
 - ~~(3) (2) Any person who participated in the revocation proceedings before the Hearing Officer either by being present at the hearing and submitting a speaker slip or by having expressed an interest in the revocation proceedings in writing to the Hearing Officer before the decision on the revocation.~~
- (b) Filing an Appeal. An appeal of a revocation decision may be initiated by filing an application with the City Manager no later than 10 *business days* after the date of the Hearing Officer's decision.

- (c) Scheduling Appeal Hearings. Within 30 calendar days after the date on which an appeal application is filed, the City Manager shall set a hearing before the Planning Commission. ~~The appeal hearing shall be noticed in accordance with Municipal Code Section 112.0308.~~ and shall mail a notice of the appeal hearing to the appellant, permit holder, and any interested persons who participated in the revocation hearing.
- (d) Power to Act on Appeal. After the conclusion of the public hearing, the Planning Commission may affirm, reverse, or modify the decision on the revocation. The decision of the Planning Commission is final.

Issue #8: Categorical Exclusion from Coastal Development Permit (Single Dwelling Units)

§126.0704 Exemptions from a Coastal Development Permit

The following *coastal development* is exempt from the requirement to obtain a Coastal Development Permit.

- (a) Improvements to existing *structures* are exempt, except if the improvements involve any of the following:
 - (1) Improvements to any *structure* located on a beach, *wetland*, stream, or seaward of the mean high tide line, where the *structure* or proposed improvements would encroach within 50 feet of a *coastal bluff edge*.
 - (2) Improvements to any *structure* that would result in an increase of 10 percent or more of interior *floor* area or an additional improvement of 10 percent or less where an improvement to the structure had previously been exempted or an increase in building height by more than 10 percent where the *structure* is located between the sea and first public roadway paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line where there is no beach, whichever is the greater distance. The first public roadway is shown on Map No. C-731 filed in the office of the City Clerk as Document No. 00-17069.
 - (3) Improvements that result in an intensification of use. For purposes of Section 126.0704, intensification of use means a change in the use of a *lot* or *premises* which, based upon the provisions of the applicable zone, requires more off-street parking than the most recent legal use on the property.
 - (4) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland or sand dune, or within 100 feet of the edge of a *coastal bluff*.

- (5) The demolition or removal of 50 percent or more of the exterior walls of the existing structure.
 - (6) The expansion or construction of water wells or septic systems.
 - (7) Any significant non-attached structures such as garages, *fences*, shoreline protective works or docks on property located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance.
 - (8) Any improvement to a structure where the Coastal Development Permit issued for the original structure indicated that any future improvements would require a *development permit*.
 - (9) A companion unit as described in Section 141.0302.
- (b) Repair or maintenance activities are exempt except if the repairs or maintenance involve any of the following:
- (1) Repair or maintenance of a seawall, revetment, bluff *retaining wall*, breakwater, groin, culvert, outfall, or similar shoreline work that involves substantial alteration to the foundation of the protective work including pilings and other surface or subsurface structures; the placement, whether temporary or permanent, of riprap, artificial berms of sand or other beach materials, or any other forms of solid materials on a beach or in coastal waters, streams, *wetlands*, estuaries or on a shoreline protective work, unless destroyed by a natural disaster; the replacement of 20 percent or more of the materials of an existing *structure* with materials of a different kind; the placement, whether temporary or permanent, of mechanized construction equipment on any sand area, *coastal bluff*, or within 20 feet of coastal waters or streams, except that the use of such equipment solely for routine beach and park maintenance shall not require a Coastal Development Permit.
 - (2) Any repair or maintenance to facilities or *structures* or any work located within a *wetland*, any sandy beach area, within 50 feet of a *coastal bluff edge* or *wetland*, or within 20 feet of any coastal waters or streams that include; the placement or removal, whether temporary or permanent, of riprap, rocks, sand or other beach materials or any other forms of solid materials or the presence, whether temporary or permanent, of mechanized equipment or construction materials.
- (c) Any coastal development *development* that has been categorically excluded (pursuant to Categorical Exclusion Order No. _____) is exempt if developed in accordance with Section 132.0404. [Editor's note: a number will be inserted if and when a categorical

Exclusion Order is issued by the California Coastal Commission.]

(d) through (i) [No Change]

§132.0402 Where the Coastal Overlay Zone Applies

- (a) This overlay zone applies to all property located within the boundaries designated on Map No. C-908, filed in the office of the City Clerk as Document No. OO-18872. These areas are shown generally on Diagram 132-04A.
- (b) Table 132-04A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *coastal development* proposals in this overlay zone. Coastal Development Permit procedures are provided in Chapter 12, Article 6, Division 7.

**Table 132-04A
Coastal Overlay Zone Applicability**

Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) <i>Coastal development</i> that is categorically excluded pursuant to order of the Coastal commission or that is exempted by Section 126.0704	See use and development regulations of the base zone; Section 132.0404 ; and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	No permit required by this division
[No change to rows 2 through 5]		

§132.0403 Supplemental Regulations of the Coastal Overlay Zone

- (a) If there is an existing or potential public view and the site is designated in the applicable *land use plan* as a public view to be protected,
 - (1) The applicant shall design and site the *coastal development* in such a manner as to preserve, enhance or restore the designated public view, and

- (2) The decision maker shall condition the project to ensure that critical public views to the ocean and shoreline are maintained or enhanced.
- (b) A visual corridor of not less than the side *yard setbacks* or more than 10 feet in width, and running the full depth of the *premises*, shall be preserved as a deed restriction as a condition of Coastal Development Permit approval whenever the following conditions exist:
- (1) The proposed coastal *development* is located on *premises* that lies between the shoreline and the first public roadway, as designated on Map Drawing No. C-731; and
 - (2) The requirement for a visual corridor is feasible and will serve to preserve, enhance or restore public views of the ocean or shoreline identified in the applicable *land use plan*.
- (c) If there is an existing or potential public view between the ocean and the first public roadway, but the site is not designated in a *land use plan* as a view to be protected, it is intended that views to the ocean shall be preserved, enhanced or restored by deed restricting required side *yard setback* areas to cumulatively form functional view corridors and preventing a walled effect from authorized ~~development~~ coastal *development*.
- (d) Where remodeling is proposed and existing legally established ~~development~~ coastal *development* is to be retained that precludes establishment of the desired visual access as delineated above, preservation of any existing public view on the site will be accepted, provided that the existing public view is not reduced through the proposed remodeling.
- (e) *Open fencing* and landscaping may be permitted within the view corridors and visual accessways, provided such improvements do not significantly obstruct public views of the ocean.

§132.0404 Development Categorically Excluded from a Coastal Development Permit

The following classes of *coastal development* were issued a categorical exclusion order by the California Coastal Commission and are hereby categorically excluded from the requirement to obtain a Coastal Development Permit.

- (a) Demolition of a *structure*, in part or whole, specifically within the boundaries designated on map No. C [insert map number upon adoption] filed in the Office of the City Clerk as Document No. [insert document number upon adoption] provided that:
- (1) The *structure* is not located within either

- (A) The California Coastal Commission appealable area, or
- (B) The Sensitive Coastal Resource Overlay Zone;
- (2) The *development* does not require a *development permit* or include a map for the *subdivision of land*; and
- (3) The *structure* is not a *designated historical resource* or a *potential historical resource* awaiting action by the Historical Resources Board.
- (b) Development of a new *single dwelling unit*, and additions or alterations to an existing *single dwelling unit* on a single lot zoned residential *single dwelling unit*, specifically within the boundaries designated on map No. C_ [insert map number upon adoption] filed in the Office of the City Clerk as Document No. [insert document number upon adoption] provided that:
 - (1) The *structure* is not located within either
 - (A) The California Coastal Commission appealable area, or
 - (B) The Sensitive Coastal Resource Overlay Zone;
 - (2) The *development* does not require a *development permit* or include the *subdivision of land*;
 - (3) The *structure* is not a *designated historical resource* or a *potential historical resource* awaiting action by the Historical Resources Board;
 - (4) The *structure height* of the *single dwelling unit*, or the addition or alteration of the *single dwelling unit*, does not exceed 90% of the maximum *structure height* permitted by the base zone or overlay zone, whichever is lowest: and
 - (5) The *gross floor area* of the *single dwelling unit*, or the combined gross floor area of the existing *single dwelling unit* and the addition or alteration, does not exceed 80 percent of the maximum permitted *floor area ratio* allowed by the zone and the second story shall not exceed 40 percent of 80 percent of the maximum permitted *floor area ratio* [a maximum of 60 percent of the 80 percent of the maximum allowable floor area ratio, may be developed on the first story].

§143.0110 When Environmentally Sensitive Lands Regulations Apply

- (a) [No change]
 - (b) [No change]
 - (1) through (3) [No change]
 - (4) Any *development* proposal on a site containing *environmentally sensitive lands* may be exempt from the permit requirements of this division if no *encroachment* into the *environmentally sensitive lands* is proposed and the *development* complies with Section 143.0110(c). Within the Coastal Overlay Zone, a Coastal Development Permit is required for all *coastal development* on a premises that contains environmentally sensitive lands and the regulations of this division shall apply.
 - (c) [No change]
-

Issue #9: Electric Vehicle Charging Stations

§129.0308 Decision Process for an Electrical Permit

- (a) [No change]
- (b) An applicant may appeal a Building Official's denial of an application for an Electrical permit for the following by filing an application for a Process Two appeal hearing:
 - (1) a small rooftop solar energy system ~~by filing an application for a Process Two appeal hearing~~ as set forth in Section 141.0418(c); or
 - (2) an electric vehicle charging station as set forth in Section 141.0419.

131.0222

131.0322

131.0422

131.0522

131.0622

§141.0419 Electric Vehicle Charging Stations

Electric vehicle charging stations are facilities that supply electric energy for the recharging of electric vehicles as defined in Section 86.0151(a). Nothing Section 141.0419 grants any deviation from the Environmentally Sensitive Lands Regulations (Chapter 14, Article 3, Division 1) or Historic Resource Regulations (Chapter 14, Article 3, Division 2).

Electric vehicle charging 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. The regulations are intended to facilitate the use of electric vehicle charging stations to attain environmental and energy goals and to comply with state law requirements for timely administrative approvals and provision for an applicant to appeal a denial to Planning Commission.

(a) A construction permit decided in accordance with Process One shall be required for the installation of an electric vehicle charging station.

(1) An electrical permit shall be required for the installation of an electric vehicle charging station.

(2) A building permit may be required if alterations will be made to an existing structure or to modify or relocate existing disabled accessible parking spaces serving the premises.

(3) The construction permit application shall be submitted in accordance with Sections 112.0102 and 129.1105.

(4) Within a planned district (subject to Land Development Code Chapter 15), a separate Planned District Ordinance Permit shall not be required in addition to the construction permit required pursuant to Section 141.0419.

(b) In reviewing the construction permit, the Building Official shall evaluate only whether the electric vehicle charging station meets all applicable health and safety requirements of local, state, and federal law and shall apply the following general regulations:

(1) Electric vehicle supply equipment shall be listed and labeled by an OSHA approved nationally recognized testing laboratory.

(2) Charging stations may encroach into setbacks.

(3) Existing landscaping shall not be removed if it is required pursuant to the Landscape Regulations (Chapter 14, Article 2 Division 4), unless it is replaced with equivalent or greater landscape elsewhere on the site.

(4) The applicant shall demonstrate that an electric vehicle charging station on private property will accommodate a vehicle to be charged while parked without protruding into the public right-of-way.

- (5) Electric vehicle charging stations located within the *public right-of-way* shall comply with Section 86.0151.
- (c) The Building Official shall administratively approve the electric vehicle charging station unless the Building Official determines there is substantial evidence of a specific adverse impact upon the public health and safety, which for the purpose of Section 141.0419(c) means a significant quantifiable, direct, and unavoidable impact based on objective, identified, and written public health and safety standards, policies, or conditions as they existed on the date the application was *deemed complete*, and there is no feasible method or alternative to satisfactorily mitigate or avoid the specific, adverse impact.
- (d) If the Building Official determines that the proposed electric vehicle charging station could have a specific, adverse impact upon public health and safety, then the Building Official shall make written findings notifying the applicant that the permit for the electric vehicle charging station is denied, the basis for that denial, and the appeal rights set forth in Section 141.0419(e). The applicant shall be responsible for all administrative costs associated with processing the appeal.
- (e) Applicant appeal process. Notwithstanding Section 112.0504, an applicant may appeal the denial of an application for an electric vehicle charging station to the Planning Commission by filing an application for a Process Two appeal hearing with the City Manager no later than 12 *business days* after the *decision date*. The application shall include the contents for appeal identified in Section 112.0510(a).
 - (1) Grounds for Appeal. A denial may only be appealed on the grounds that the stated *findings* to deny the *construction permit* are not supported by substantial evidence.
 - (2) Scheduling an Appeal Hearing. The City Manager shall assign a date for an appeal hearing before the Planning Commission no later than 10 calendar days after the date on which an application for the appeal hearing is filed with the City Manager. The appeal hearing shall generally be held within 60 calendar days following the filing of the application for the hearing.
 - (3) Power to Act on the Decision at Appeal Hearing. The Planning Commission may affirm, reverse, or modify the decision to deny an electric vehicle charging station in accordance with the following:
 - (A) A decision to affirm the Building Official decision shall require a *finding* based on substantial evidence in the record that the proposed electric vehicle charging station could have a specific, adverse impact upon the public health and safety.
 - (B) If the Planning Commission determines that there is not substantial evidence that the electric vehicle charging station could have a specific,

adverse impact upon the public health and safety, then the decision shall be reversed and the *construction permit* shall be approved.

- (C) If the Planning Commission determines that conditions of approval would mitigate the specific, adverse impact upon the public health and safety, then the decision shall be reversed and the *construction permit* shall be conditionally approved. Any conditions imposed shall mitigate at the lowest cost possible.

§151.0103 Applicable Regulations

- (a) [No change]
- (b) The following regulations apply in all planned districts:
- (1) through (3) [No change]
- (4) Solar energy systems regulations and electric vehicle charging stations regulations contained in Land Development Code Section 141.0418 and Section 141.0419.
- (5) through (9) [No change]

§155.0238 Use Regulations Table of CU Zones

Issue #10: Grade K-12 Educational Facilities and One-on-One Teaching Facilities

§131.0422

§131.0522

§141.0407 Educational Facilities--Schools for Kindergarten to Grade 12, Colleges/Universities, and Vocational/Trade Schools

Educational facilities are facilities that are designed or used to provide specialized training or education. This section distinguishes between kindergarten to grade 12 schools, colleges and universities, and vocational schools and trade schools. Educational facilities are permitted by right in zones indicated with a “P”, as a limited use in the zones indicated with an “L”, and may be permitted with a Conditional Use Permit decided in accordance with Process Three in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) [No change]
- (b) Schools for Kindergarten to Grade 12
- (1) This use category applies to schools that provide instruction to children enrolled in any grade kindergarten to grade 12.

- (2) Schools for kindergarten to grade 12 are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*.
- (3) Limited use regulations. Schools for kindergarten to grade 12 are permitted as limited uses in zones indicated by a “L” subject to the following:
 - (A) The facility design shall not accommodate more than 300 people, including all students, staff, volunteers, and visitors. Student capacity shall be capped accordingly.
 - (B) Parking shall be provided in accordance with Table 142-05G.
- (4) One-on-one teaching facilities with a maximum capacity of 50 students that provide education for children enrolled in grades 6 through 12 in a traditional office building are permitted by right in locations where business and professional offices are a permitted use in zones indicated with a “P”, except where in conflict with Section 141.0407(e)(1).
- ↔ (5) Conditional use regulations. Schools for kindergarten to grade 12 are permitted as conditional uses in zones indicated by a “C” subject to the following:
 - (A) The *applicant* shall provide a master development plan that includes the following:
 - (i) The student capacity of the campus;
 - (ii) The size, number, and location of all proposed facilities;
 - (iii) The pedestrian and traffic circulation systems proposed for the site;
 - (iv) A transportation and parking development program; and
 - (v) A *development* phasing schedule.
 - (B) The design of the *structures* shall incorporate architectural elements that help to diminish building bulk.
 - (C) Larger *structures*, areas with high levels of activity, and parking areas shall be located on the site away from surrounding *development* that is smaller in scale or less intense.
 - (D) Off-street parking shall be provided in accordance with Table 142-05G.
- (c) Colleges/Universities
 - (1) [No change]

- (2) Conditional use regulations. Colleges and universities are permitted as conditional uses in zones indicated by a “C” subject to the following:
 - (A) [No change]
 - (B) Colleges and universities are subject to the conditional use criteria applicable to schools for kindergarten to grade 12 in Section 141.0407(b)(3)(5).
 - (C) through (D) [No change]

(d) [No change]

(e) Educational Facilities on Prime Industrial Land

- (1) Schools for kindergarten to grade 12 are not permitted on a *premises* identified as Prime Industrial Land in a *land use plan*.
- (2) [No change]

Issue #11: Assembly and Entertainment Uses

§131.0622 Use Regulations Table for Industrial Zones

Table 131-06B Use Regulations Table for Industrial Zones [No change]

Footnotes for Table 131-06B

Footnotes 1 through 15 [No change]

¹⁶ Instructional Studios, ~~Assembly and Entertainment facilities, and Churches and Places of Religious Assembly~~ are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*.

Footnotes 17 through 20 [No change]

Issue #12: Home Occupation Regulations/Cottage Food Industry

§141.0308 Home Occupations

Home occupations are businesses conducted by residents on the *premises* of their homes. Home occupations, including cottage food operations authorized pursuant to California Government Code section 51035, 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. Home occupations that do not comply with An applicant may request approval to deviate from

the requirements in Section 141.0308(j) (k) through (l) (m) may be permitted with by obtaining a Neighborhood Use Permit ~~subject to Section 141.0308(m)~~ in accordance with Section 126.0203.

- (a) Home occupations are permitted only as *accessory uses* to a residential use.
- (b) Any products produced for sale must be manufactured by hand, ~~or~~ grown on the *premises*, or prepared within a kitchen that meets the standards for cottage food operations in a dwelling unit in accordance with California Health and Safety Code section 114365.
- (c) The home occupation shall not result in the elimination or the reduction of required off-street parking.
- (d) *Signs* advertising the home occupation are not permitted. Other advertising shall not include the address of the *premises*.
- (e) Home occupations, except for horticultural uses permitted in Chapter 13, Article 1, Division 3 (Agricultural Base Zones) and Division 4 (Residential Base Zones), shall be conducted within an enclosed *structure* on the *premises*.
- (f) Materials or products associated with the home occupation on the *premises* must be stored within an enclosed *structure*.
- (g) Indoor storage of materials or products associated with the home occupation shall not exceed 1,000 cubic feet for the entire *premises* or any more restrictive limitations imposed by the Building and Housing Codes or the County Health Department.
- (h) The operation of the home occupation shall be consistent with permitted residential uses, shall not create any conditions that amount to a *public nuisance*, and shall not be detrimental to the residential neighborhood by causing increased noise, traffic, lighting, odor, or by violating any applicable ordinances or laws.
- (i) The resident of the *premises* shall not rent space to others in association with a home occupation.
- (j) Only a resident of the *premises* may engage in a home occupation on the *premises*. ~~Nonresident partners, employees, or customers are not permitted on the premises.~~
- ~~(k) All sales of products and the performance of all service or work that requires the presence of a partner, employee, or customer shall take place off the premises.~~
- ~~(l) Only one vehicle for business-related purposes is permitted on the premises or on any adjacent residentially zoned area. This vehicle may not exceed a one-ton carrying capacity and may not be a tow truck.~~

~~(m) — The following exceptions to the regulations in Section 141.0308(j), (k), and (l) may be permitted with a Neighborhood Use Permit:~~

- ~~(1) (k) Home offices may have a maximum of one employee or partner on the premises during the hours between 8:00 7:00 a.m. and 5:00 7:00 p.m., Monday through Friday;~~
- ~~(2) (l) Home offices may have a maximum of one customer on the premises at a time, by appointment only, between the hours of 8:00 7:00 a.m. and 5:00 7:00 p.m., Monday through Friday; and, Home offices shall not host customers on the premises more frequently than one customer within a 2 hour time period.~~
- ~~(3) Home occupations may have more than one vehicle for business-related purposes.~~
- ~~(m) Vehicle trips to and from the premises for business-related purposes shall be limited to the extent feasible. A maximum of one vehicle for business-related purposes is permitted on-street in the adjacent residentially zoned area and shall be parked in compliance with the regulations in Section 86.0139 applicable to oversized vehicles.~~
 - ~~(1) Business-related vehicles may not exceed a one-ton carrying capacity.~~
 - ~~(2) Tow-trucks are not a permitted home occupation vehicle.~~

Issue #13: Housing for Senior Citizens

141.0310 — Housing for Senior Citizens

Housing for senior citizens may be permitted 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) — Housing for senior citizens shall meet the requirements of one of the following:~~
 - ~~(1) — “Housing for older persons” as defined in 42 United States Code, Section 3607(b) of the Fair Housing Act Amendments of 1988 and 24 Code of Federal Regulations, section 100.304; or~~
 - ~~(2) — “Senior citizen housing development” as defined in Section 51.3 of the California Civil Code.~~
- ~~(b) — Housing for senior citizens may be permitted a density bonus as provided in Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus Regulations).~~

~~(c) — Housing for senior citizens may be permitted only in locations that meet the following requirements:~~

- ~~(1) — Facilities shall be located in a topographically flat area with minimal *grade* separation between the facility and public transportation or other public services;~~
- ~~(2) — Facilities shall be located near a wide range of commercial, retail, professional, and social services patronized by senior citizens;~~
- ~~(3) — Facilities shall be located within two to three blocks, or approximately 750 feet, of a major supermarket; and~~
- ~~(4) — Facilities shall be located within two blocks, or approximately 600 feet, of a bus or transit stop.~~

~~(d) — Off Street Parking Requirements~~

~~(1) — Parking ratios shall be determined in accordance with the following:~~

~~(A) — The base parking requirement is 1 parking space per *dwelling unit*;~~

~~(B) — For facilities that provide daily meals in a common cooking and dining facility and that provide and maintain a common transportation service for residents, the base parking requirement is 0.7 parking spaces per *dwelling unit* plus 1 parking space for each staff person, calculated based on staffing for the peak hour shift; and~~

~~(C) — Housing for senior citizens that meets the criteria of Reduced Parking Demand Housing, as stated in Section 142.0527(a), shall provide parking in accordance with Section 142.0527.~~

~~(2) — Parking areas shall be lighted for the safety of tenants. Lighting shall be of a design that deters vandalism. The location, type, and size of the proposed lighting fixtures shall be specified on the permit application.~~

~~(e) — Facilities Requirements~~

~~(1) — All facilities shall provide laundry facilities that are adequately sized and located to serve the needs of residents.~~

~~(2) — Facilities of 14 dwelling units or more shall provide a recreation/social room. This room shall be at least 400 square feet in area unless it is located adjacent to a useable outdoor open space area. The room shall have toilet facilities available on the ground *floor*.~~

- ~~(3) Facilities that have 2 or more *stories* and 20 or more dwelling units shall provide elevator service.~~
 - ~~(4) A plan indicating how the proposed facility could be converted to a nonsenior housing project and comply with the applicable parking requirements is required before approval of the permit.~~
 - ~~(5) Trash bins shall be conveniently located and shall be covered and *screened*.~~
 - ~~(6) All facilities that do not have an on-site manager shall provide a posted phone number of the project owner or off-site manager for emergencies or maintenance problems.~~
-

Issue #14: Boarding Kennels/Pet Day Care Facilities

§141.0604 Boarding Kennels/Pet Day Care Facilities

Boarding kennels and pet day care facilities for the boarding, training and care of household pets 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 Section 141.0604(a) and (b). Boarding kennels and pet day care facilities may be permitted with a Neighborhood Use Permit decided in accordance with Process Two in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0604 (a) and (c).

(a) General Rules

- (1) Boarding kennels and pet day care facilities shall be operated and maintained in accordance with the health and sanitation regulations for health regulated businesses in Chapter 4, Article 2, Division 7 (Animals and Poultry).
- (2) Boarding kennels and pet day care facilities shall be maintained in a sanitary condition to minimize the impacts of odors on surrounding *development*.

(3) Off-street parking shall be provided at a rate of 2.5 spaces for every 1,000 square feet of floor area.

(b) Limited Use Regulations

- (1) All boarding, training, and pet care activities shall be conducted within an enclosed building. Exterior boarding, training, and exercise facilities are not permitted as a limited use.
- (2) Kennels and associated *structures* shall not be located any closer than 50 feet to any *property line*, unless the *structures* are sound-proofed.

~~(3) Off-street parking shall be provided at a rate of 2.5 spaces for every 1,000 square feet of *floor* area.~~

~~(4) Boarding kennels and pet day care facilities shall not be located on a *premises* that is identified as Prime Industrial Land in a *land use plan*.~~

~~(5)~~ (3) Deviations from Section 141.0604(b) may be permitted with a Neighborhood Use Permit decided in accordance with Process Two, with the exception of outdoor facilities in CN zones which are not permitted.

(c) Neighborhood Use Permit Regulations

(1) Noise emanating from the facility shall be kept at minimum levels through the following methods:

(A) Limitations on the number of animals permitted in exterior areas at any one time;

(B) Limitations on the hours that animals are permitted in exterior areas;

(C) Locating exterior boarding and exercise areas on those portions of the site where noise impacts on surrounding *development* will be minimized;

(D) The use of walls or *fences* to minimize noise impacts to surrounding *development*; and

(E) Sound-proofing of interior kennel areas.

(2) Exterior boarding, training, and exercise facilities shall be *screened* from adjacent *development* by a 6-foot *solid fence* or wall.

~~(3) Off-street parking shall be provided in accordance with Table 142-05E.~~

Issue #15: Affordable/In-Fill Housing and Sustainable Regulations

§142.1305 Election to Provide For-Sale Affordable Housing Units in a For-Sale Development

(a) Instead of paying the applicable Inclusionary Affordable Housing Fee, an *applicant* may elect to comply with this Division by providing at least ten percent of the total *dwelling units* in the proposed *development* as affordable to *targeted ownership households* in a for-sale development.

(b) The *development* of for-sale affordable housing units is subject to the following requirements and the provisions of the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual.

- (1) The for-sale affordable housing units shall be constructed and receive final inspection approval from the Building Official no later than the date that the market-rate units receive final inspection approval from the Building Official. The *applicant* may seek an alternative *development* schedule in accordance with the provisions of Sections 142.1307 and 142.1308.
- (2) The sales price for each for-sale affordable housing unit shall not exceed an amount that is affordable to a *targeted ownership household*, as determined by the San Diego Housing Commission and detailed in the Inclusionary Housing Procedures Manual.
- (3) The equity in a for-sale affordable housing unit shall be shared between the owner and the San Diego Housing Commission in an amount based upon length of ownership at the time of the first resale, in accordance with Table 142-13.
 - (A) Equity means the difference between the unrestricted fair market value of the affordable unit on the date of the first resale, as determined by an appraisal approved by the San Diego Housing Commission, and the sum of: (i) the original unrestricted fair market value of the affordable unit at the time of its acquisition by the *targeted ownership household*, and (ii) the actual costs of any San Diego Housing Commission approved improvements to the affordable unit. If the foregoing calculation of equity results in a negative number, the equity shall be deemed to be zero.
 - (B) The term resale is defined in the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual, and includes the sale, conveyance, transfer or refinancing of all or any part of the affordable unit by a *targeted ownership household*.
 - (C) Equity shall not be shared if all of the following apply:
 - (i) The purchaser of the affordable unit is a *targeted ownership household* approved by the San Diego Housing Commission;
 - (ii) The sales price does not exceed an amount that is affordable to a *targeted ownership household* as determined by the San Diego Housing Commission; and
 - (iii) The purchaser assumes all of the obligations of the initial *targeted ownership household*.
- (4) All funds collected shall be deposited into the Affordable Housing Fund.
- (5) The San Diego Housing Commission shall be entitled to the first right of refusal on any for-sale affordable unit upon its sale.
- (6) Each for-sale affordable housing unit shall have recorded against it a Declaration of Covenants, Conditions and Restrictions that complies with Section 142.1310. The

Declaration of Covenants, Conditions and Restrictions shall be secured by a recorded deed of trust in favor of the San Diego Housing Commission.

Table 142-13A
[No change to Table]

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

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

- (a) Residential *development* (including both for-sale and for rental) in accordance with Section 142.1306(a) 142.1305.
- (b) through (g) [No change]

Issue #16: Site Survey for Potential Historic Resources

§143.0212 Need for Site-Specific Survey and Determination of Location of Historical Resources

- (a) through (b) [No change.]
- (c) The City Manager shall evaluate proposed *development to* determine the need for a site-specific survey. The determination shall be provided within 10 *business days* of application for a *construction permit* or within 30 calendar days of application for a *development permit*. A site-specific survey shall be required when the City Manager determines that a *historical resource* may exist on the parcel, and if the *development* proposes a substantial alteration consistent with SDMC 143.0250(a)(3). If the City Manager determines that a site-specific survey is not required within the specified time period, a permit in accordance with Section 143.0210 shall not be required for the proposed *development*.
- (d) [No change.]

Issue #17: Sidewalk Cafes and other Minor Clean-up Corrections to the Central Urbanized Planned District Ordinance Use Table

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

Table 155-02C
Use Regulations Table for CU Zones

October 5, 2015

DRAFT: 10th Update Code Language—Measurement and Parking

MEASUREMENT AMENDMENTS:

ISSUE #18: Visibility Area

§113.0103 Definitions

Visibility area means the area necessary to allow adequate sight distance for safe vehicle and pedestrian movement at intersections involving a *public right-of-way*. See Section 113.0273 and the Street Design Manual for additional information on adequate sight distance and measuring visibility areas.

§113.0273 Measuring Visibility Area

The *visibility area* is a triangular portion of a *premises* formed by drawing one line perpendicular to and one line parallel to the *property line* or *public right-of-way* for a specified length and one line diagonally joining the other two lines, as shown in Diagram 113-02SS.

(a) The City Engineer shall determine whether proposed development provides adequate sight distance based on the context of the development and shall require visibility areas accordingly. No *structures* may be located within a *visibility area* unless otherwise provided by the applicable zone or the regulations in Chapter 14, Article 2 (General Development Regulations).

~~(a)~~(b) Typical Distances Used to Measure Visibility Areas

- (1) For *visibility areas* at the intersection of *streets*, two sides of the triangle extend along the intersecting *property lines* for 25 feet and the third side is a diagonal line that connects the two.
- ~~(b)~~(2) For *visibility areas* at the intersection of a *street* and *alley*, two sides of the triangle extend along the intersecting *property lines* for 10 feet and the third side is a diagonal line that connects the two.
- ~~(c)~~(3) For *visibility areas* at the intersection of a *street* and driveway, one side of the triangle extends from the intersection of the *street* and the driveway for 10 feet along the *property line*. The second side extends from the intersection of the *street* and driveway for 10 feet inward from the property line along the driveway edge and the third side of the triangle connects the two.
- ~~(d)~~(4) Where the required front and street side yards measure less than 25 feet when combined, that measurement or 15 feet, whichever is greater, establishes the *visibility area* at the street intersection.

**Diagram 113-02SS
Visibility Area**

October 5, 2015

- (c) The City Engineer may modify the requirement for *visibility areas* specified in Section 113.0273(a) and (b) through Process One permit review pursuant to the authority in Section 129.0104.
 - (1) The distance specified in Section 113.0273(b) may be increased if it is determined by the City Engineer that a greater distance is required to maintain public health and safety.
 - (2) The distance specified in Section 113.0273(b) may be reduced if it is determined by the City Engineer that the reduced distance would not create a public health and safety hazard.

Chapter 13 **Tables**

Comment [a3j1]: Add a row to the Chapter 13 development regulation tables to refer to Section 113.0273.

§131.0231 Development Regulations Table for Open Space Zones

The following development regulations apply in the open space zones as shown in Table 131-02C.

**Table 131-02C
Development Regulations of Open Space Zones**

§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**

§131.0431 Development Regulations Table for Residential Zones

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

- (a) RE Zones

**Table 131-04C
Development Regulations for RE Zones**

- (b) RS Zones

October 5, 2015

**Table 131-04D
Development Regulations for RS Zones**

- (c) RX Zones

**Table 131-04E
Development Regulations for RX Zones**

- (d) RT Zones

**Table 131-04F
Development Regulations for RT Zones**

- (e) RM Zones

**Table 131-04G
Development Regulations for RM Zones**

§131.0531 Development Regulations Tables for Commercial Zones

The following development regulations apply in each of the commercial zones as shown in Tables 131-05C, 131-05D, and 131-05E.

- (a) CN Zones

**Table 131-05C
Development Regulations for CN Zones**

- (b) CR, CO, CV, and CP Zones

**Table 131-05D
Development Regulations for CR, CO, CV, CP Zones**

- (c) CC Zones

**Table 131-05E
Development Regulations for CC Zones**

§131.0631 Development Regulations Table for Industrial Zones

The following development regulations apply in the industrial zones as shown in Table 131-06C.

**Table 131-06C
Development Regulations for Industrial Zones**

ISSUE #19: Calculating Separation Distance Between Uses

§113.0225 Measuring Distance Between Uses

When there is a separation requirement between uses, the distance of the separation shall be measured as follows (this is illustrated in Diagram 113-02E).

**Diagram 113-02E
Distance Between Uses**

- (a) The distance shall be measured between *property lines*, buildings, or use locations, as required by the regulations for the particular use.
- (b) **The Where the purpose of the separation distance is to minimize the effect of noise, air quality or odor disturbances generated by one of the uses, the** distance **between uses** shall be measured **horizontally** in a straight line between the two closest points of the *property lines*, buildings, or use locations **as applicable to the context of the development.** ~~(e)~~The distance shall be measured horizontally without regard to topography or *structures* that would interfere with a straight-line measurement.
- (c) **Otherwise, the measurement of distance between uses may take into account natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that reconnects direct access via a straight-line.**

ISSUE #20: Floor Area Calculation for Mixed Use Projects

§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) [No change]
- (b) Additional Elements Included in *Gross Floor Area* in Residential Zones and for Residential Development in Other Zones. **(Section 113.0234(b) does not apply to commercial development.)**
 - (1) through (2) [No change]

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- (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*.

(c) through (d) [No change]

Issue #21: Drive-through Queuing Space for Vehicles

§141.0607 Eating and Drinking Establishments with Drive-in or Drive-through Service

Eating and drinking establishments that offer drive-in or drive-through service are permitted in zones indicated with a “P” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones). Eating and drinking establishments that offer drive-in or drive-through service may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the regulations in this Section. The Conditional Use Permit decision maker shall consider whether the proposed use minimizes adverse impacts on adjacent properties and surrounding neighborhoods. The decision maker may impose conditions in the Conditional Use Permit in addition to requiring compliance with the following:

- (a) [No change]
- (b) Space for vehicle queuing for the drive-in or drive-through service shall be provided as follows:
 - (1) Queue space for a minimum of five cars shall be provided for each drive-up service window or position, as measured from the food and beverage pick-up window or position. The queue space for each car shall be 10 feet wide and 20 feet long, in accordance with Section 142.0560(i). ~~(2)~~ Required queue spaces shall not obstruct access to parking aisles or parking spaces.
 - (2) A minimum of 40 feet in additional space shall be provided from the order window to the closest curb cut to provide additional queuing space on the premises.

(c) through (g) [No change]

§142.0560 Development and Design Regulations for Parking Facilities

(a) through (h) [No change]

Comment [a3j2]: Consider whether to require 5 queue spaces from the pick-up window and at least 40 feet between curb cut and order window (to accommodate at least two cars).

Comparable standards:
Ventura County requires 6 spaces total
Riverside requires 10 spaces total
Portland requires 150 ft of stacking space from service window to curb cut (60 ft min for non-food).

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- (i) Queue Requirements for Drive-Up Service. Queue space for a minimum of five cars shall be provided for each drive-up service window or position. The queue space for each car shall be 10 feet wide and 20 feet long. Required queue spaces shall not obstruct access to parking aisles or parking spaces. See Section 141.0607(b) for additional queue requirements that apply to eating and drinking establishments with drive up or drive through service.
- (j) [See Issue #26]

Issue #22: Landscape Water Budgets

§142.0413 Water Conservation

- (a) through (b) [No change]
- (c) Mulch Requirements. All required planting areas and all exposed soil areas without vegetation shall be covered with mulch to a minimum depth of 2 3 inches, excluding slopes.
- (d) Water Budget.
 - (1) ~~Developments listed in Table 142-04I~~ All new development with a landscape area of 500 square feet or greater shall be subject to a water budget.

**Table 142-04I
Water Budget Applicability**

Type of Development	Landscape Area Threshold
New non-residential development	1,000 <u>500</u> square feet and greater
New multiple dwelling unit development	1,000 <u>500</u> square feet ⁺ and greater
New single dwelling unit development	All subdivider installed landscape

Footnote to Table 142-04I [No change]

- (2) The water budget is calculated using the following formula (see Section 2.6 and Appendix E of the Landscape Standards of the Land Development Manual for additional information):

$$\text{Water Budget} = (ET_0)(0.62) [(0.7 \text{ ETAF})(LA) + (0.3 \text{ 1-ETAF})(SLA)]$$

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$$\text{Water Budget for residential landscape areas} = (ETo)(0.62) [(0.55)(LA) + (0.45)(SLA)]$$

$$\text{Water budget for non-residential landscape areas} = (ETo)(0.62) [(0.45)(LA) + (0.55)(SLA)]$$

Where:

ETo = Evapotranspiration (inches per year)

0.62 = Conversion Factor (to gallons)

0.7 = Evapotranspiration Adjustment Factor

LA = Landscaped Area (square feet)

0.3 = Evapotranspiration Adjustment Factor for Special Landscape Area and Reclaimed Water

SLA = Special Landscape Area

Legend for Water Budget Calculation Formula

Symbol	Description of Symbol
ETo	Evapotranspiration measured in inches per year; see Table 6 or ETo Map
0.62	Conversion factor to gallons
ETAF 0.55 for Residential areas; 0.45 for Non-residential areas	Evapotranspiration Adjustment Factor
LA	Landscape Area measured in square feet
1- ETAF 0.45 for Residential areas; 0.55 for Non-residential areas	Additional Evapotranspiration Adjustment Factor for Special Landscape Areas and Reclaimed Water
SLA	Special Landscape Area measured in square feet

- (3) The irrigation system is required to be operated within the approved water budget.
- (4) The estimated total water use, as calculated in Section 2.6 of the Landscape Standards of the Land Development Manual shall not exceed the water budget as calculated in Section 142.0413(d)(2).

(e) Water Meters.

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- (1) Dedicated landscape irrigation meters shall be required in all new *development* with a landscape area greater than or equal to ~~5,000~~ **1,000** square feet; except that this requirement shall not apply to ~~new~~ *single dwelling unit development* or to the commercial production of agricultural crops or livestock.
 - (2) [No change]
- (f) Irrigation Audit. An applicant subject to the requirement for a water budget in table 142-04I is required to conduct and submit to the City an irrigation audit consistent with Section 2.7 of the Landscape Standards of the Land Development Manual.
- (1) ~~All irrigation audits shall be conducted by a California registered landscape architect, a licensed landscape contractor, or other professional licensed by the State to perform this work.~~ **All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor. Auditors shall be certified by an academic institution or professional trade organization accredited by the California Department of Water Resources such as the US Environmental Protection Agency's Water Sense irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.**
 - (2) [No change]
- (g) [No change]

Issue #23: Criteria for Small Lot Subdivisions Related to Lot Area

§143.0365 Supplemental Site Development Permit Regulations for Small Lot Subdivisions

The purpose of these regulations is to provide supplemental *development* regulations for *development of single dwelling units* in a *small lot subdivision*. A *small lot subdivision* subdivides lots zoned for *multiple dwelling units* into smaller lots for *development of single dwelling units*. The intent is to encourage *development* of single family housing 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 appropriate to neighborhood character. The following supplemental regulations apply to a Site Development Permit for a *small lot subdivision*.

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

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

Max permitted density pre-subdivided lot (DU per lot)	
Pre-subdivided lot	Per the base zone
Subdivided lot	1
Min lot area (sf)	maximum permitted density of base zone --
Min lot dimensions	
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)]	--
Setback requirements	per the base zone ⁽¹⁾
Maximum Lot coverage	--
Setback requirements for resubdivided corner lots [See Section 113.0246(f)]	applies
Max structure height (ft)	
RM-1-1, RM-1-2, and RM-1-3	36 ⁽²⁾
RM-2-4, RM-2-5, and RM-2-6	40 ⁽³⁾
RM-3-7 and RM-3-8	40
Lot coverage for sloping lots [See Section 131.0445(a)]	applies
Max floor area ratio	per the base zone ⁽⁴⁾

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Table 143-03C
Development Regulations for Small Lot Subdivisions

Accessory uses and structures [See Section 131.0448(a),(b)]	applies
Garage regulations [See Section 131.0449(a)]	applies
Building spacing [See Section 131.0450]	--
Max third story dimensions [See Section 131.0460]	--
Architectural projections and encroachments [See Section 131.0461(a)]	applies
Supplemental requirements	
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
Refuse and Recyclable Material Storage [See Section 142.0805]	applies

Footnotes for Table 143-03C [No change in text.]

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PARKING AMENDMENTS:

Issue #24: Common Area Parking

§142.0505 When Parking Regulations Apply

[No change]

**Table 142-05A
Parking Regulations Applicability**

Type of Development Proposal	Applicable Regulations	Required Permit Type/ Decision Process
Rows 1 through 4 [No change]		
<i>Multiple dwelling unit residential development in Planned Urbanized Communities that are processed in conjunction with processing a Planned Development Permit that meets the location criteria in Section 142.0525(c)</i>	Section 142.0525(c)	No permit required by this division
Rows 6-13 [No change]		

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

(a) [No change]

**Table 142-05C
Minimum Required Parking Spaces for
Multiple Dwelling Units and Related Accessory Uses**
[No change]

(b) [No change]

(c) Common Area Parking Requirement. The common area parking requirement applies to *multiple dwelling unit developments that are located in Planned Urbanized Communities, and development that are is being* processed in conjunction with a Planned Development Permit *and that is located in one of the following communities: Black Mountain Ranch, Carmel Mountain Ranch, Miramar Ranch North, Mira Mesa, Rancho Bernardo, Rancho Penasquitos, Sabre Springs, Scripps Miramar Ranch, and Torrey Highlands.* The following standards will be applied by the decision maker *when to determine the number of* common area parking *spaces to require as a condition of approval is required.*

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- (1) The number of common area parking spaces that may be required is 20 percent of the total *off-street parking spaces* required. This requirement may, however, be increased or decreased based on consideration by the decision maker of the following:
 - (A) For large developments, generally in excess of 200 dwelling units, the number of common area parking may be decreased to no less than 15 percent of the total *off-street parking spaces* required.
 - (B) In areas where there are few or no on-street parking spaces, where on-street parking spaces are generally occupied, or where on-street parking spaces are not conveniently located, the number of required common area parking spaces may be increased.
 - (C) For any project with characteristics, surroundings, or expected residents that are likely to have an effect on the demand for common area parking, the number of common area parking spaces may be increased or decreased accordingly.
- (2) All common area parking that is provided off-street must be clearly identified and reserved for visitors.
- (3) All common area parking that is provided off-street is eligible for shared parking in accordance with Section 142.0545.
- (4) The common area parking requirement may be met on-street by parking spaces that meet the following criteria:
 - (A) The parking spaces completely abut the subject property's street frontage.
 - (B) The parking spaces are within a local street that is improved to City standards to accommodate on-street parking.
 - (C) If the parking spaces are existing, most of them are not usually occupied.
 - (D) On-street parking spaces shall be counted according to on-street parking demarcation or parking meters or, if none exists, as one space per 20 feet of full-height curb.

(d) [No change]

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Issue #25: Shared Parking

§142.0545 Shared Parking

- (a) Approval Criteria. In all zones except single unit residential zones, *shared parking* may be approved through a Building Permit subject to the following requirements.
 - (1) *Shared parking* requests shall be for two or more different land uses located adjacent or near to one another, subject to the standards in this section.
 - (2) All *shared parking* facilities shall be located within a ~~600-foot~~ **1200 foot horizontal** distance of the uses served.
 - (3) Parties involved in the shared use of a parking facility shall provide an agreement for the shared use in a form that is acceptable to the City Attorney.
 - (4) *Shared parking* facilities shall provide *signs* on the *premises* indicating the availability of the facility for patrons of the participating uses.
 - (5) Modifications to the *structure* in which the uses are located or changes in tenant occupancy require review by the City Manager for compliance with this section.

Comment [a3j3]: 1200 feet is equivalent to about 4 City blocks (or 2 suburban blocks)

(b) through (d) [No change]

Issue #26: Maximum Number of Driveways

§142.0560 Development and Design Regulations for Parking Facilities

(a) through (h) [No change]

(i) [See Issue #21]

(j) Driveway and Access Regulations

(1) through (7) [No change]

(8) Maximum Number of Driveways Permitted on a Premises.

- (A) For properties with no access to an alley, there shall be at least one driveway opening permitted per street frontage with a maximum of one driveway opening for **the first 100 feet of street frontage and a maximum of one driveway for each additional 100 feet of street frontage.**
- (B) For properties with access to an *alley* and at least 150 feet of total *street frontage* **(including the length of all streets with frontage on the lot), a**

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maximum of one driveway opening for each 150 feet of frontage is permitted.

- (C) For properties with access to an *alley* and less than 150 feet of total frontage, a driveway is not permitted, except that in the RM-1-1, RM-1-2, and RM-1-3 zones, one driveway may be permitted if the prohibition of a driveway opening would preclude achieving the maximum *density* permitted by the underlying zone.

(9) through (10) [No change]

(k) [No change]

Draft 10th Update Code Language: Minor Corrections

Issue #27: Exemptions from a Coastal Development Permit

§126.0704 Exemptions from a Coastal Development Permit

The following *coastal development* is exempt from the requirement to obtain a Coastal Development Permit.

(a) through (h) [No change]

- (i) Any improvement to a *single dwelling unit* that constitutes part of a “single family residential building” as defined in California Administrative Code, Title 14, section 13250(a) and that does not require a coastal development permit pursuant to California Administrative Code, Title 24 **14**, section 13250(b).

Issue #28: Coastal Development Section

§126.0707 Decision Process for a Coastal Development Permit

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

- (f) Any *coastal development* involving a *subdivision* pursuant to the Subdivision Map Act and any other division of land requires a Coastal Development Permit. The land division shall be processed as part of the Coastal Development Permit in accordance with the Subdivision Regulations (Chapter 14, Article 4) and Subdivision Procedures (Chapter 12, Article 5). Any tentative map, lot line adjustment, merger, ~~public right-of-way~~ **public right-of-way** vacation **abandonment** or public easement abandonment may be approved or conditionally approved only if the decision maker makes the *findings* pursuant to Section 126.0708.

Issue #29: Purpose of Industrial Zones

§131.0601 Purpose of Industrial Zones

The purpose of the industrial zones is to accommodate a range of industrial and manufacturing activities in designated areas to promote a balanced land use and ~~ide~~ **provide** flexibility in the design of new and redeveloped industrial projects while assuring high quality *development* and to protect land for industrial uses and limit nonindustrial uses.

Issue #30: Standard Drawings for Driveways

§142.0560 Development and Design Regulations for Parking Facilities

(a) through (i) [No change]

- (j) Driveway and Access Regulations

(1) through (2) [No change]

(3) Driveway openings shall comply with San Diego Regional Standard Drawing ~~G-16~~ **SDG-164** and either Number ~~G-14A~~ **SDG-159** and ~~G-14B~~ **SDG-160**, Concrete Driveways, or ~~SDG-114~~ **SDG-163**, Concrete Driveway Commercial Alternate, except that driveway openings abutting a through travel lane less than 17 feet wide with an existing or anticipated speed limit of 30 miles per hour or greater shall conform to Drawing Number ~~SDG-114~~ **SDG-163**, Concrete Driveway Commercial Alternate.

(k) [No change]

Issue #31: Supplemental NDP Requirement for Previously Conforming Site

§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.

Table 143-03A

Supplemental Neighborhood Development Permit or Site Development Permit Regulations Applicability

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
[No change]	[No change]	[No change]
Site with <i>Previously Conforming</i> Conditions	127.0102-127/0106 127.0106 , 143.0303, 143.0305, 143.0375	NDP/Process Two
[No change]	[No change]	[No change]

Issue #32: Central Urbanized

§155.0253 Supplemental Development Regulations

The following additional supplemental *development* regulations apply in the Central Urbanized Planned District. These regulations shall supersede any regulations contained in Code Chapter 14, Article 3, that are inconsistent or not expressly incorporated into the Central Urbanized Planned District regulations.

**Table 155-02F
Supplemental Development Regulations Applicability**

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process⁽¹⁾
Residential and mixed commercial/residential development in facility deficient neighborhoods shown on Map B-4104 under circumstances outlined in Section 151.0253(a) 155.0253(a)	155.0243(a)	Site Development Permit/Process 3
[No change]	[No change]	[No change]