



THE CITY OF SAN DIEGO
MAYOR JERRY SANDERS

M E M O R A N D U M

DATE: May 5, 2011

TO: Chairman Eric Naslund and Members of the Planning Commission

FROM: Amanda Lee, Senior Planner, Development Services

SUBJECT: Early Distribution of Planning Commission Report PC-11-040 (May 19 Agenda)

The 7th Update to the Land Development Code is part of the code monitoring program directed by the Mayor and City Council as part of the adoption of the LDC (effective January 2000). The purpose is to comply with state law, clarify existing regulations, remove inconsistencies, and meet the original goals set for the Land Development Code to simplify land development regulations; to make land development regulations more objective; to make the code more adaptable; to eliminate redundancies and contradictions; to standardize the code framework; and to increase predictability in the application of land development regulations.

There are 65 issues included in the 7th Update that are divided into 5 categories including Permit Process, Measurement, Landscape, Parking, and Minor Corrections. The update mainly addresses various stages within the permit process (i.e. applications, noticing, findings for approval, appeals, and permit expiration); and proposes to lower the permit process level for various types of development and remove unnecessary processing obstacles for development that complies with specified regulations.

The 7th Update to the Land Development Code is scheduled for a Planning Commission recommendation hearing on Thursday, May 19, 2011. In consideration of the volume of material related to the draft code amendments, the Planning Commission Report (PC-11-040) is being distributed in advance of the typical report distribution schedule. If you have any questions, please feel free to contact me at (619) 446-5367 or ajohnsonlee@sandiego.gov.

A handwritten signature in cursive script that reads "Amanda Lee".

Amanda Lee



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: May 5, 2011 REPORT NO. PC-11-040
ATTENTION: Planning Commission, Agenda of May 19, 2011
SUBJECT: 7TH UPDATE TO THE LAND DEVELOPMENT CODE/LOCAL
COASTAL PROGRAM

SUMMARY

Issue(s): Should the Planning Commission recommend approval to the City Council of the 7th Update to the Land Development Code and Local Coastal Program that includes 65 issues divided into five categories including Permit Process, Measurement, Landscape, Parking, and Minor Corrections?

Staff Recommendation: That the Planning Commission recommend approval to the City Council as follows:

Adopt the Amendments to the Land Development Code and Local Coastal Program including Chapter 9, Article 8; Chapter 11, Articles 2 and 3; Chapter 12 Articles 5, 6 and 9; Chapter 13, Articles 1 and 2; Chapter 14, Articles 1, 2, 3 and 4; and planned districts in Chapter 15, Articles 1, 3, 9, 10, 12, 16 and 19 (General Provisions, Carmel Valley, La Jolla, La Jolla Shores, Mid City, Old Town, and Southeastern San Diego).

Environmental Review: An Environmental Impact Report (EIR No. 96-0333) was prepared, and certified on October 28, 1997 for the original project, the adoption of Land Development Code. The proposed amendments to the Land Development Code as part of the 7th Update, were reviewed by the Environmental Analysis Section and it was determined that, in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162(a): (1) no substantial changes are proposed to the project which would require major revisions of the previous EIR; (2) no substantial changes occur with respect to the circumstances under which the project is undertaken that would require any revisions to the previous EIR; and (3) there is no new information of substantial importance that was not known and could not have been known at the time the previous EIR was certified. Therefore, no subsequent EIR or other environmental document is needed for the adoption of the 7th Update, as all of the impacts were adequately addressed and disclosed in EIR No. 96-0333. For a more detailed analysis, refer to California Environmental Quality Act 15162 Evaluation, Memorandum dated April 21, 2011.

Fiscal Impact Statement: Costs associated with implementation of these regulations in the future will be covered by project applicants. The proposed amendments are expected to achieve cost savings for private applicants, particularly small businesses; to help reduce costs for public projects and the general fund; and to facilitate cost recovery for the Development Services enterprise fund, as identified within the discussion section.

Code Enforcement Impact: The proposed amendments would improve predictability and consistency in application of regulations in the Land Development Code. The resulting streamlined permit processes, objective regulations, and lower permit processing costs are expected to facilitate voluntary code compliance for small businesses in particular (i.e. pet care related businesses (#13) and instructional studios (#15)) by making it easier to locate in appropriate zones.

Housing Impact Statement: The 7th Update would remove existing processing obstacles to allow a companion unit to be developed accessory to a single dwelling unit consistent with a set of objective regulations and the goals of the City's Housing Element.

BACKGROUND

The 7th Update to the Land Development Code (LDC) is part of the code monitoring program directed by the Mayor and City Council as part of the adoption of the LDC (effective January 2000). The goal of the code update is to simplify the land development regulations; to make the land development regulations more objective; to make the code more adaptable; to eliminate redundancies and contradictions; to standardize the code framework; and to increase predictability in the application of land development regulations.

There are a total of 65 issues included in the 7th Update, that are divided into five issue categories including Permit Process, Measurement, Landscape, Parking, and Minor Corrections. Staff has conducted extensive public outreach and analysis involving multiple stakeholder groups, City departments, and other governmental agencies.

The code update process is an extensive public process that typically involves review and input from the Code Monitoring Team, Community Planners Committee, Technical Advisory Committee, Planning Commission, City Council, and California Coastal Commission, and more recently the San Diego County Regional Airport Authority. In an effort to encourage greater public participation in the code update process, a request for input on the draft amendments was distributed via e-mail on September 20, 2010, to the existing database of interested persons maintained by the City Planning and Community Investment Department that includes community planning chairs and members of each planning group, stakeholder groups, and other interested members of the public. Comments have been addressed and incorporated into the revised draft as applicable for Planning Commission review and consideration.

Code Monitoring Team (CMT): On August 11, 2010, CMT reviewed the 7th Update to the Land Development Code as an information item. On November 10, 2010, the Code Monitoring Team voted 8-0 to recommend approval of the 7th Update and provided suggested edits for various issues, which were incorporated into the draft.

Technical Advisory Committee (TAC): On December 8, 2010, TAC voted 7-0 to recommend approval of the 7th Update to the Land Development Code.

Community Planners Committee (CPC): CPC did not make a formal recommendation on the 7th Update. On November 23, 2010, CPC voted to refer the item to individual community planning groups. Per CPC's request, staff returned for the January 25, 2011 meeting; however, only the College Area Community Planning Board had a formal recommendation to share (see below).

College Area Community Planning Board: On June 9, 2010, the College Area Community Planning Board voted 11-5-0 to request that the code be amended to address appropriate locations for fraternities, sororities, and student dormitories (See Issue #27). On January 12, 2011, the College Area Community Planning Board voted 12-0-1 to oppose two items in the 7th Update. Staff was not present at the meeting, but understands that the group's concern regarding Issue #10 Discretionary Permit Findings (Planned Development Permit findings) was based on a perception that all projects requesting deviations must demonstrate they provide a community benefit in order to gain approval; and that concern regarding Issue #26 Companion Units is related to other impacts (i.e. mini dorms) that are associated with single dwelling unit neighborhoods in proximity to San Diego State University. Refer to the Discussion section for additional information.

DISCUSSION

Analysis for each of the 65 issues within the proposed 7th Update is included below. Report Attachment 1 includes an issue matrix with a brief description of each issue in summary format. Report Attachments 2-6 include the proposed draft code language in strikeout-underline format.

Permit Process Issues

Amendments involving the following 33 issues are proposed to improve the permit process and address inconsistencies in the existing regulations (Attachment 2). The majority address various stages within the permit process including applications, noticing, findings for approval, grounds for appeal, and permit expiration. The amendments also address permit thresholds that have been identified as burdensome for projects with no adverse impacts, and would lower the permit process level for various uses and permit types.

1. Condominium Conversion Map Notices

Modifications are proposed for consistency with the Subdivision Map Act, which was amended and renumbered pursuant to Assembly Bill 2016 (January 2009). The proposal would clarify the

requirement for a 180 day “notice of intention to convert” as it applies to condominium conversions. Following tentative map approval, the notice of intention to convert shall be provided to each tenant prior to termination of tenancy due to condominium conversion. Associated section references would also be updated and corrected.

2. Expiration of Ministerial Applications

Currently the Land Development Code does not specify an expiration date for certain application types. As a result, there are old applications that were filed with the City, but have not been actively pursued by applicants. The proposal would clarify that applications for process one maps and construction permits expire 2 years from the date the application is deemed complete, and may be extended an unlimited number of times in accordance with Section 112.0102. The change will allow the City to clear out old application files after 2 years where there has been no activity. The expiration and permit extension process for building permit applications would continue to be regulated separately in accordance with Section 129.0211.

3. Notice of Availability of Local Coastal Program Amendments

The “Notice of Availability of Local Coastal Program Amendments” 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. The Notice of Availability is required by the Coastal Act as part of the certification process for local coastal program amendments. Currently, the requirement for this notice is identified within a division of the code that identifies procedures for land use plans (Section 122.0106), which has created confusion. The proposal would add the requirement for a Notice of Availability to Section 112.0301 together with other required notices.

4. Mailed Notice

The proposal would clarify that where mailed notices are required for a development permit, each tenant address on the subject property is entitled to receive mailed notice, in addition to all property owners and tenant addresses of surrounding properties within 300 feet of the property boundary. Notices mailed to tenant addresses are required to be addressed “Tenant” in accordance with existing Section 112.0302(d).

5. Grounds for Appeal of Process Two Decisions

Section 112.0504 identifies the persons who can appeal a process two level decision and identifies the process to request an appeal hearing. However, there are no grounds for appeal of a process two level decision identified in the code. The proposed amendment would clarify the grounds for appeal of a process two level decision using similar criteria to that which is used for higher process level appeals. The grounds for appeal would include factual error, new information, findings not supported, or conflicts with a land use plan, City Council policy or the code. Currently, Process Two appeals are filed with no reason for appeal indicated. Requiring appellants to clarify their grounds for filing an appeal (as is required for other appeals) will allow

for participants to be better informed and prepared for the Planning Commission appeal hearing.

6. Environmental Determination Appeals

The California Environmental Quality Act (CEQA) allows for any environmental determination to be appealed to the legislative body. Land Development Code Section 112.0520 identifies the persons who can appeal an environmental determination, the process to request an appeal hearing, and the City Council's power to act on an appeal of an environmental determination.

The proposal would clarify that City Council consideration of environmental determination appeals would result in either a decision to deny the appeal (uphold environmental determination) or a decision to grant the appeal and set aside the environmental determination for reconsideration at a subsequent hearing. The provision for the City Council to "make a superseding environmental determination or CEQA findings" on the floor during an appeal hearing would be removed. In cases where an appeal is granted, the environmental document would be revised in consideration of any new evidence introduced during the appeal hearing including City Council direction, and would be presented to the City Council at a subsequent hearing for action together with the associated permit, map or other entitlements.

The proposed change would eliminate the potential for endless appeal loops that have occurred under the existing process, which remands environmental determinations back to lower decision makers and prevents the City Council from considering the project together with the environmental appeal. Because environmental determinations are always appealable to the legislative body, the only way to eliminate the appeal loops is to keep the environmental determination at the City Council level once an environmental appeal is granted.

At a subsequent hearing, the City Council would have the opportunity to consider whether to: (A) certify the environmental document, adopt the CEQA findings and Statement of Overriding Considerations (SOCs) as appropriate, and affirm the previous decision to approve the associated entitlements; (B) Condition the associated map, permit, or other entitlements of the project, certify the environmental document, adopt CEQA findings and SOC's as appropriate, and approve the entitlements as modified; or (C) Upon finding that the environmental document is insufficient, the document shall not be certified. In such case, the associated map, permit, or other entitlements shall be denied and the decision shall be deemed the final action.

7. Minor Construction Permit

The proposal would create a new streamlined review process for development that would otherwise be exempt from any type of permit, but requires ministerial construction review by a single staff group (i.e. historical review or landscape). Currently, the LDC requires a building permit and review by multiple staff disciplines for this type of work even though it technically meets the building permit exemption criteria. For example, historic review is currently required for repair to a roof, window trim, or chimney on a designated historical structure, and for landscape review for the addition of parking spaces. As proposed, historic review (or landscape)

staff would instead conduct review for their discipline and would issue a minor construction permit approval directly to the customer with follow up inspection as applicable. The proposal would save time and money for both the City and applicants.

8. Expiration of Tentative Maps/Map Waivers and Associated Development Permits

The proposal would lower the decision process on extensions of time for tentative maps and map waivers to a Process Two (from Process Three or Four), and would specify that the expiration date for associated development permits will automatically be extended to coincide with extensions provided for maps by the Subdivision Map Act. This change was recommended via the Business Process Reengineering Process for the Development Services Department and has been identified as a priority by various stakeholders. The proposal would save time and money for applicants by reducing the process level for extensions of time, and eliminating the need for processing extensions already provided for by the Subdivision Map Act.

The proposal would also specify that permit applications for tentative maps and map waivers may be closed after 90 days of inactivity similar to the existing provision that applies to development permit applications.

9. Tolling of Tentative Maps and Development Permits

The Subdivision Map Act includes specific provisions for tolling (temporary stoppage) of the process during a lawsuit involving the approval or conditional approval of a tentative map. The proposal would allow for an applicant to request a tolling of the process for a tentative map or development permit subject to a lawsuit for up to 5 years in accordance with Process One. Requests would be granted where it can be demonstrated that a lawsuit was filed that is related to the processing of the map or development permit, and that tolling the process would allow time for the applicant to address court orders or procedures. Upon resolution of the lawsuit, the applicant would be required to contact the City to confirm adjusted expiration dates. The total credited time for the tolling period shall not exceed 5 years.

10. Discretionary Permit Findings

The proposal would clarify that the permit finding that requires compliance with the Land Development Code includes any deviations permitted by the LDC. The finding applies to the following maps and permit types: Tentative Maps (TM), Neighborhood Use Permits (NUP), Conditional Use Permits (CUP), Neighborhood Development Permits (NDP), Site Development Permits (SDP), and Planned Development Permits (PDP).

The proposal would also delete an existing PDP finding that is commonly misinterpreted and misapplied, which requires that the decision maker make a finding that the development will be beneficial to the community. The intent of a PDP is not to require that a private development project provide some type of extra benefit to the community. Instead, the intent is to provide flexibility in application of the development regulations to allow for creative design solutions

that result in zone equivalent projects consistent with applicable City policies. Section 126.0604(a)(3) will require that any proposed deviations are appropriate for the location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The College Area Community Planning Board voted 12-0-1 to oppose this portion of the proposal.

11. Easement/Public Right-of-Way Vacations

The proposal would clarify that the Streets and Highways Code is not the only means of vacating a public right of way or easement. If an applicant proposes to vacate a public right of way or easement in conjunction with a tentative map, the notice of public hearing provided for the tentative map may also be used to satisfy the public notice requirement for the vacation. The amendments would also update section references to the State Map Act and State Highway Code, and would delete references to “Resolution of Intention” per City Attorney direction.

12. Modification of Development Permit Expiration Dates

Expiration dates for a Neighborhood Use Permit or Conditional Use Permit may be assigned by a decision maker as a permit condition of approval. The proposal would allow for requests to modify or delete a development permit condition that effects the expiration date of a permit to be considered via the development permit amendment process. In such cases the application shall be acted upon in accordance with the same process as would a new application for the same permit. The development permit expiration date would automatically be extended until a decision on the development permit amendment is final and all available administrative appeals of the project decision have been exhausted.

The proposal would also allow requests to amend a development permit to allow additional time for existing land uses (that would not be permitted to establish as new uses in that location) to operate and eventually phase out consistent with the Economic Prosperity Element of the General Plan. The permit process in such cases would be in accordance with the permit process level of the original development permit. This has been an issue recently in certain industrial areas that were previously developed with institutional or commercial uses that would not be permitted under the existing code. Decision makers have expressed frustration regarding an inability to authorize existing uses to continue to operate in consideration of their significant investment, or a lack of demand for conforming uses to replace them as tenants. The amendment would allow the decision maker the ability to consider on a case by case basis whether additional time should be granted for existing uses based on the circumstances.

13. Pet Care Related Uses

The Land Development Code classifies various pet care related uses within the retail sales and commercial services categories. Pet supply stores typically provide household pets and pet supplies for sale in addition to grooming services, and under the current code are either permitted or not permitted as applicable to the purpose and intent of the zone. Boarding kennels, vet

clinics, and animal hospitals are separately regulated uses that require conditional use permits to operate. The cumbersome and expensive permit process discourages these small businesses from seeking permits to operate in the commercial and industrial zones where they are permitted, and may have indirectly led to a number of illegal pet care businesses in residential zones.

The proposed amendment will help simplify the process for pet care uses that are designed and located to avoid detrimental impacts to surrounding properties. As proposed, pet day care facilities would be incorporated into the same commercial services use category that applies to boarding kennels since these uses are commonly operated together in a single facility. These uses would continue to be excluded from residential zones. Instead of requiring a Conditional Use Permit for boarding kennels and pet day care that operate indoors similar to other commercial service businesses, the proposal would allow boarding kennels and pet day care as a limited use in specified commercial and industrial zones. Meaning, facilities that operate completely inside of buildings with sound proofed construction would be permitted by right where they meet all regulations. Facilities with outdoor services (i.e. outdoor kennels/exercise areas) would be subject to a Neighborhood Use Permit to help minimize potential impacts via required permit conditions.

Vet clinics and animal hospitals (that do not offer 24-hour service or overnights stays and operate similar to medical offices) would also be allowed as limited uses instead of requiring a Conditional Use Permit. A Neighborhood Use Permit would be required for vet clinics or animal hospitals with outdoor service areas consistent with the proposed regulations for boarding kennels/pet day care. The proposed amendments would provide regulatory relief for various pet related small businesses, and are expected to facilitate code compliance by making it easier for pet related businesses to locate in appropriate commercial and industrial zones.

14. Discretionary Sign Permits

The proposal would allow for applicants to request a Neighborhood Use Permit for reallocation of sign area or other sign deviations that meet the intent of the sign code. Currently, a Process 4 Planned Development Permit is required for all deviations. The amendments would allow for sign deviations to be considered through a comprehensive sign plan that would be approved only where the deviations would allow for an improved relationship among the proposed signs and building facades on the premises when considered as a whole. Decisions would be appealable to the Planning Commission.

The proposed amendments would also replace outdated references to “community identification signs”, with the updated term “neighborhood identification signs” consistent with previous amendments made during the 6th Update to the Land Development Code. Neighborhood identification signs are signs that are typically located on private property at the entrances of subdivisions or neighborhoods that serve a private purpose or interest, and require a Process Two Neighborhood Use Permit. These signs are different than formal community entry signs that identify a major entry point into a designated community plan area and are subject to a separate set of regulations and review process per Section 141.1101.

15. Instructional Studios

Instructional studios are commercial service facilities that teach skills including dance, art, and martial arts to individuals or groups. Currently, instructional studios are classified as a separately regulated use that requires a Conditional Use Permit in order to operate. Concerns have been raised previously by the Planning Commission and various small business owners that the existing conditional use permit requirements are too restrictive and are applied inconsistently in consideration of similar establishments that are permitted by right.

As proposed, instructional studios would be allowed to operate by right in certain commercial and industrial zones similar to other commercial services such as yoga/personal training studios and fitness facilities. The proposed amendments would provide regulatory relief for these types of small businesses. Staff received input during the public comment period that instructional studios should also be allowed in RM zones where educational facilities, churches, and/or personal services are allowed by right. The Code Monitoring Team was supportive of this concept. As proposed, instructional studios would be allowed in all multi dwelling unit residential zones.

16. Special Flood Hazard Areas

Regulations for special flood hazard areas are identified within the environmentally sensitive lands division of the code. Under the existing code, a discretionary permit is required even where a development is designed to meet all applicable FEMA requirements. This adds unnecessary costs to private and public projects with no value added since the engineering design requirements are already specified in the code and no discretion is exercised on such projects.

The proposal would amend the supplemental regulations in accordance with FEMA regulations to provide for limited encroachments into the floodway, and would allow development designed in compliance with the supplemental regulations to be approved through Process One. There would be no change to allowable uses within the floodway currently regulated by the code. Any development that would deviate from the special flood hazard area regulations would be subject to a Process Four Site Development Permit. The amendment would result in cost savings for private applicants and the City's general fund for public projects designed in accordance with the FEMA regulations and environmentally sensitive lands regulations.

17. Planned Development Permits

Currently, the code identifies a partial list of land use plans where a Planned Development Permit (Process Three) is recommended if a discretionary action is otherwise required for the development. Because the list is inaccurate, it has created confusion during the processing of various projects. As proposed, the list of specific community plans would be replaced with a statement that covers all land use plans that recommend processing of a PDP.

The proposal would also clarify in Chapter 12 that a Process Three Planned Development Permit application may be requested to permit land uses consistent with a land use plan that otherwise would not be allowed per the underlying base zone. When this provision was added to the supplemental regulations for Planned Development Permits, the process level was not clearly identified. Staff received public comment that suggested a Process Four should be required; however, a Process Three was determined to be an appropriate process level for this type of action, which would allow for implementation of existing land use plan policy.

18. Supplemental Findings for Coastal Development Permits

Section 126.0708 was previously reorganized to separate Coastal Development Permit findings into standard findings (subsection a) and supplemental findings for a determination of economic viability (subsection b) that apply to requested deviations to the Environmentally Sensitive Lands regulations within the coastal zone. However, Section 126.0708(b) still incorrectly refers to subsections (c) and (d), which do not exist. The proposed amendments would delete the incorrect references to help clarify the applicable supplemental findings for approval of a CDP.

19. Bonds and Expiration Dates for Grading Permits and Public Right-of-Way Permits

The proposal would allow grading permits and public right-of-way permits that are associated with a valid building permit to expire with the building permit in order to eliminate the need to process extensions for associated permits. The proposal would also establish authority for the City to collect bonds for grading in the public right-of-way to assure that the public right-of-way is returned to the original condition in case a project is not completed.

20. Permits for Environmentally Sensitive Lands (ESL)

The Environmentally Sensitive Lands regulations apply to all development with a potential to impact environmentally sensitive lands, including development exempt from building permits (i.e. patio structures, retaining walls/fences). The proposal would clarify that the exemptions from a building permit in Section 129.0203 do not apply when a permit is required for ESL.

The proposal would also clarify the discretionary permit requirement for premises containing environmentally sensitive lands. As proposed, new development that does not encroach further than the extent of existing legally graded areas and that does not expand existing zone one brush management would be allowed to be processed via Process One under specified circumstances.

The existing thresholds for requiring a discretionary permit for sites with environmentally sensitive lands are frequently raised as an expensive processing obstacle, particularly for sites located along canyons. It is common for a property owner to be required to obtain a discretionary permit to develop within an existing fenced area, or even to develop on the side of the house most distant from environmentally sensitive lands, simply because an arbitrary setback distance from environmentally sensitive lands could not be provided. The proposal would allow for

property owners to make improvements that do not encroach into environmentally sensitive lands, without requiring an expensive discretionary permit.

Comments were submitted expressing concerns regarding the relationship to brush management zones. However, the proposed permit exemption would not facilitate brush management impacts. The proposed language specifically requires brush management zone one to be located within the developable area and would not allow for new brush management impacts or impacts to environmentally sensitive lands.

21. Monitoring Wells

The proposal would create an exemption from the requirement for a Site Development Permit for monitoring wells in the public right of way where the applicant is not the record owner of the underlying fee title. The existing code exempts monitoring wells from a Neighborhood Development Permit where the applicant is the record owner of the underlying fee title.

22. Guest Quarters in Residential-Multiple Unit (RM) Zones

Guest quarters currently are permitted as a “limited use” subject to the requirements listed in Section 141.0306. Guest quarters do not provide independent living facilities and may not be rented or sold separately from the primary dwelling unit. The amendments would allow guest quarters as a limited use in RM-1 zones on lots developed with a single dwelling unit, consistent with what is permitted in single dwelling unit zones. The proposal is consistent with the purpose of RM-1 zones, which is to permit low density development with single dwelling unit characteristics. Guest quarters would not be permitted on lots developed with multiple dwelling units. Development or use of a guest quarters inconsistent with Section 141.0306 is subject to enforcement penalties in accordance with existing code provisions.

23. Art Galleries, Surf Shops, and Small Consumer Retail Uses in CV zones

The proposal would allow art galleries, surf shops, and similar small scale retail uses in commercial visitor zones. Art galleries and surf shops are retail sales uses that are classified in the “consumer goods, furniture, appliances, and equipment” category, and are currently not permitted in CV zones. This use category applies to uses that provide goods, large and small, functional and decorative, for use, entertainment, comfort, or aesthetics, which can be compatible with visitor serving CV zones if developed at a small scale. The maximum size limit of 2500 square feet would allow for small art galleries, surf shops or other small consumer goods stores that support visitor serving uses consistent with the purpose of the zone.

24. Specialized Practice Massage Establishments

Massage is a police regulated business subject to Chapter 3, Article 3, Division 35, of the Municipal Code and is classified into either specialized practice massage or various categories listed under adult entertainment for applicability of land use regulations. The proposed code

amendment would not change any regulations that apply to adult entertainment establishments.

The Land Development Code (Section 141.0613) identifies the land use regulations for specialized practice massage establishments, and requires operators to complete a course of instruction in the specialized field of practice at a school authorized to provide such instruction by the State of California. The amendment would allow for operators to provide proof of certification through the Massage Therapy Association to demonstrate proficiency as was clarified in the California Business and Professions Code, Section 4600.

Specialized practice massage businesses have also expressed that existing regulations are too restrictive by not allowing the word “massage” to be used in the signage for their small businesses. The intent behind the existing restriction is unclear since any advertising for massage establishments is already police regulated and is required to display the applicable police permit number to facilitate police oversight. The proposal would allow the word “massage” to be used in signage for specialized practice massage establishments, which would facilitate code compliance for small businesses (i.e. Massage Envy™). The proposal would also clarify that specialized practice massage is permitted in Commercial–Visitor (CV) zones as an accessory commercial service use, since this service is commonly requested in association with resort hotels and visitor serving uses.

25. Public Assembly and Sensitive Receptors in Prime Industrial Lands

The proposal would limit public assembly and sensitive receptors in prime industrial lands in accordance with General Plan policies for public safety, and retention of base sector manufacturing, research and development, and major distribution facilities. Existing policies in the Economic Prosperity Element (EP-A.13-15), do not support discretionary use permits for public assembly or sensitive receptor land uses because those uses are seen as a potential threat to the operations of adjacent industrially-designated property. The proposed amendments would clarify that assembly and entertainment facilities and instructional studios are not permitted uses in prime industrial lands. The amendments would also specify under the Chapter 14 separately regulated uses that religious facilities, educational facilities; and private clubs, lodges, and fraternal organization facilities are not permitted uses in prime industrial lands.

In accordance with the General Plan, child care facilities would be permitted as an on-site, ancillary use to industrial uses in prime industrial lands, if they are sited appropriately, in consideration of the need to support the City’s major base sector employers. As proposed, a conditional use permit would be required for child care center facilities in industrial zones.

26. Companion Units

A companion unit is a dwelling unit that provides complete living facilities including a kitchen. A companion unit is only permitted accessory to a single dwelling unit, and is only permitted where designed in compliance with Section 141.0302. No more than one companion unit is allowed on a premise, and the regulations require that the property owner live onsite in either the

primary dwelling unit or within the companion unit.

The existing code also requires that a lot have at least two times the minimum lot size required by the applicable zone, which has prevented this as an option for most lots in the City contrary to City housing policy. The lot size requirement for companion units was previously adopted based on a perception of a need to prevent potential impacts to the character of single dwelling unit zones. However, a companion unit functions as an accessory use to a single dwelling unit and is required to be designed consistent with single dwelling unit development.

From an exterior appearance, a lot designed with a single dwelling unit and a companion unit would be indistinguishable from a lot designed with a stand alone single dwelling unit, or from a lot with a single dwelling unit and a guest quarters or other accessory building. Companion units are required to be constructed with the same siding and roofing materials as the primary dwelling unit and site design restrictions would prevent the companion unit entrance from being located along the building street wall. Companion units are required to meet height limitations more restrictive than the applicable zone. A companion unit can be attached to or detached from the primary dwelling unit, is limited to a maximum size limit of 700 square feet, and would decrease the maximum size of the primary dwelling unit because it would count against the total floor area ratio for the lot. Some stakeholders encouraged the City to increase the maximum size limit for a companion unit to 1000 square feet; however, the proposal would retain the existing size limit of 700 square feet. A companion unit also requires the planting of a 24 inch box tree or existing mature vegetation that is equivalent.

Some individuals have raised concerns related to parking impacts; however, companion units are required to provide adequate parking. One off street parking space is required for each bedroom within the companion unit with a minimum of one parking space per companion unit. If an existing garage is converted to a companion unit, another garage shall be provided on the premises to replace the converted parking spaces. The regulations also require that parking for the entire premises be brought into compliance with the parking regulations.

As proposed, the amendment would remove the requirement for double the minimum lot size, and would remove the existing restriction that prevents concurrent construction of a primary dwelling unit and a companion unit. The amendment would also clarify that the owner is required to live onsite in either in the primary dwelling unit or the companion unit. The amendments are consistent with the City's Housing Element, which identifies the need to promote ministerial approval of companion units consistent with state law. To date, staff has received a significant number of comments in support of the proposal. The College Area Community Planning Group voted 12-0-1 to oppose the portion of the proposal that would delete the requirement for double the minimum lot size.

27. Fraternity Houses, Sorority Houses, and Student Dormitories

This item was included in the 7th Update at the request of Council District 7, which represents the College Area. In the 1980s, a designated area was established near San Diego State University

for the location of proposed fraternity/sorority houses and student dorms. Prior to establishment of the area, such facilities were able to locate in any multiple dwelling unit residential area within a mile of the campus subject to a Conditional Use Permit. However, when the Land Development Code was adopted in 1997, the language in the applicable code section was unintentionally modified to allow fraternities, sororities, and student dorms to locate either within the designated area or within a multi-unit residential area within a mile of the campus.

This issue was brought to staff's attention in connection with the Planning Commission hearing for the Village Lindo Paseo dormitory project. Subsequently, the College Area Community Planning Board established an Ad Hoc Committee on Fraternity Housing Issues, and on June 9, 2010, voted 11-5-0 to request that the code be amended as proposed. It was reported that the members that voted in opposition were in support of the proposed amendment, but felt that it should be processed with other changes to address fraternity/sorority houses, and student dorms. Staff is not aware of any other fraternity/sorority/student dorm amendments in process.

The proposed amendment would clarify that when a land use plan contains a designated area for fraternity houses, sorority houses, and student dormitories, such facilities shall be located in that designated area. However, if there is not a designated area, then such facilities may be located in specified RM zones within a 1-mile radius of the boundary of a college or university campus.

28. Emergency Permits for Environmentally Sensitive Lands

Section 143.0126 identifies the process for approval of emergency work within environmentally sensitive lands. However, the existing section is lacking details regarding how to make application. The proposed amendment would establish a process consistent with the existing process for emergency approval in the coastal zone (Section 126.0718). The new process will allow for better tracking of conditions associated with emergencies outside of the coastal zone to ensure restoration in a timely manner, and will preserve the same flexibility for an applicant to quickly begin the emergency authorization process in person, by letter, or by phone.

29. Interior Work Exemption from Historical Resource Survey Requirement

The proposed amendment would clarify that a site specific survey review for structures 45 years and older is not required for interior work, including any interior work that requires electrical or plumbing/mechanical permits. The proposed exemption would apply only to structures that have not been designated historic. Designated historic structures would continue to be subject to review for compliance with the historic resources regulations. The proposed change is expected to help streamline permit review and approval of interior improvements for older housing stock that is not designated historic.

30. Recordation of Ownership Interest for Parcel Maps

The Subdivision Map Act requires that a Parcel Map be signed by the subdivider, but it does not address a situation where the subdivider does not have ownership interest in the property. In

such cases, the property owner, trustees, and beneficiaries could be unknowingly, negatively impacted by the subdivision. The proposed amendment would add a requirement for a separate document to be recorded in circumstances where the subdivider does not share ownership interest in order to protect interests consistent with the intent of the Subdivision Map Act.

31. Initiation Process in Planned Districts

The proposed amendment would clarify that the initiation process in a planned district is the same process that applies for zoning actions citywide. Pursuant to Section 123.0103, a zoning or rezoning action may be commenced by resolution of the Planning Commission or City Council, by application of the property owner in accordance with Sections 112.0102 (citywide application process) and 123.0104 (applicable to planned urbanizing areas). The existing requirement for initiation of PDO amendments other than zoning or rezoning actions would be deleted. Amendments to a Planned District Ordinance would continue to be processed in accordance with Process Five consistent with the process for other Land Development Code amendments.

32. Notices in Planned Districts

The proposed amendment would eliminate the existing section related to additional notice in planned districts, which has created confusion regarding the noticing requirement. Chapter 11 of the Land Development Code applies in all planned districts; therefore, the City Attorney has advised the Development Services Department that when the number of mailed notices for a proposed project would exceed 1,000, a published notice would satisfy the noticing requirement pursuant to Section 112.0302(b). It should be noted that the Centre City Development Corporation has interpreted the planned district noticing requirement differently and has actually mailed out notices to all property owners within the planned district for various amendment projects at tremendous cost. The proposed amendment would help to apply noticing requirements consistently citywide as was intended with adoption of the LDC.

33. Separately Regulated Uses in Planned Districts

The proposed amendment would clarify that the regulations for separately regulated uses identified in Chapter 14, Article 1 are also applicable to planned districts, except where a conflict is explicitly identified in the planned district for a specified use. This change is necessary because the existing list of uses in Section 151.0401 is outdated and does not address all separately regulated uses. The proposed amendment would provide the planned district neighborhoods greater protection where the planned district does not currently address certain uses, and would defer to the individual planned district in cases of conflict. Currently, the La Jolla Shores planned district does not apply the regulations of Land Development Code Chapter 14, Article 1; however, Chapter 14, Article 1 would be added to the list of applicable regulations in La Jolla Shores. The proposed amendment would help facilitate the approval of compatible uses, and would minimize potential detrimental effects to neighboring properties by requiring conditional approval of certain uses or by outright prohibiting incompatible uses in consideration of the purpose and intent in terms of permitted uses and the allowable intensity of those uses.

Measurement

Amendments involving the following 10 issues are intended to clarify how various things are defined or measured in the Land Development Code, particularly with respect to setbacks, height, and applicability to accessory buildings. Refer to Attachment 3 for the draft code sections.

34. Determining Property Lines/Setbacks for Resubdivided Corner Lots

The proposed amendment would help clarify how to measure property lines and setbacks for resubdivided corner lots which are common in many of the City's older residential neighborhoods. Land Development Code Chapter 11 applies to all residential zones including the planned districts. The amendment would include a new diagram to help clarify the measurement visually by identifying a resubdivided corner lot adjacent to a full length lot from the original subdivision layout. The intent of the regulation is to help preserve neighborhood character by maintaining the setbacks of the original subdivision.

35. Measurement of Height in Coastal Height Limit Overlay Zone

The proposed amendment would clarify that the measurement of height in the coastal height limit overlay zone must comply with both the Prop D 1970 UBC calculation method and the City's plumb line/overall height measurement methodology. Planned districts such as La Jolla that specifically do not apply the overall height measurement from Chapter 11 would continue to calculate height in accordance with existing planned district ordinance methodology.

36. Applicability of Chapter 14 General Development Regulations

The proposed amendment would create a new Section 131.0145 to help clarify that the Chapter 14 general development regulations apply to all base zones in Chapter 13. Incorporation of a specific reference is expected to help code users so that applicability of these regulations is not missed during project design or review.

37. Minimum Street Side Yard for Variable Setbacks

The variable setback requirement was modified by the 6th update to allow interior side yards to be reduced down to 4 feet in certain cases. However, the previous amendment did not specify a minimum setback for street side yards. The intent was to require a minimum of 10 feet when variable side setbacks are reapportioned. The proposed amendment would specify in Table 131-04D Footnote 2 that the minimum street side yard setback is 10 feet.

38. Non Habitable Accessory Buildings in Residential Zones

Non-habitable accessory buildings (i.e. a stand alone bathroom, or detached structure for utilities or storage) are structures that are not designed for people to use as living space for living, sleeping, eating, or cooking. Section 131.0448 specifically states [non-habitable] accessory

buildings may not be used for living or sleeping purposes, and lists under what conditions electrical, gas, water/sewer connections may be incorporated to allow for activities such as laundry, utility storage, or bathroom. However, this section has been the subject of numerous conflict resolution discussions, particularly in relation to garages. The California Building Code requires certain design features to be incorporated in a garage for occupant health and safety that are not required for other non-habitable structures (i.e. an egress door to facilitate exit, and fire separation when the garage is designed to be attached to the dwelling unit), but similar to other non-habitable structures, people are not allowed to live or sleep in a garage, regardless of whether the garage is attached to or detached from a dwelling unit.

The proposed amendment would incorporate the term “non-habitable” into Section 131.0448 to help clarify that the regulations apply to non habitable accessory buildings, as opposed to habitable accessory buildings that are designed for living and sleeping purposes. The proposal would also clarify that Section 131.0448 applies to detached garages only. In accordance with Section 131.0461, detached garages and other non-habitable accessory buildings are permitted to encroach into a side or rear yard on lots 10,000 square feet or less where they are one-story buildings limited to a maximum of 525 square feet, and where the encroaching side is 30 feet maximum in length.

The proposed language would also clarify that all non-habitable structures on the premises, excluding garages, are limited to 25 percent of the maximum allowable floor area ratio. The proposal is consistent with the City’s goals to encourage property owners to locate required parking within a garage, and consistent with the City’s goals for controlling bulk and scale because the garage would be counted towards the total floor area ratio of the development as a whole. (See also 7th Update Issue #43 which applies to habitable accessory buildings.)

39. Entry Way and Other Setback/Building Envelope Projections

The code currently allows architectural projections for entry way roofs only where they are a maximum of 12 feet above grade. This has complicated the design of entry ways for dwelling units that are not on slab. The proposed amendment would allow architectural projections up to 15 feet above grade to allow for this type of raised entry way and articulation in the design as was originally intended by the regulation. The proposed amendment would also allow roof projections into the angled building plane in RS, RX and RM-1 zones in accordance with Section 131.0461(a)(1). The 6th update previously reorganized the regulations related to projections into setbacks and the angled building plane, and in doing so accidentally omitted a provision that allowed for roof projections into the angled building plane in RM-1 zones. The proposed amendment would restore that requirement.

40. Air Conditioner Units Accessory to Residential Uses

The existing code allows mechanical equipment such as air conditioner units, gas meters, electrical fuse boxes, or pool equipment and associated utility enclosures to encroach into required side and rear yards at least 4 feet from the property line (at-grade equipment) or at least

2 feet , 6 inches (below grade equipment). This requirement has been a frequent topic for conflict resolution as it relates to air conditioner units. In some cases, existing residential subdivisions were developed with connections for air conditioner units that are unable to meet the setback requirement. Since associated noise is the purpose of the regulation, it was requested that air conditioner units be allowed within a side or rear yard (with no minimum setback), if sound attenuation features are incorporated in the design as necessary to meet the City's noise ordinance (Chapter 5). The proposed amendment would allow for greater flexibility in the placement of the air conditioning units while still meeting the City's noise standards.

41. Maximum Setback Requirements for Commercial Zones

The maximum setback requirement requires that at least 70 percent of the street frontage of a commercial development is located as close as possible to the property line. The proposed amendment would clarify that the remaining 30 percent of the street frontage is not required to observe the maximum setback and may be located farther back from the property line.

42. Loading Docks

Existing Section 131.0660 identifies one of the design requirements that apply to loading docks in the IL (light industrial) and IH (heavy industrial) zones in relation to the street wall/public right-of-way. This regulation would be transferred from Chapter 13 to Section 142.1030 to be included with other supplemental regulations applicable to loading areas in industrial zones. The Chapter 13 development regulation tables would be amended accordingly to refer code users to the loading dock regulations as applicable. The proposed amendment would also clarify that the intent is for loading docks to be located in the least visible areas of a development and clarify that the regulation applies only to the visible portions of the wall as viewed from the closest public right-of-way (when viewed perpendicular to plane of public right-of-way).

43. Guest Quarters/Habitable Accessory Buildings

Habitable accessory buildings, including guest quarters, are designed and used for living or sleeping purposes, and are often designed to be attached or detached accessory living quarters without direct access to the primary dwelling unit. The California Building Code requires habitable construction to be designed to a higher building standard than non habitable structures in order to protect the health and safety of occupants.

Guest quarters are specifically identified as a separately regulated use (Section 141.0306) in the Land Development Code in order to limit this type of development as necessary for compatibility with surrounding residential development. The code requires that guest quarters be used solely by the occupants of the primary dwelling unit or their guests or employees. Guest quarters may not provide independent living facilities or be rented or sold separately from the primary dwelling unit. Development or use of a guest quarters inconsistent with Section 141.0306 is subject to enforcement penalties in accordance with existing code provisions.

The problem has been in determining what regulations should apply to other types of habitable accessory buildings that are equivalent in design to a guest quarters (accessory living quarters without direct access to the primary dwelling unit), but are labeled for use for another purpose (i.e. an exercise room, home office, etc). The actual use of these accessory buildings is determined by the property owner and occupants and can change over time without the need for a permit. The proposed amendment would clarify that the limitations in Section 141.0306 apply to the use of that structure even though the term “guest quarters” may not have been indicated as the intended use for that building at the time of permit approval. The proposed change is expected to clarify the regulation for more consistent application in the future. (See also 7th Update Issue #38, which applies to non habitable accessory buildings.)

Landscape

Amendments involving the following issues address inconsistencies in landscape related regulations. Refer to Attachment 4 for the draft code sections in strikeout-underline format.

44. Brush Management

The proposed changes are intended to address inconsistencies between Section 143.0142(a)(4)(E) (environmentally sensitive lands regulations for steep hillsides) and previous amendments that established standard brush management zones. As proposed, Section 143.0142(a)(4)(E) of the ESL Regulations would be updated to reflect the new 35-foot distance for Zone One. Procedures for alternative compliance would also be updated for consistency with Section 142.0412(n) of the Brush Management Regulations. The proposed amendment would also clarify that non combustibile construction in Zone One includes one hour fire rated and/or heavy timber construction.

45. Landscape Regulations Applicability Table

Section 142.0402 specifies when the landscape regulations apply. The proposed amendment would clarify the applicable code sections in Table 142-04A for landscape regulations that apply to City owned park and recreation property within 100 feet of a structure, and for the planting of new trees and shrubs in the public right-of-way.

Parking

Amendments involving the following 5 issues would address inconsistencies and help remove processing obstacles for projects with parking structures or previously conforming parking. Refer to Attachment 5 for the draft code sections in strikeout-underline format.

46. Parking Structures

The existing code contains regulations that conflict in relation to development that includes parking structures. The City’s General Plan provides policy direction to encourage parking structures (as opposed to surface parking lots); however, a strict interpretation of the applicable floor area ratio regulations and parking structure design requirements make it near impossible to

implement. The proposed amendment would provide a floor area ratio exemption for parking structures that meet minimum design criteria including a combination of at least two of the following: at least one subterranean floor, part of a wrapped design, at least two elevations screened, or at least two elevations 40 percent or more open. The proposed change would allow for parking structures to be developed in a manner that minimizes visible bulk and mass and is compatible with surrounding development.

47. Exemption from Requirement to Pave Alley

The proposed amendment would clarify that alley improvements are not required for the development of guest quarters or other residential accessory structures for consistency between Sections 141.0306 and 142.0611.

48. Previously Conforming Parking

Currently, Section 142.0510(d)(4) requires a property owner/applicant to obtain a Neighborhood Development Permit to re-establish or locate a permitted use on a premises with previously conforming parking if the commercial structure has been vacant for two or more years. This expensive discretionary permit requirement has been identified as a regulatory obstacle for redevelopment of some of the City's older commercial centers. The proposed amendment would remove the NDP requirement in areas located outside of the parking impact overlay zone in order to facilitate development and revitalization in older commercial districts. As proposed, a Neighborhood Development Permit would continue to be required in parking impacted areas as identified by the City's Parking Impact Overlay Zone.

49. Outpatient Medical Clinics

Outpatient medical clinics are regulated by the use category applicable to medical, dental, and health practitioner offices. The proposed amendment would delete the term outpatient medical clinics from the parking table for specified non-residential uses because outpatient medical clinics are no longer a separately regulated use category in the code. The parking ratio for outpatient medical clinics and urgent care facilities (medical clinics that operate after standard business hours to provide urgent patient treatment, but not at the emergency level of a hospital with ambulance service or overnight patient stay), is equivalent to the parking required for medical, dental & health practitioner offices (4 spaces per 1,000 square feet) as specified in Table 142-05F. By comparison, hospitals require 2 spaces per bed and intermediate care/nursing facilities require 1 space per 3 beds as specified in existing Table 142-05F.

50. Driveway and Access Regulations

Section 142.0560 identifies the development and design regulations for parking facilities including driveways. The proposed amendment would clarify that existing driveways may be required to be modified to meet minimum design requirements in accordance with the code (i.e.

for ADA compliance), even where the proposed development does not involve demolition of the primary structure on a premises.

Minor Corrections

Amendments related to the following 15 issues would fix formatting errors (Issue #51, 55, 57), incorrect terms/references (Issues #52-54, 56, 58-59), and minor errors in Planned District Ordinances explained below (Issues #60-65). See Attachment 6 for the draft code language.

51. Advertising Display Signs

The existing definition for advertising display signs in Section 113.0103 contains a formatting error in the last sentence. The phrase “and billboards” is not a defined term in the Land Development Code, and therefore, should not be italicized. The proposed amendment would remove italics from that phrase.

52. Lot Line Adjustments

Existing Section 125.0310 contains a reference to outdated terminology. The proposed amendment would replace the term “adjacent” with the term “adjoining” in Section 125.0310 to help clarify that a lot line adjustment is required when land is taken from one or more parcels and added to one or more adjoining parcels without creating a new parcel, consistent with the Subdivision Map Act (as amended in 2001).

53. When a Neighborhood Use Permit is Required

Existing Section 126.0203 contains two incorrect references. Guest quarters are not required to get a Neighborhood Use Permit (NUP). Therefore, the proposed amendment would delete Guest Quarters from the list of uses that require a NUP. The proposed amendment would also replace the term “outpatient medical clinics” with the term “urgent care facilities” for consistency with existing land use categories and separately regulated use requirements in Chapters 13 and 14 within the Land Development Code.

54. Findings for Site Development Permit Approval

Existing Section 126.0504 contains two incorrect references. The proposed amendment would replace the reference to “Density Bonus in Exchange for Donation of Land (Section 143.0730)” with a reference to “Density Bonus Provisions (Section 143.0725)”. The proposed amendment would also replace the incorrect the reference in Section 126.0504(o) to refer to Section 126.0502(d)(7) instead of Section 126.0502(d)(6).

55. Satellite Antennas Use Category

Existing Section 131.0422, Table 131-04B contains a formatting error. The term “satellite” is not a defined term in Section 113.0103 of the Land Development Code, and therefore, should not be italicized. The proposed amendment would remove italics from the term “satellite”.

56. Residential Zones

Section 131.0431, Table 131-04G, which lists the applicable tables for various residential zones contains two incorrect references and is missing a reference to Table 131-04G (RM zones). The proposed amendment would add Table 131-04G to the list of tables with development regulations that apply in residential zones, and would correct two incorrect footnote references at the end of Table 131-04G. Footnote #17 would be corrected to refer to Section 131.0444(e) instead of (f) and Footnote#18 would be corrected to refer to Section 131.0444(f) instead of (g).

57. Underground Parking Structure

Existing Section 131.0446 contains a formatting error. “Underground parking structure” is not a defined term in Section 113.0103, and therefore, should not be italicized. The proposed amendment would remove italics from the term “underground parking structure” in Section 131.0446 subsections (e) and (f).

58. College Area Community Plan Implementation Overlay Zone (CPIOZ)

Section 132.1402 Table 132-14A is missing a reference to the College Area, which is an existing area of the Community Plan Implementation Overlay Zone. The proposed amendment would identify that the College Area is a part of the CPIOZ overlay zone in Table 132-14A.

59. Requirements for Park and Recreation Facilities

Existing Section 142.0650 contains an incorrect reference. The proposed amendment would correct the reference in Section 142.0650 to refer to Chapter 9, Article 6, Division 4 instead of Chapter 6, Article 3, Division 4.

60. General Planned District Ordinance (PDO) Provisions

Existing Section 151.0201 of the General PDO Provisions contains an incorrect reference. Section 151.0105 was moved to 151.0401 during the phase I reformat of the PDOs that was approved by the City Council in 2007. The proposed amendment would correct the section reference in Section 151.0201(d) and (e) to refer to 151.0401 instead of Section 151.0105.

61. Carmel Valley Planned District Ordinance

Existing Section 153.0103 of the Carmel Valley PDO is missing a reference to Chapter 14,

Article 2, Division 4 (landscape). The various precise plans/land use plans that apply to the Carmel Valley community contain policies that intend for development to comply with the citywide landscape regulations. Projects within Carmel Valley have been required to comply with the citywide landscape regulations since the PDO was created. The proposed amendment would clarify that the landscape regulations apply within the Carmel valley PDO by adding Chapter 14, Article 2, Division 4 (landscape) to the list of applicable regulations in Section 153.0103.

62. La Jolla Planned District Ordinance

Existing Section 159.0307 of the La Jolla PDO contains incorrect references to Section 113.0270(a)(4) and (a)(5). The proposed amendment would correct references in the La Jolla Planned District Ordinance to reflect the adopted 6th update changes related to measuring structure height where Section 113.0270(a)(4) was replaced by Section 113.0270(a)(4)(B)(i), and Section 113.0270(a)(5) was renumbered to Section 113.0270(a)(2)(B).

63. Mid City Planned District Ordinance

Section 1512.0303, Table 1512-03C of the Mid City PDO contains an incorrect reference to footnote 2 instead of footnote 1. The proposal would correct the erroneous footnote reference to clarify the allowable density for the MR-1250B zone when lots are less than 10,000 square feet.

64. Old Town Planned District Ordinance

Existing Section 1516.0302 of the Old Town PDO contains multiple incorrect references, including Table 1516-03D, footnotes to Table 1516-03D, and subsections (g) and (h). The proposed amendment would help to republish data that was accidentally omitted during the transfer of the regulations from Chapter 10 to 15, including subsection (g), various setbacks within Table 1516-03D, and footnotes to Table 1516-03D. The proposed amendment would clarify the setbacks for side and rear yards and the applicable footnotes for front and street yards, and would delete outdated references to Figures 1 and 2, which no longer exist.

65. Southeastern San Diego Planned District Ordinance


Sections 1519.0202, 1519.0205, and Appendix C.1 of the Southeastern San Diego planned district ordinance contain erroneous references. The proposed amendment would repeal Section 1519.0202(d) in accordance with City Attorney direction to allow code violations to be remedied as necessary through the applicable permit process. The proposed amendment would also update incorrect references in Section 1519.0205(b) and Appendix C.1 to refer to Section 151.0401 instead of Sections 151.0105 or 103.0105, which were replaced during the reformat in 2007.

Conclusion:

Staff recommends approval of the proposed 7th Update to the Land Development Code and Local Coastal Program Amendment. The proposed code amendments are consistent with the

original goals of the Land Development Code to simplify land development regulations, to make land development regulations more objective, to make the code more adaptable, to eliminate redundancies and contradictions, to standardize the land development code framework, and to increase predictability in the application of land development regulations.

Respectfully submitted,



FOR

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BROUGHTON/AJL

Attachments:

1. Issue Matrix
2. Draft Code Language: Permit Process
3. Draft Code Language: Measurement
4. Draft Code Language: Landscape
5. Draft Code Language: Parking
6. Draft Code Language: Minor Corrections

Following is a summary of the 65 amendments included in the 7th Update to comply with state law, clarify existing regulations, remove inconsistencies, and meet goals for regulatory reform including increased predictability in the regulations and streamlining of permit processes. The amendments are organized into Permit Process, Measurement, Landscape, Parking, and Minor Corrections categories. Within each category the individual amendments are listed in order of the associated code sections that would be amended. Each amendment is further analyzed and described in the Report to Planning Commission.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
<p>Permit Process Amendments: The following 33 amendments are proposed to improve the permit process and address inconsistencies in the existing regulations. The majority address various stages within the permit process including applications, noticing, findings for approval, grounds for appeal, and permit expiration. The amendments also address permit thresholds that have been identified as burdensome for projects with no adverse impacts, and would lower the permit process level for various uses and permit types.</p>			
1	Comply with State Law/ Clarification	98.0720 125.0431	<p><u>Condominium Conversion Map Notices</u></p> <ul style="list-style-type: none"> • Corrects an incorrect reference from Section 66452.8 to 66452.17 • Clarifies the requirement for “notice of intention to convert” to comply with the Subdivision Map Act, amended and renumbered pursuant to Assembly Bill 2016 (January 2009) • Corrects the reference to the definition of condominium within the California Civil Code
2	Regulatory Reform	112.0102	<p><u>Expiration of Ministerial Applications</u></p> <p>Adds a provision for applications for ministerial actions (i.e. construction permits or maps) to expire after 2 years, and allows for extensions of the application time period as needed.</p>
3	Clarification	112.0301	<p><u>Notice of Availability of Local Coastal Program Amendments</u></p> <p>Clarifies the requirement for a “Notice of Availability” within the mailed notice section of the Land Development Code consistent with the City’s Local Coastal Program.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
4	Clarification	112.0302	<p><u>Mailed Notice</u> Clarifies that where mailed notices are required for a development permit, each tenant address on the subject property is entitled to notice in addition to all owners and tenant addresses of surrounding properties within 300 feet of the property boundary.</p>
5	Regulatory Reform	112.0504	<p><u>Grounds for Appeal of Process Two Decisions</u> Clarifies the grounds for appeal of a Process Two level decision using similar criteria to that which is used for higher process level appeals of development permits.</p>
6	Regulatory Reform	112.0520	<p><u>Environmental Determination Appeals</u> Clarifies that if the City Council grants an appeal of an environmental determination, that the environmental document shall be revised and returned to the City Council for consideration together with the associated permit, map or other entitlement. The amendment would help to eliminate appeal loops by keeping the decision at the City Council level once an appeal is granted.</p>
7	Regulatory Reform	113.0103 129.0102 129.0203 New 129.0901 New 129.0902 New 129.0910 New 129.0920 New 129.0930 New 129.0940 New 129.0950 New 129.0960 142.0402	<p><u>Minor Construction Permit</u> Creates a new streamlined process for review of development that would otherwise be exempt from any type of permit, but needs ministerial construction review by a single staff group (i.e historical review or landscape). Examples include historic review required for repair to a roof, window, or chimney on a designated historical structure, or for landscape review for the addition of parking spaces. Currently, a building permit and review by multiple staff disciplines is required for this type of work even though it technically meets the building permit exemption criteria. Instead, historic review (or landscape) staff would issue a minor construction permit approval directly to the customer with follow up inspection as applicable.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
8	Regulatory Reform	125.0121 125.0122 New 125.0123 125.0420 125.0461 126.0111	<p><u>Expiration of Tentative Maps/Map Waivers and Associated Development Permits</u></p> <ul style="list-style-type: none"> • Lowers the decision process on Extensions of Time for tentative maps and map waivers to a Process Two (from Process Three and Four) • Specifies that the expiration date for associated development permits will automatically be extended with maps to coincide with extensions of the expiration date per the Map Act. • Specifies that permit applications for tentative maps and map waivers may be closed after 90 days of inactivity similar to the requirement for development permits.
9	Regulatory Reform	125.0150 126.0115	<p><u>Tolling of Tentative Maps and Development Permits</u></p> <ul style="list-style-type: none"> • Allows for an applicant to request a tolling (temporary stoppage) of the process per the Subdivision Map Act when a lawsuit involving the tentative map is pending. • Allows for tolling of development permits during a lawsuit.
10	Clarification	125.0440 126.0205 126.0305 126.0404 126.0504 126.0604	<p><u>Discretionary Permit Findings</u></p> <ul style="list-style-type: none"> • Modifies the permit finding (TM, NUP, CUP, NDP, SDP, PDP) that requires compliance with the LDC to clarify that it includes any deviations permitted by the code. • Deletes the PDP finding that a development must be beneficial to the community, but would continue to require that deviations are appropriate for the location and result in a more desirable project than would be achieved if designed in strict conformance to the zone.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
11	Comply with State Law/ Clarification	125.0910 125.0940 125.0941 125.0950 125.1001 125.1010 125.1020 125.1030 125.1040 125.1050	<p><u>Easement/Public Right-of-Way Vacations</u></p> <ul style="list-style-type: none"> • Clarifies that if an applicant proposes to vacate a public right of way or easement in conjunction with a tentative map, the notice of public hearing provided for the tentative map may also be used to satisfy the public notice requirement for the proposed vacation. • Updates references to the State Map Act and State Highway Code sections • Deletes references to Resolution of Intention
12	Regulatory Reform	126.0113	<p><u>Modification of Development Permit Expiration Dates</u></p> <ul style="list-style-type: none"> • Allows application for an amendment to a development permit (NUP, CUP, NDP, SDP, PDP, CDP or Variance) to modify or delete a permit condition that effects the expiration date of the permit. In such cases the development permit expiration date would automatically be extended until a decision on the development permit is final and all available administrative appeals of the project decision have been exhausted. • Allows for amendment to a development permit to allow existing land uses (that would not be permitted to establish as new uses) additional time to operate and eventually phase out consistent with the economic prosperity element of the General Plan.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
13	Clarification/ Regulatory Reform	126.0203 126.0303 131.0222 131.0322 131.0422 131.0522 Table 131-05B 131.0622 Table 131-06B 141.0604 141.0625	<p><u>Pet Care Related Uses</u></p> <ul style="list-style-type: none"> • Boarding Kennels/Pet Day Care: Instead of requiring a Conditional Use Permit for boarding kennels which operate similar to other commercial service businesses, the amendment allows boarding kennels and pet day care as a limited use in specified commercial and industrial zones. Facilities with outdoor services (i.e. outdoor kennels/exercise areas) would be subject to a Neighborhood Use Permit. • Vet Clinics: Instead of requiring a Conditional Use Permit for vet clinics which operate similar to medical offices or commercial services, the amendment allows indoor vet clinics that do not offer 24-hour service or overnights stays as limited uses in specified commercial and industrial zones. Require a Neighborhood Use Permit for vet clinics with outdoor service areas consistent with the proposed regulations for boarding kennels/pet day care.
14	Clarification/ Regulatory Reform	126.0203 141.1105 142.1205 Table 142-12A 142.1215 142.1260 151.0104	<p><u>Discretionary Sign Permits</u></p> <ul style="list-style-type: none"> • Allows for applicants to request a Process Two Neighborhood Use Permit for reallocation of sign area or other deviations that meet the intent of the sign code. • Removes outdated references to community identification signs, and replaces with updated term “neighborhood identification signs” or “community entry signs” as appropriate for consistency with Land Development Code.
15	Regulatory Reform	126.0303 131.0112 131.0222 131.0322 131.0422 131.0522 131.0622 Table 131-05B 141.0612	<p><u>Instructional Studios</u></p> <ul style="list-style-type: none"> • Allows instructional studios (i.e. dance studios, art studios, and martial arts studios) to operate by right in certain zones similar to other commercial services such as yoga and personal training studios and fitness facilities, including multi dwelling unit residential zones. • Removes this use category from the list of separately regulated uses that require discretionary use permits prior to operation.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
16	Regulatory Reform	126.0502 126.0504 143.0110 143.0146	<p><u>Special Flood Hazard Areas</u></p> <ul style="list-style-type: none"> Exempts development that complies with the special flood hazard area regulations from a discretionary permit for environmentally sensitive lands. Amends the supplemental regulations for special flood hazard areas to include the exceptions allowed under FEMA regulations (encroachments into the floodway).
17	Clarification	126.0602 143.0402 Table 143-04A	<p><u>Planned Development Permits</u></p> <ul style="list-style-type: none"> Clarifies the requirement for a Process Three Planned Development Permit in cases where land use plans recommend processing of a Planned Development Permit if a discretionary action is required, and for residential development in urbanized communities. Removes the existing list of specific community plans from the code since it is inaccurate. Clarifies that a Process Three Planned Development Permit application may be requested to allow land uses consistent with a land use plan designation that otherwise would not be allowed per the underlying base zone.
18	Clarification	126.0708	<p><u>Supplemental Findings for Coastal Development Permits</u></p> <p>Updates Section 126.0708, which was previously reorganized to separate Coastal Development Permit findings into standard CDP findings (subsection a) and supplemental CDP findings (subsection b) that apply to requested deviations to the Environmentally Sensitive Lands regulations within the coastal zone. References to subsections (c) and (d) should be deleted.</p>
19	Regulatory Reform	129.0119 129.0218 129.0643 129.0650 129.0744 129.0750	<p><u>Bonds and Expiration Dates for Grading Permits and Public Right-of-Way Permits</u></p> <ul style="list-style-type: none"> Allows grading permits and public right-of-way permits that are associated with a valid building permit to expire with the building permit to reduce the need to process extensions. Establishes authority to collect bonds for grading in the public right-of-way to assure that temporary shoring in the public right-of-way is removed and the right-of-way is returned to the original condition in case a project is not completed.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
20	Clarification/ Regulatory Reform	129.0203 143.0110	<p><u>Permits for Environmentally Sensitive Lands (ESL)</u> The ESL regulations apply to all development with a potential to impact environmentally sensitive lands, including development exempt from building permits (i.e. patio structures, walls/fences).</p> <ul style="list-style-type: none"> • Clarifies that the exemptions from a Building Permit in Section 129.0203 do not apply when a development permit is otherwise required for ESL. • Clarifies the discretionary permit requirement for premises containing ESL to allow new development that does not encroach further than the extent of legally graded areas (no encroachment into ESL) and that does not expand existing brush management zone one to be processed via Process One under specified circumstances.
21	Regulatory Reform	129.0710(a)(7)	<p><u>Monitoring Wells</u> Exempts monitoring wells in the public right of way from a Site Development Permit where the applicant is not the record owner of the underlying fee title. Monitoring wells are specifically exempt (from a Neighborhood Development Permit) where the applicant is the record owner of the underlying fee title at the proposed monitoring well location.</p>
22	Regulatory Reform	131.0422 Table 131-04B	<p><u>Guest Quarters in RM-1 Zones</u> Allows guest quarters as a limited use on lots developed with a single dwelling unit in RM-1 zones, and specifies that guest quarters are allowed accessory to a single dwelling unit, but are not permitted accessory to multiple dwelling unit development.</p>
23	Regulatory Reform	131.0522 Table 131-05B	<p><u>Art Galleries, Surf Shops, and Small Consumer Retail Uses in CV Zones</u> Allows art galleries, surf shops, and similar retail uses at a small scale in commercial visitor zones. Art galleries and surf shops are retail sales uses that are classified in the Consumer Goods, Furniture, Appliances, and Equipment category, and are currently not permitted in CV zones. This use category applies to uses that provide goods, large and small, functional and decorative, for use, entertainment, comfort, or aesthetics, which can be compatible with visitor serving CV zones if developed at a small scale.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
24	Regulatory Reform/ Comply with State Law	131.0522 Table 131-05B 141.0613	<p><u>Specialized Practice Massage Establishments</u> Massage is a police regulated business subject to Chapter 3 Article 3 Division 35.</p> <ul style="list-style-type: none"> • Updates the requirements for proof of certification and proficiency in specialized practice massage in accordance with the California Business and Professions Code, Section 4600. • Modifies Section 141.0613(c) to allow the word “massage” to be used in the signage for specialized practice massage establishments. (The police permit number is already required to be displayed on any advertising for massage establishments per Chapter 3.) • Clarifies that specialized practice massage is permitted in Commercial–Visitor (CV) zones as an accessory commercial service use (i.e. day spas accessory to resort hotels).
25	Comply with General Plan	131.0622 Table 131-06B 141.0404 141.0407 141.0617	<p><u>Public Assembly and Sensitive Receptors in Prime Industrial Lands</u> Limits public assembly and sensitive receptors in prime industrial lands in accordance with General Plan policies for public safety, and retention of base sector manufacturing, research and development, and major distribution facilities.</p> <ul style="list-style-type: none"> • Requires a conditional use permit for child care center facilities in industrial zones. • Specifies that “religious and educational facilities” and “private clubs, lodges and fraternal organizations” are not permitted in prime industrial lands consistent with the General Plan. • Indicates that assembly and entertainment is not permitted in prime industrial lands (footnote Chapter 13 use table for industrial zones).
26	Comply with Housing Element/ Regulatory Reform	141.0302	<p><u>Companion Units</u> A companion unit is allowed accessory to a single dwelling unit in compliance with Section 141.0302. The amendment would remove the requirement for double the minimum lot size and the restriction that limits concurrent development of a primary dwelling unit and companion unit. The amendment would also clarify that the property owner is required to live onsite in either the primary dwelling unit or the companion unit. The amendments are consistent with the City’s adopted Housing Element Implementation Chart, which identifies a need to promote ministerial approval of companion units consistent with State Law.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
27	Clarification	141.0304	<p><u>Fraternity Houses, Sorority Houses, and Student Dormitories</u> Consistent with the request submitted by the College Area Community Planning Board, the amendment clarifies that fraternity houses, sorority houses, and student dormitories shall be located in a designated area when the applicable land use plan contains one for such facilities. If there is no designated area, then such facilities may be located within a 1-mile radius of the boundary of the college or university campus in specified RM zones.</p>
28	Regulatory Reform	143.0126	<p><u>Emergency Permits for Environmentally Sensitive Lands</u> Establishes a new emergency Site Development Permit process (Section 143.0126) for approval of emergency work within environmentally sensitive lands, similar to the existing process for approval of an emergency coastal permit within the coastal zone (Section 126.0718).</p>
29	Regulatory Reform	143.0212	<p><u>Interior Work Exemption from Historical Resource Survey Requirement</u> Exempts structures 45 years and older from obtaining a historical resource survey prior to interior work, including any interior work that requires electrical or plumbing/mechanical permits. (Exemption does not apply to structures that have been designated historic.)</p>
30	Clarification	144.0350	<p><u>Recordation of Ownership Interest for Parcel Maps</u> The Subdivision Map Act requires that a Parcel Map be signed by the subdivider, but it does not address a situation where the subdivider does not have ownership interest in the property. The amendment requires that a separate document be recorded in circumstances where the subdivider does not share ownership interest in order to protect interests of the property owner, trustees, and beneficiaries consistent with the intent of the Subdivision Map Act.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
31	Clarification/ Regulatory Reform	151.0202	<p><u>Initiation Process in Planned Districts</u> Clarifies the initiation process for planned districts is the same as required for commencing a Process Five zoning or rezoning action (Section 123.0103), and removes the requirement for initiation of PDO amendments other than zoning or rezoning actions.</p>
32	Clarification/ Regulatory Reform	151.0203	<p><u>Notices Required in Planned Districts</u> Eliminates the existing requirement for an additional notice to be provided in planned districts, which has created confusion regarding the noticing requirement for planned districts. Applies noticing requirements consistently citywide.</p>
33	Clarification/ Regulatory Reform	151.0401 1510.0107	<p><u>Separately Regulated Uses in Planned Districts</u></p> <ul style="list-style-type: none"> • Clarifies that the separately regulated use regulations identified in Chapter 14, Article 1 apply to planned districts except where a conflict is explicitly identified in the planned district for a specified use. The existing list of uses in Section 151.0401 is outdated and does not address all separately regulated uses. • Specifies that the separately regulated use regulations in Chapter 14, Article 1 apply to the La Jolla Shores planned district, except where there is conflict with the planned district regulations.
<p>Measurement Amendments: The following 10 amendments clarify how various things are defined or measured in the Land Development Code, particularly with respect to setbacks, height, and applicability to accessory buildings.</p>			

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
34	Clarification/ Regulatory Reform	113.0246 New Diagram 113-02DD 113.0249 113.0252 131.0443	<p><u>Determining Property Lines/Setbacks for Resubdivided Corner Lots</u> Clarifies how to measure property lines and setbacks for resubdivided corner lots in older residential neighborhoods including Planned Districts. (Ch 11 applies to all residential zones including PDOs.) Adds new Diagram to help clarify the applicability in the context of an existing full length lot. <i>Remember diagrams that follow Diagram 113-02DD for final ordinance (Sections 113.0258, 113.0261, 113.0264, 113.0267, 113.0270, 113.0273, 113.0276).</i></p>
35	Clarification	113.0270	<p><u>Measurement of Height in Coastal Height Limit Overlay Zone</u> Clarifies that the measurement of height in the coastal height limit overlay zone must comply with both the Prop D 1970 UBC calculation method and the City's plumb line/overall height measurement methodology. Planned Districts such as the La Jolla PDO that do not apply the overall height measurement would continue to calculate height in accordance with existing PDO methodology.</p>
36	Clarification	131.0145	<p><u>Applicability of Chapter 14 General Development Regulations</u> Creates new Section 131.0145 to clarify that Chapter 14 regulations apply to all base zones.</p>
37	Clarification	131.0431 Table 131-04D Footnote 2	<p><u>Minimum Street Side Yard for Variable Setbacks</u> Specifies in Table 131-04D (footnote 2) that the minimum street side yard setback is 10 feet. The 6th update allowed interior side yards to be reduced down to 4 feet, but did not specify that the minimum for street side yards is 10 feet when variable side setbacks are reapportioned.</p>
38	Clarification	131.0431 Table 131-04A through 131-04G 131.0448	<p><u>Non Habitable Accessory Buildings in Residential Zones</u> Clarifies applicability of Land Development Code regulations to non habitable accessory buildings, and that the limit in Section 131.0448 (25% maximum and allowable encroachment into the setback) applies only to non habitable structures (i.e. bathrooms, utility rooms, or storage rooms).</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
39	Clarification/ Regulatory Reform	131.0461 New Diagram 131- 04S	<p><u>Entry Way and Other Setback/Building Envelope Projections</u></p> <ul style="list-style-type: none"> • Allows entry roofs up to 15 feet above grade to allow for raised entry way designs for dwelling units that are not on slab. (Existing standard is 12 feet) • Allows roof projections into the angled building envelope plane in RS, RX and RM-1 zones consistent with provision prior to 6th update for RM-1 zones. <p><i>Remember diagrams that follow in 131.0461 (04S, 04), 04L, 04V) for final ordinance.</i></p>
40	Regulatory Reform	131.0461	<p><u>Air Conditioner Units Accessory to Residential Uses</u></p> <p>Allows air conditioner units to be located within a side or rear yard, where sound attenuation features are incorporated as necessary to meet the City's noise ordinance (Chapter 5).</p>
41	Clarification	131.0543	<p><u>Maximum Setback Requirements for Commercial Zones</u></p> <p>The maximum setback requirement is intended to require that at least 70 percent of the street frontage of a commercial development is located as close as possible to the property line. The amendment clarifies that the remaining 30 percent of the street frontage is not required to observe the maximum setback and may be located farther back from the property line.</p>
42	Clarification/ Regulatory Reform	131.0531 131.0631 131.0660 142.1030	<p><u>Loading Docks</u></p> <p>Modifies Section 131.0660 to regulate only the visible portions of the wall as viewed from closest public right-of-way, and clarifies that the intent is for loading docks to be located in least visible areas. Transfers to Section 142.1030 with other loading area regulations for industrial zones.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
43	Regulatory Reform	141.0306	<p><u>Guest Quarters/Habitable Accessory Buildings</u> Clarifies regulations applicable to habitable accessory buildings, which can be used for living or sleeping purposes similar to guest quarters. (Examples include home offices, game rooms or pool cabanas.) Regulates as a separately regulated use regardless of what the building is labeled by the designer, and removes the existing parking requirement and tree requirement for new habitable buildings accessory to a single dwelling unit.</p>
<p>Landscape Amendments: The following 2 amendments address inconsistencies in landscape related regulations.</p>			
44	Clarification	142.0412 143.0142(a)(4)(E)	<p><u>Brush Management</u></p> <ul style="list-style-type: none"> • Updates Section 143.0142(a)(4)(E) to reflect the required 35-foot distance for Zone One and procedures for alternative compliance for consistency with Section 142.0412(n). • Clarifies that non combustible construction in Zone One also includes one hour fire rated and/or heavy timber construction.
45	Clarification	142.0402 Table 142-04A	<p><u>Landscape Regulations Applicability</u> Clarifies the applicable landscape regulations sections in Table 142-04A.</p>
<p>Parking Amendments: The following 5 amendments would address inconsistencies and help remove processing obstacles for projects with parking structures or previously conforming parking.</p>			
46	Regulatory Reform	113.0234 142.0560(k)	<p><u>Parking Structures</u> Provides a floor area ratio exemption for parking structures that meet minimum design criteria including a combination of at least two of the following: at least one subterranean floor, part of a wrapped design, at least two elevations screened, or at least two elevations 40 percent or more open.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
47	Regulatory Reform	141.0306	<p><u>Exemption From Requirement to Pave Alley</u> Clarifies that alley improvements are not required for the development of guest quarters or other residential accessory structures for consistency between Sections 141.0306 and 142.0611.</p>
48	Regulatory Reform	142.0510	<p><u>Previously Conforming Parking</u> Removes the requirement (outside the beach impact area only) for conforming uses to obtain a Neighborhood Development Permit when the premises is previously conforming for parking in order to facilitate redevelopment and revitalization in older commercial districts.</p>
49	Clarification	142.0530 Table 142-05F	<p><u>Outpatient Medical Clinics</u> Deletes outpatient medical clinics from the parking table. "Outpatient medical clinics" is a use category that was replaced with the use category: "urgent care facilities", which requires the same parking as the medical office use category.</p>
50	Clarification	142.0560	<p><u>Driveway and Access Regulations</u> Clarifies that driveway upgrades may be required (i.e. for ADA compliance or for operational considerations) even where the proposed development does not involve demolition of the primary structure on a premises.</p>
<p>Minor Corrections: The following would fix formatting errors, incorrect terms/references, and minor errors in Planned District Ordinances.</p>			
51	Formatting Error	113.0103	<p><u>Advertising Display Signs</u> Removes italics from "and billboards", which is not a defined term in the code.</p>
52	Comply with State Law/ Incorrect Term	125.0310	<p><u>Lot Line Adjustments</u> Replaces the term "adjacent" with the term "adjoining" in accordance with the change in terminology in the Subdivision Map Act.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
53	Incorrect References	126.0203(a)	<p><u>When a Neighborhood Use Permit is Required</u> Guest quarters are no longer required to get an NUP. Deletes Guest Quarters from the list of uses that require a Neighborhood Use Permit (NUP). Also, replaces the term “outpatient medical clinics” with the term “urgent care facilities” for consistency with Land Development Code.</p>
54	Incorrect References	126.0504(l)(3) 126.0504(o)	<p><u>Findings for Site Development Permit Approval</u> Corrects the reference in Section 126.0504—should be 143.0725 Density Bonus Provisions instead of Density Bonus in Exchange for Donation of Land (143.0730). Corrects the reference in Section 126.0504(o) -- should be Section 126.0502(d)(7) instead of Section 126.0502(d)(6).</p>
55	Formatting Error	131.0422 Table 131-04B	<p><u>Satellite Antennas Use Category</u> Removes italics from the term “satellite”, which is not a defined term in the code.</p>
56	Formatting Error/ Incorrect and Missing References	131.0431 Table 131-04G Footnotes 17, 18	<p><u>Residential Zones</u> This section lists the applicable tables for various residential zones, but is missing a reference to Table 131-04G (RM zones). Adds Table 131-04G to the list and corrects the footnote references. Footnote #17 should be Section 131.0444(e) not (f) and Footnote#18 should be 131.0444(f) not (g).</p>
57	Formatting Error	131.0446(e) 131.0446(f)	<p><u>Underground Parking Structure</u> Removes italics from “underground parking structure”, which is not a defined term in the code.</p>
58	Missing Reference	132.1402 Table 132-14A	<p><u>College Area Community Plan Implementation Overlay Zone (CPIOZ)</u> Adds “College Area (see Diagram 132-14B)” and “C-761.1” to the list of community plan areas where CPIOZ applies. College Area is existing community plan within CPIOZ overlay zone.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
59	Incorrect Reference	142.0650	<p><u>Requirements for Park and Recreational Facilities</u> Corrects the reference in Section 142.0650 to refer to Chapter 9, Article 6, Division 4 instead of Chapter 6, Article 3, Division 4.</p>
60	Incorrect References	151.0201	<p><u>General Planned District Ordinance (PDO) Provisions</u> Corrects the reference in Section 151.0201(d) and (e) to refer to 151.0401 instead of Section 151.0105, which was moved to 151.0401 during the phase I reformat of the PDOs.</p>
61	Missing Reference	153.0103	<p><u>Carmel Valley PDO</u> Clarifies that Chapter 14, Article 2, Division 4 (landscape) applies to the Carmel Valley PDO by adding to the list of applicable regulations in Section 153.0103.</p>
62	Incorrect References	159.0307	<p><u>La Jolla PDO</u> Corrects references in the La Jolla PDO to reflect the adopted 6th update changes related to measuring structure height. Section 113.0270(a)(4) was replaced by Section 113.0270(a)(4)(B)(i), and Section 113.0270(a)(5) was renumbered to Section 113.0270(a)(2)(B).</p>
63	Incorrect Reference	1512.0303 Table 1512-03C	<p><u>Mid City PDO</u> Corrects the erroneous footnote reference in Table 1512-03C to clarify the allowable density for the MR-1250B zone when lots are less than 10,000 square feet.</p>
64	Formatting Errors/ Incorrect and Missing References	1516.0302 Table 1516-03D	<p><u>Old Town PDO</u></p> <ul style="list-style-type: none"> • Adds Subsection (g) and footnotes and setbacks to Table 1516-03D that were accidentally omitted during the transfer from Chapter 10 to 15. • Clarifies the setbacks for side and rear yards. • Clarifies the footnotes for front and street yards. • Deletes reference to Figures 1 and 2, which do not exist.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
65	Incorrect References	1519.0202(d) 1519.0205 Appendix C.1	<p><u>Southeastern San Diego PDO</u></p> <ul style="list-style-type: none"> • Repeals 1519.0202(d) per City Attorney request in order to allow code violations to be remedied as necessary through the applicable permit approval process. • Corrects the reference in Section 1519.0205(b) to refer to Section 151.0401 instead of Section 151.0105, which was moved to 151.0401 during the phase I reformat of the PDOs. • Corrects the reference in Appendix C.1 to refer to Section 151.0401 instead of Section 103.0105 which does not exist.

Issue #1: Condominium Conversion Map Notices

§98.0720 Definitions

The following definitions apply to the administration and enforcement of this division:

“*Condominium*” means the same as defined in sections 783 and 1357 1351(f) of the California Civil Code.

§125.0431 Additional Notice for a Condominium Conversion Map

- (a) For a *tentative map* for a *condominium conversion* project, the *subdivider* shall provide the following notices in addition to the notice provided for in Chapter 11, Article 2, Division 3 (Notice):
- (1) Notice to each tenant of the proposed project required in the *Subdivision Map Act* section 66427.1; and
 - (2) Notice to each person applying for the rental of a unit in the proposed project required in Chapter 11, Article 2, Division 3 (Notice) and *Subdivision Map Act* section 66452.8 66452.17;
 - (3) through (5) [No change]
 - (6) Following approval of a *tentative map* for *condominium conversion*, a 180 Day Notice of Intention to Convert shall be provided to each tenant prior to termination of tenancy due to *condominium conversion* pursuant to *Subdivision Map Act* section 66452.19.
- (b) [No change]
-

Issue #2: Application Expiration For Process One Maps and Construction Permits

§112.0102 Application Process

An application for a permit, map, or other matter shall be filed with the City Manager in accordance with the following requirements:

- (a) through (c) [No change]
- (d) Expiration of Application.
- (1) Applications for *construction permits* and Process One map approvals expire 2 years from the date the application is *deemed complete*, unless otherwise stated in the Land Development Code.
 - (2) The application may be extended for a period not exceeding 180 calendar days, if the City Manager determines that circumstances beyond the control of the *applicant* prevented issuance

of the associated permit or Process One map approval. In such cases, the existing application shall be automatically extended until a decision is made regarding the request for extension.

- (3) Once expired, the application, plans, and other data submitted for review may be returned to the applicant or destroyed by the City Manager.
- (4) To reapply, the *applicant* shall submit a new application with required submittal materials and shall be subject to all applicable fees and regulations in effect on the date the new application is deemed complete.

Issue #3: Notice of Availability of Local Coastal Program Amendments

§112.0301 Types of Notice

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

(d) 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.

Issue #4: Mailed Notice

§112.0302 Notice by Mail

- (a) [No Change]
- (b) Persons Entitled to Notice. Except as provided in Section 112.0302(c), the Notice of Application, Notice of Future Decision, and Notice of Public Hearing shall be mailed to the following:
- (1) The *applicant*;
 - (2) All tenant addresses located on the subject property and all addresses within 300 feet of the boundary of the real property that is the subject of the application, including each tenant address within a condominium or apartment complex;
 - (3) The owners of any real property, as shown on the latest equalized property tax assessment roll of the San Diego County Assessor, located within 300 feet of the boundary of the property that is the subject of the application;
 - (4) The officially recognized community planning group, if any, that represents the area in which the proposed development is located; and
 - (5) Any person who has submitted a written request for notification of the proposed *development* to the City staff person named in the Notice of Future Decision.
- (c) and (d) [No Change]
-

Issue #5: Grounds for Appeal of Process Two Decisions

§112.0504 Process Two Appeal Hearing

The Planning Commission shall hear appeals of Process Two decisions subject to the following requirements.

- (a) **Persons Who Can Appeal.** The following persons may request an appeal hearing after the designated staff person's decision:
 - (1) *An applicant*; or
 - (2) Any other person who files an application for a Process Two appeal hearing in accordance with Section 112.0504(b).
- (b) **Request for a Process Two Appeal Hearing.** A Process Two decision may be appealed by filing an application for a Process Two appeal hearing with the City Manager no later than 12 *business days* after the *decision date*.
- (c) **Grounds for Appeal.** A Process Two decision may be appealed on any of the following grounds:
 - (1) **Factual Error.** The statements or evidence relied upon by the decision maker when approving, conditionally approving, or denying a permit, map, or other matter were inaccurate;
 - (2) **New Information.** New information is available to the *applicant* or the *interested person* that was not available through reasonable efforts or due diligence at the time of the decision;
 - (3) **Findings Not Supported.** The decision maker's stated *findings* to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker; or
 - (4) **Conflicts.** The decision to approve, conditionally approve, or deny the permit is in conflict with a *land use plan*, a City Council policy, or the Municipal Code.
- (~~e~~) (d) **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. The appeal hearing shall be noticed in accordance with Section 112.0308.
- (~~d~~) (e) **Power to Act on the Decision at Appeal Hearing.** At the conclusion of the appeal hearing, the Planning Commission may affirm, reverse, or modify the staff decision.

Issue #6: Environmental Determination Appeals

§ 112.0520 Environmental Determination Appeals

(a) Persons Who Can Appeal

- (1) Notwithstanding other provisions of this Code, any person may appeal an *environmental determination* by the City Manager.
- (2) Notwithstanding other provisions of this Code, any *interested person* may appeal to the City Council, a decision an *environmental determination* by the Planning Commission, ~~to approve a negative declaration, mitigated negative declaration or an environmental impact report, provided that:~~

~~(A) The decision is associated with a Process Two or Three decision.~~

~~(B) All available administrative appeals of the project decision have been exhausted.~~

(b) Time for Filing an Appeal

- (1) An application to appeal a decision described in sSection 112.0520(a)(1) shall be filed in the Office of the City Clerk within the earlier of 10 *business days* from the date of the posting of the Notice of Right to Appeal Environmental Determination or 15 *business days* from the date of the *environmental determination*.
- (2) An application to appeal a decision described in sSection 112.0520(a)(2) shall be filed in the Office of the City Clerk within 10 *business days* from the date of the Planning Commission's decision.

- (c) Scheduling Appeal Hearings. The appeal hearing before the City Council shall be held, or the City Clerk shall set a date for the appeal hearing, no later than 30 calendar days after the date on which the application for an appeal is filed. The appeal hearing shall be noticed in accordance with sSection 112.0308.

- (d) Power to Act on Appeal. The City Council shall consider the appeal and shall, by a majority vote:

(1) Deny the appeal, uphold the *environmental determination* and adopt the CEQA findings and statement of overriding considerations of the previous decision-maker, where appropriate; or

(2) Grant the appeal and make a superseding *environmental determination* or CEQA findings; or

~~(3) Grant the appeal, and set aside the *environmental determination*, and remand the matter to the previous decision-maker, in accordance with sSection 112.0520(f)(e), to reconsider~~

~~the *environmental determination* that incorporates any direction or instruction the City Council deems appropriate.~~

- (e) ~~If the City Council denies the appeal or grants the appeal under sSection 112.0520(d)(2), the lower decision-maker's decision to grant the entitlements, approval or City authorization, shall become effective immediately.~~
- (~~f~~)e) If the City Council grants the appeal under sSection 112.0520(d)(3)(d)(2);
- (1) ~~the *environmental determination* was a decision that the activity was not subject to CEQA, the matter shall be remanded to the The Development Services Director to prepare a revised shall reconsider the *environmental determination* in accordance with sSection 128.0103 and prepare a revised environmental document as appropriate, in consideration of any direction from the City Council.~~
 - (1)(2) ~~If the *environmental determination* was a decision that the activity was not subject to CEQA, the matter shall be remanded to the The Development Services Director to prepare a revised shall reconsider the *environmental determination* in accordance with sSection 128.0103 and prepare a revised environmental document as appropriate, in consideration of any direction from the City Council.~~
 - (2) ~~If the *environmental determination* was the certification of an environmental impact report or adoption of a negative declaration or mitigated negative declaration, associated with a Process Two or Three decision, the matter shall be remanded to the Planning Commission for consideration of a revised *environmental determination*.~~
 - (3) ~~If the *environmental determination* was the certification of an environmental impact report or adoption of a negative declaration or mitigated negative declaration, associated with a decision by the City Manager, the matter shall be remanded to the City Manager for consideration.~~
 - (3) At a subsequent hearing, the City Council shall again consider the *environmental determination* and associated entitlements, and take action in accordance with Section 112.0520(e)(3)(A), (B), or (C) to:
 - (A) Certify the environmental document; adopt CEQA findings and statement of overriding considerations as appropriate; and affirm the previous decision to approve the associated map, permit, or other entitlements of the project;
 - (B) Condition the associated map, permit, or other entitlements of the project; certify the environmental document; adopt CEQA findings and statement of overriding considerations as appropriate; and approve the associated map, permit, or other entitlements of the project as modified; or

(C) Upon finding that the environmental document is insufficient, the document shall not be certified. In such case, the associated map, permit, or other entitlements shall be denied and the decision shall be deemed the final administrative action.

(g) ~~If the decision on remand, in accordance with section 112.0520(d)(3) results in the same type of environmental document, such decision shall be deemed the final action.~~

Issue #7: Minor Construction Permits

§113.0103 Definitions

Abutting property through Condominium conversion [No change]

Construction permit means a permit issued pursuant to Land Development Code Chapter 12, Article 9. Construction permits include the following: Building Permits, Electrical Permits, Plumbing/Mechanical Permits, Demolition/Removal Permits, Grading Permits, Public Right-of-Way Permits, and Sign Permits, and Minor Construction Permits.

Court, interior through Very low income [No change]

Visibility area [See Issue #30]

Wall, retaining (See retaining wall) through Yard [No change]

§129.0102 When Construction Permit Procedures Apply

The following permits require construction review, and the procedures for *construction permits* apply to these permits unless stated otherwise in this article: Building Permits, Electrical Permits, Plumbing or Mechanical Permits, Demolition/Removal Permits, Grading Permits, Public Right-of-Way Permits, and Sign Permits, and Minor Construction Permits.

§129.0203 Exemptions from a Building Permit

(a) A Building Permit is not required for the following *structures* and activities.

(1) through (24) [No change]

(b) The exemptions in Section 129.0203(a) are not exemptions from the electrical, plumbing, and mechanical permit requirements. Unless the proposed work is exempt under another section of the Land Development Code, separate electrical, plumbing, and mechanical permits may be required.

(c) The exemptions in Section 129.0203(a) do not apply to alterations, repairs, or improvements of historical resources as described in Section 143.0220. [See Issue #20 ESL]

- (d) Exemption from the permit requirements of the Building Regulations does not authorize any work to be done in any manner in violation of the provisions of the Building Regulations or any other applicable local or state regulations.

Article 9: Construction Permits
Division 9: Minor Construction Permits

§129.0901 Purpose of Minor Construction Permit Procedures

The purpose of these procedures is to establish a streamlined process for construction review of Minor Construction Permit applications. Minor Construction Permits are intended for proposed *development on private property* that require construction review for the public health, safety, and welfare, but are exempt from the requirement for a Building Permit in accordance with Section 129.0203.

§129.0902 When a Minor Construction Permit Is Required

- (a) A Minor Construction Permit is required for the following where the proposed *development* would be exempt from the requirement for a Building Permit in accordance with Section 129.0203:
- (1) Alterations, repairs or improvements of designated *historical resources* and properties within a designated *historical district* as described in Section 143.0220; and
 - (2) Landscape review in accordance with Section 142.0402 for the following:
 - (A) New parking and *vehicular use area* for four or more vehicles including access to the spaces; and
 - (B) Additions or modifications to existing parking and *vehicular use area* that would increase the number of parking spaces by four or more vehicle spaces.
- (b) The City Manager may waive the requirement for a Minor Construction Permit as provided in the Land Development Manual.

§129.0910 How to Apply for a Minor Construction Permit

An application for a Minor Construction Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Minor Construction Permits are listed in the Land Development Manual.

§129.0920 Decision Process for Minor Construction Permits

A decision on an application for a Minor Construction Permit shall be made in accordance with Process One. A Minor Construction Permit shall be approved if the proposed work is consistent with the Municipal Code, applicable *development standards*, and any *development permits* approved for that project.

§129.0930 Issuance of a Minor Construction Permit

- (a) A Minor Construction Permit may be issued after the construction plans have been approved by the single discipline reviewer and the prescribed fees have been paid.
- (b) A Minor Construction Permit shall not be issued for a *development* that requires a *development permit* until the *development permit* has been issued.
- (c) The *applicant* shall not begin any work, construction, or use that will be authorized by a Minor Construction Permit until the required permit has been issued.

§129.0940 Expiration of a Minor Construction Permit

- (a) A Minor Construction Permit shall expire by limitation and become void 24 months after the date of permit issuance, unless the permittee can demonstrate that the complexity or size of the project makes completion within 24 months unreasonable.
- (b) If the work authorized by a Minor Construction Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued.

§129.0950 Construction Change to a Minor Construction Permit

- (a) A proposed construction change to a Minor Construction Permit must be approved before the commencement of the construction change. A decision on a construction change shall be made in accordance with Section 129.0920.
- (b) A proposed construction change to a Minor Construction Permit that was approved in conjunction with another permit or map may be approved only if the proposed change is in *substantial conformance* with the other approved permit or map. If the proposed change is not in *substantial conformance* with the other approved permit or map, the other permit or map must be amended before consideration of the construction change.

§129.0960 Inspection of Work

- (a) All work that is authorized by a Minor Construction Permit shall be inspected in accordance with Section 129.0111 and the inspection requirements of the Land Development Manual.
- (b) The permittee shall notify the City Manager when the work is ready for final inspection.

§142.0402 When Landscape Regulations Apply
(a) through (b) [No change]

Table 142-04 Landscape Regulations Applicability

Type of Development Proposal	Applicable Regulations	Required Permit Type/Decision Process
1. New structures that equal or exceed the gross floor area shown (Column B), and are proposing the type of development shown (Column C) through 2. Additions to structures or additional structures on developed properties that exceed the gross floor area shown or that increase the gross floor area by the percent shown (Column B), and are proposing the type of development shown (Column C) [No change]		
3. New permanent parking and vehicular use area for four or more vehicles including access to the spaces, excluding parking for single dwelling unit uses on a single lot in single dwelling unit zones	142.0403, 142.0406- 142.0409, and 142.0413	Building Construction Permit/ Process One
4. New temporary parking and vehicular use area for four or more vehicles including access to the spaces, excluding parking for single dwelling unit uses on a single lot in single dwelling unit zones	142.0403, 142.0408, 142.0409, and 142.0413	Building Construction Permit/ Process One
5. Additions or modifications to existing permanent or temporary parking and vehicular use area that increase the number of parking spaces by four or more	142.0403, 142.0408, 142.0409, 142.0410(b), and 142.0413	Building Construction Permit/ Process One
6. Single dwelling unit residential use projects proposing new private or public rights-of-way	142.0403, 142.0409, and 142.0413	Building Construction Permit/ Process One
7. Projects proposing slopes with gradients steeper than 4:1 (4 horizontal feet to 1 vertical foot) that are 5 feet or greater in height	142.0403, 142.0411, and 142.0413	Building Construction Permit/ Process One
8. Projects creating disturbed areas of bare soils, or projects with existing disturbed areas [No change]		
9. All City owned property, dedicated in perpetuity for park or recreation purposes, within 100 feet of a structure. [See Issue #43]		
10. Publicly or privately owned premises, that are within 100 feet of a structure, and contain native or naturalized vegetation. Through		
11. New structures, additions to structures, or subdivisions that create lots where new structures could be located on premises adjacent to native or naturalized vegetation [No change]		
12. New Trees or shrubs planted in the public right-of-way [See Issue #43]		
13. Condominium Conversions [No change]		

1 [No change]

Issue #8: Expiration of Tentative Maps/Map Waivers and Associated Development Permits

§125.0121 How to Apply for a Map Waiver

- (a) An applicant shall apply for a Map Waiver in accordance with Section 112.0102. The content and form for the submittal shall be as specified by the Land Development Manual and the *Subdivision Map Act*.
- (b) If the applicant fails to submit or resubmit requested materials, information, fees, or deposits, the application file may be closed after 90 calendar days from the date the application was *deemed complete* or from the date of the last written request by the City.

§125.0121~~2~~ Decision Process for Map Waivers

[No change.]

§125.0122~~3~~ Findings for Map Waivers

[No change.]

§125.0124 Extension of Time for a Map Waiver

The expiration date of a map waiver may be extended as follows:

- (a) The expiration date of a map waiver may be extended one or more times if the extensions do not exceed a total of 60 months in accordance with the *Subdivision Map Act*. This time frame does not include any legislative extensions enacted pursuant to state law.
- (1) Request for Extension. An application for Extension of Time for a map waiver shall be filed before the expiration date of the map waiver, but not more than 60 calendar days before the expiration date, in accordance with Section 112.0102. When an application for Extension of Time is filed, the map waiver shall be automatically extended for a period of 60 calendar days from the expiration date or until the Extension of Time is approved, conditionally approved, or denied, whichever occurs first.
- (2) Decision Process. An application for Extension of Time for a map waiver shall be acted upon in accordance with Process Two.
- (A) The decision maker shall approve the application for Extension of Time unless a finding to conditionally approve or deny the application is made in accordance with Section 125.0461(a)(3).
- (B) Expiration of a map waiver shall not preclude the decision maker from approving, conditionally approving or denying an Extension of Time where the application has been filed prior to the map waiver expiration.

- (3) Findings to Conditionally Approve or Deny an Application for Extension of Time. The decision maker may only conditionally approve or deny a request for Extension of Time if the decision maker makes one of the following findings:
- (A) The failure to conditionally approve or deny the request would place the residents of the subdivision or the immediate community in a condition dangerous to their health or safety; or
- (B) The condition or denial is required to comply with state or federal law.
- (4) If granted, the time period for the Extension of Time shall begin from the date of expiration of the previously approved map waiver.
- (b) Extensions of Time for filing multiple maps in accordance with the Subdivision Map Act may be approved or denied by the City Engineer in accordance with Process One.

§125.0420 How to Apply for a Tentative Map

- (a) An applicant shall apply for a tentative map in accordance with Section 112.0102. The content and form for tentative maps and the associated data submitted shall be as specified by the Land Development Manual and the Subdivision Map Act.
- (b) If the applicant fails to submit or resubmit requested materials, information, fees, or deposits, the application file may be closed after 90 calendar days from the date the application was deemed complete or from the date of the last written request by the City.

§125.0461 Extension of Time for a Tentative Map

The expiration date of a tentative map may be extended as follows:

- (a) The expiration date of a tentative map may be extended one or more times if the extensions do not exceed a total of 60 months in accordance with the Subdivision Map Act. This time frame does not include any legislative extensions enacted pursuant to state law.
- (1) Request for Extension. An application for Extension of Time for a tentative map shall be filed before the expiration date of the tentative map, but not more than 60 calendar days before the expiration date, in accordance with Section 112.0102. When an application for Extension of Time is filed, the tentative map shall be automatically extended for a period of 60 calendar days from the expiration date or until a decision on the Extension of Time has been made is approved, conditionally approved, or denied, whichever occurs first.
- (2) Decision Process. An application for Extension of Time for a tentative map shall be approved, conditionally approved, or denied acted upon in accordance with Process Three for tentative parcel maps or with Process Four for tentative final maps Process Two.

- (C) The decision maker shall approve the application for Extension of Time unless a finding to conditionally approve or deny the application is made in accordance with Section 125.0461(a)(3).
- (D) Expiration of a tentative map shall not preclude the decision maker from approving, conditionally approving or denying an Extension of Time where the application has been filed prior to the tentative map expiration.
- (3) Findings to Conditionally Approve or Deny an Application for Extension of Time. The decision maker may only conditionally approve or deny a request for extension of time if the decision maker makes one of the following *findings*:
 - (A) The failure to conditionally approve or deny the request would place the residents of the *subdivision* or the immediate community in a condition dangerous to their health or safety; or
 - (B) The condition or denial is required to comply with state or federal law.
- (4) If granted, the time period for the Extension of Time shall begin from the date of expiration of the previously approved tentative map.
- (b) [No Change]

§126.0111 Extension of Time of a Development Permit

- (a) Expiration Date. The expiration date of an approved *development permit* may be extended one or more times, provided the extensions do not exceed a total of 36 months beyond the expiration of the initial utilization period. Where a development permit is associated with a tentative map, any map extensions granted pursuant to state law shall automatically extend the expiration of associated development permits to coincide with expiration of the tentative map.
- (b) through (h) [No change]

Issue #9: Tolling of Tentative Maps and Development Permits

§125.0150 Tolling of Tentative Maps and Associated Development Permits

- (a) Pursuant to *Subdivision Map Act* Section 66452.6(c), an applicant may request a tolling (temporary stoppage) of the process for up to 5 years while a lawsuit involving the approval or conditional approval of a tentative map is or was pending in a court of competent jurisdiction. Associated development permits may also be tolled in accordance with Sections 125.0150 and 126.0115.
- (b) A request to toll the process must be submitted prior to expiration of the tentative map and associated development permits.

- (c) Decisions regarding a request to toll the process for *tentative maps* and associated *development permits* shall be made in accordance with Process One.
- (d) A request to toll the process for a *tentative map* and associated *development permits* shall be granted within 40 days of the date of application if it can be demonstrated to the satisfaction of the City Manager that:
- (1) A lawsuit was filed that is related to the processing of an approved or conditionally approved *tentative map* and associated *development permits*; and
 - (2) Tolling of the process for up to 5 years during the lawsuit would allow time for the applicant to address associated court orders or procedures related to processing of the *tentative map* and associated *development permits*.
- (e) Upon resolution of the lawsuit, the applicant shall contact the City Manager to confirm the adjusted expiration dates for the approved or conditionally approved *tentative map* and associated *development permits* as applicable. Adjusted expiration dates shall account for credited time for tolling during the lawsuit as follows:
- (1) The credited time for the tolling period shall be limited to the time period between the date the petition or complaint in the lawsuit was filed and the date the lawsuit was officially resolved.
 - (2) The credited time for the tolling period shall not exceed 5 years.

§126.0115 Tolling of a Development Permit

- (a) An applicant may request a tolling (temporary stoppage) of the process for up to 5 years while a lawsuit involving the approval or conditional approval of a *development permit* is or was pending in a court of competent jurisdiction.
- (b) A request to toll the process must be submitted prior to expiration of the *development permit*.
- (c) Decisions regarding a request to toll the process for a *development permit* shall be made in accordance with Process One.
- (d) A request to toll the process for a *development permit* shall be granted within 40 days of the date of application if it can be demonstrated to the satisfaction of the City Manager that:
- (1) A lawsuit was filed that is related to the processing of an approved or conditionally approved *development permit*; and
 - (2) Tolling of the process for up to 5 years during the lawsuit would allow time for the applicant to address associated court orders or procedures related to processing of the *development permit*.

- (e) Upon resolution of the lawsuit, the applicant shall contact the City Manager to confirm the adjusted expiration date for the approved or conditionally approved *development permit*. The adjusted expiration date shall account for credited time for tolling during the lawsuit as follows:
- (1) The credited time for the tolling period shall be limited to the time period between the date the petition or complaint in the lawsuit was filed and the date the lawsuit was officially resolved.
 - (2) The credited time for the tolling period shall not exceed 5 years.

Issue #10: Discretionary Permit Findings

§125.0440 Findings for a Tentative Map

A *tentative map* may be approved or conditionally approved only if the decision maker makes the following *findings* in accordance with the *Subdivision Map Act* and the Land Development Code:

- (a) The proposed *subdivision* and its design or improvement are consistent with the policies, goals, and objectives of the applicable *land use plan*;
- (b) The proposed *subdivision* complies with the applicable zoning and development regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code;
- (c) through (h) [No change]

§126.0205 Findings for Neighborhood Use Permit Approval

A Neighborhood Use Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

- (a) The proposed *development* will not adversely affect the applicable *land use plan*;
- (b) The proposed *development* will not be detrimental to the public health, safety, and welfare; and
- (c) The proposed *development* will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

§126.0305 Findings for Conditional Use Permit Approval

A Conditional Use Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

- (a) The proposed *development* will not adversely affect the applicable *land use plan*;

- (b) The proposed *development* will not be detrimental to the public health, safety, and welfare;
- (c) The proposed *development* will comply to the maximum extent feasible with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code; and
- (d) The proposed use is appropriate at the proposed location.

§126.0404 Findings for Neighborhood Development Permit Approval

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

- (a) Findings for all Neighborhood Development Permits
 - (1) The proposed *development* will not adversely affect the applicable *land use plan*;
 - (2) The proposed *development* will not be detrimental to the public health, safety, and welfare; and
 - (3) The proposed *development* will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

§126.0504 Findings for Site Development Permit Approval

A Site Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0504(a) and the supplemental *findings* in Section 126.0504(b) through (n) that are applicable to the proposed *development* as specified in this section.

- (a) Findings for all Site Development Permits
 - (1) The proposed *development* will not adversely affect the applicable *land use plan*;
 - (2) The proposed *development* will not be detrimental to the public health, safety, and welfare; and
 - (3) The proposed *development* will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

§126.0604 Findings for Planned Development Approval

A Planned Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0604(a) and the supplemental *findings* in Section 126.0604(b) that are applicable to the proposed *development* as specified in this section.

- (a) Findings for all Planned Development Permits
- (1) The proposed *development* will not adversely affect the applicable *land use plan*;
 - (2) The proposed *development* will not be detrimental to the public health, safety, and welfare; and
 - (3) The proposed *development* will comply with the regulations of the Land Development Code including;
 - ~~(4) The proposed *development*, when considered as a whole, will be beneficial to the community; and~~
 - (5) Any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.
- (b) [No Change]

Issue #11: Easement and Public Right of Way Vacations

§125.0910 When a Public Right-of-Way Vacation May Be Initiated

- (a) The vacation of a *public right-of-way* may be initiated by resolution of the City Council or by petition or request of any person pursuant to the California Streets and Highway Code. A *public right-of-way* also may be vacated by filing a *tentative map* and a final or parcel map ~~or final map~~ pursuant to the *Subdivision Map Act*, Sections 66434(g), 66445(j), 66499.20 ¼ or 66499.20 1/2, and in accordance with the provisions of this article.
- (b) A *public right-of-way* may be summarily vacated if it does not contain *public utility* facilities, does not contain active *public utility* facilities, or contains *public utility* facilities that would not be affected by the vacation and if any of the following applies:
- (1) The *public right-of-way*, or portion of the *public right-of-way*, is excess *public right-of-way* and is not required for *street* or highway purposes;
 - (2) The *public right-of-way* lies within one ownership and does not continue through that ownership or touch the property of another owner;
 - (3) The *public right-of-way* has been impassable for vehicular travel for a period of 5 years and public funds have not been expended for maintenance of the *public right-of-way* during that period.

- (4) The *public right-of-way* is intercepted by a state *freeway* and an agreement has been entered into pursuant to California Streets and Highways Code Section 100.2.
- (5) The *public right-of-way* has been superseded by relocation, provided the vacation would not cut off all access to an individual property that, before relocation, adjoined the *public right-of-way*.
- (6) The *public right-of-way* does not terminate a public service easement, unless the easement satisfies the requirements of Section 8333 of the California Streets and Highways Code.
- (c) A public street, highway or public service easement may not be summarily vacated if there are existing public utility facilities that are in use and would be affected by the vacation.
- (e)(d) Public facilities within the *public right-of-way* shall be deemed unaffected by the vacation if they are to be relocated with no impact on service or if an appropriate easement is reserved from the vacation pursuant to Section 8340 of the Streets and Highways Code to provide for the continued use and maintenance of the public facility.

§125.0940 Decision Process for a Public Right-of-Way Vacation

A decision on an application to vacate a *public right-of-way* shall be made in accordance with Process Five with the following exceptions to Process Five procedures:

- (a) The Notice of Public Hearing required by Section 112.0301(c) shall be distributed 14 calendar days before the date of the public hearing, and shall be published in a newspaper of general daily circulation for at least two successive weeks prior to the hearing in accordance with California Streets and Highways Code Section 8322. The Notice of Public Hearing shall be posted in accordance with California Streets and Highways Code Section 8323. Where the vacation of a *public right-of-way* occurs in conjunction with an application for a tentative map, notice in accordance with this section shall not be required.
- (b) ~~Before a City Council hearing to vacate a *public right-of-way*, the City Council shall approve a Resolution of Intention that specifies the time and place of the hearing in accordance with California Streets and Highways Code Section 8320.~~
- (e) (b) A summary vacation of a *public right-of-way* pursuant to Section 125.0910(b) does not require a Resolution of Intention as specified in Section 125.0940(b) or a recommendation by the Planning Commission.

§125.0941 Findings for Public Right-of-Way Vacation Approval

A *public right-of-way* may be vacated only if the decision maker makes the following *findings*:

- (a) There is no present or prospective public use for the *public right-of-way*, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated;

- (b) The public will benefit from the action through improved use of the land made available by the vacation;
- (c) The vacation does not adversely affect any applicable *land use plan* ~~or~~; and
- (d) The public facility for which the *public right-of-way* was originally acquired will not be detrimentally affected by the vacation.

§125.0950 Recording of a Public Right-of-Way Vacation

If the vacation is approved, the City shall provide the resolution and any accompanying documents to the County Recorder for recordation. If the resolution contains conditions, it shall not be provided to the County Recorder for recordation until the City Engineer has determined that all conditions have been met. The filing for record of a *subdivision map* pursuant to the *Subdivision Map Act*, Sections 66434(g), 66445(j), 66499.20 1/4 or 66499.20 1/2, shall have the same effect.

Article 5: Subdivision Procedures
Division 10: Easement Abandonments Vacations

§125.1001 Purpose of Easement Abandonment Vacation Procedures

The purpose of these procedures is to establish the process to abandon *public service easement* and other easements granted to the public or the City of San Diego and to supplement the provisions of California Streets and Highways Code Sections 8300 through 8363.

§125.1010 When an Easement Abandonment Vacation May Be Initiated

- (a) The abandonment vacation of a *public service easement* or other easement may be initiated by resolution of the City Council or by petition or request by any person who has a property interest in the abandonment vacation.
- (b) A *public service easement* or other easement may also be abandoned vacated by filing a *tentative map* and a *parcel map* or final map pursuant to the *Subdivision Map Act*, Sections 66434(g), 66445(j), 66499.20 1/4 or 66499.20 1/2, and in accordance with the provisions of this article.
- (c) A *public service easement* or other easement may be summarily abandoned vacated if it does not contain *public utility* facilities or does not contain active *public utility* facilities that would be affected by the abandonment vacation and if any one of the following applies:
 - (1) The easement has not been used for the purpose for which it was dedicated or acquired for 5 consecutive years immediately ~~proceeding~~ preceding the proposed abandonment vacation;
 - (2) The date of *dedication* or acquisition is less than 5 years and more than 1 year immediately ~~proceeding~~ preceding the proposed abandonment vacation, and the easement has not been used continuously since the date of *dedication*; or

- (3) The easement has been superseded by relocation and there are no other public facilities located within the easement.

§125.1020 How to Apply for an Easement Abandonment Vacation

An application for abandonment vacation of a *public service easement* or other easement shall be filed in accordance with Section 112.0102.

§125.1030 Decision Process for an Easement Abandonment Vacation

A decision on an application to abandon vacate a *public service easement* or other easement shall be made in accordance with Process Five, with the following exceptions to Process Five procedures.

- (a) The Notice of Public Hearing required by Section 112.0301(c) shall be distributed 14 calendar days before the date of the public hearing, and shall be published in a newspaper of general daily circulation for at least two successive weeks prior to the hearing in accordance with California Streets and Highways Code Section 8322. The Notice of Public Hearing shall be posted in accordance with California Streets and Highways Code Section 8323. Where the vacation of a *public service easement* occurs in conjunction with an application for a *tentative map*, notice in accordance with this section shall not be required.
- (b) ~~Before a City Council hearing to abandon a *public service easement* or other easement, the City Council shall approve a Resolution of Intention that specifies the time and place of the hearing in accordance with California Streets and Highways Code Section 8320.~~
- (e) (b) A summary abandonment vacation of a *public service easement* or other easement pursuant to Section 125.1010(c) does not require a Resolution of Intention as specified in Section 125.1030(b) or a recommendation by the Planning Commission.

§125.1040 Findings for a Public Service Easement Abandonment Vacation

A *public service easement* or other easement may be abandoned vacated only if the decision maker makes the following *findings*:

- (a) There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated;
- (b) The public will benefit from the action through improved utilization of the land made available by the abandonment vacation;
- (c) The abandonment vacation is consistent with any applicable *land use plan*; and
- (d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment vacation or the purpose for which the easement was acquired no longer exists.

§125.1050 Recording of Easement Abandonments Vacations

If the abandonment vacation is approved, the City shall provide the resolution and any accompanying documents to the County Recorder for recordation. If the resolution contains conditions, it shall not be provided to the County Recorder for recordation until the City Engineer has determined that all conditions have been met. The filing for record of a *subdivision map* pursuant to the *Subdivision Map Act*, Sections 66434(g), 66445(j), 66499.20 1/4 or 66499.20 1/2 shall have the same effect as filing a resolution of abandonment vacation.

Issue #12: Modification of Development Permit Expiration Dates

§126.0113 Amendments to a Development Permit

(a) through (b) [No change]

(c) An application for an amendment to a *development permit* shall be acted upon in accordance with same process as would a new application for the same permit. In cases where a *development permit* includes existing land uses that would not be permitted to establish as new uses in accordance with the underlying base zone, the amendment application shall be acted upon in accordance with the same process as the original *development permit*. The application is subject to environmental review and will be evaluated in accordance with the State California Environmental Quality Act (CEQA) Guidelines, Sections 15162-215164. The decision maker may revise existing conditions or impose new conditions.

(d) An amendment to an existing *development permit* does not affect the original expiration date of the permit, unless specifically requested. In such cases, the application must be *deemed complete* prior to the *development permit* expiration date and the *development permit* would automatically be extended until a decision on the amendment request is final and all available administrative appeals of the project decision have been exhausted.

(e) [No change]

Issue #13: Pet Care Related Uses

§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 through Bed and breakfast establishments [No Change]

Boarding Kennels/Pet Day Care Facilities

Community Gardens [No Change]

~~Community identification signs~~ [See Issue #14]

- Comprehensive Sign Plans [See Issue #14]
- Eating and drinking establishments through Employee Housing [No change.]
- ~~Guest quarters~~ [See Issue #51]
- Home occupations [No change.]
- Neighborhood Identification Signs [See Issue #14]
- ~~Outpatient medical clinics~~ [See Issue #51]
- Parking facilities as a primary use through Pushcarts [No change.]
- ~~Reallocation of sign area allowance~~ [See Issue #14]
- Recycling facilities through Theater marquees [No change.]
- Urgent Care Facilities [See Issue #51]
- Veterinary Clinics and Animal Hospitals

Wireless communication facilities [No change.]

(b) [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 Bed and breakfast establishments [No change]

Boarding kennels

Child Care Centers through Impound storage yards [No change]

~~Instructional studios~~ [See Issue #15]

Major transmission, relay, or communication switching station through Swap meets and other large outdoor retail facilities [No change]

~~Veterinary clinics and animal hospitals~~

Wireless communication facilities [No change]

(b) through (c) [No change]

Insert Chapter 13 Use Tables for Open Space and Agricultural Zones

§131.0522 Use Regulations Table for Commercial Zones

**Table 131-05B
 Use Regulations Table for Commercial Zones**

Use Categories/Subcategories	Zone Designator	Zones
------------------------------	-----------------	-------

[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	CN ⁽¹⁾ -			CR-		CO-		CV-		CP-
	3rd >>	1-			1-	2-	1-		1-		1-
	4th >>	1	2	3	1	1	1	2	1	2	1
Boarding Kennels/ <u>Pet Day Care Facilities</u>		- <u>L</u>			<u>EL</u>	<u>EL</u>	<u>EN</u>		<u>EN</u> ⁽¹⁰⁾		-
Veterinary Clinics & Animal Hospitals		- <u>L</u>			<u>EL</u>	<u>EL</u>	<u>EN</u>		-		-

Use Categories/Subcategories	Zone Designator	Zones																
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	CC-																
	3rd >>	1-			2-			3-			4-			5-				
	4th >>	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4
Boarding Kennels/ <u>Pet Day Care Facilities</u>		<u>EL</u>			<u>EL</u>			<u>EL</u>			<u>EL</u>			<u>EL</u>				
Veterinary Clinics & Animal Hospitals		<u>EL</u>			<u>EL</u>			<u>EL</u>			<u>EL</u>			<u>EL</u>				

§131.0622 Use Regulations Table for Industrial Zones

Table 131-06B
 Use Regulations Table for Industrial Zones

Use Categories/ Subcategories	Zone Designator	Zones								
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >	IP-		IL-			IH-		IS-	
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-	
	4th >>	1	1	1	1	1	1	1	1	
Boarding Kennels/ <u>Pet Day Care Facilities</u>		-	<u>EN</u>	<u>EN</u>	<u>EL</u>	<u>EL</u>	<u>EN</u>	<u>EN</u>	<u>EN</u>	
Veterinary Clinics & Animal Hospitals		-	<u>EN</u>	<u>EN</u>	<u>EL</u>	<u>EL</u>	<u>EN</u>	<u>EN</u>	<u>EN</u>	

§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 Conditional Neighborhood Use Permit decided in accordance with

Process ~~Three~~ Two in the zones indicated with a “CN” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0604(~~b~~) (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*.

(b) Limited Use Regulations

- (1) Maintaining, raising, feeding, or keeping of 6 or more domestic animals requires a ~~premises of at least 5 acres~~. 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.
- (5) Deviations from Section 146.0604(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.

(b)(c) Conditional 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) ~~The facility shall be maintained in a sanitary condition to minimize the impacts of odors on surrounding development.~~
- (4) (3) Off-street parking shall be provided in accordance with Table 142.05D 142-05D.

§141.0625 Veterinary Clinics and Animal Hospitals

Veterinary clinics and animal hospitals are permitted as a limited use in the zones indicated with an "L" and may be permitted with a Conditional Neighborhood Use Permit decided in accordance with Process ~~Three~~ Two in the zones indicated with a "CN"-in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) General Rules

- (1) Veterinary clinics and animal hospitals are not permitted in agricultural zones in the future urbanizing area, except as an accessory use within a zoological park, or within floodplains located in the Coastal Overlay Zone.
- (2) Veterinary clinics and animal hospitals 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).
- (3) Veterinary clinics and animal hospitals shall be maintained in a sanitary condition to minimize the impacts of odors on surrounding development.

(b) Limited Use Regulations

- (1) Veterinary clinics and animal hospitals shall not be located on a premises that is identified as Prime Industrial Land.
- (2) Outdoor exercise areas are not permitted as a limited use, except as an accessory use within a zoological park.
- (3) Off-street parking shall be provided in accordance with Table 142-05D.
- (4) Deviations from Section 146.0625(a) may be permitted with a Neighborhood Use Permit decided in accordance with Process Two.

(c) Neighborhood Use Permit Regulations

- (b~~1~~) ~~Noise resulting from outdoor exercise or treatment areas shall be minimized. 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.~~
- (e) ~~The facility shall be maintained in a sanitary condition to minimize impact of odors on surrounding *development*.~~
- (2) ~~Exterior boarding, training, and exercise facilities shall be *screened* from adjacent *development* by a 6-foot *solid fence* or wall.~~

Issue #14: Discretionary Sign Permits

§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 through Bed and breakfast establishments [No Change]

Boarding Kennels/Pet Day Care Facilities [See Issue #13]

Community Gardens [No Change]

~~Community identification signs~~

Comprehensive Sign Plans

Eating and drinking establishments through Employee Housing [No change.]

~~Guest quarters~~ [See Issue #53]

Home occupations [No change.]

Neighborhood Identification Signs

~~Outpatient medical clinics~~ [See Issue #53]

Parking facilities as a primary use through Pushcarts [No change.]

~~Reallocation of sign area allowance~~

Recycling facilities through Theater marquees [No change.]

Urgent Care Facilities [See Issue #53]
Wireless communication facilities [No change.]

(b) [No Change]

§141.1105 Reallocation of Sign Area Allowance Comprehensive Sign Plans

Reallocation of sign area allowance Comprehensive sign plans may be permitted with a Neighborhood Use Permit in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones). Comprehensive sign plans may be requested to modify applicable sign requirements if the proposed *signs*, as a whole, are in conformance with the intent of the *sign* regulations and if the exceptions result in an improved relationship among the *signs* and *buildings facades* on the *premises*.

§142.1205 When Sign Regulations Apply

This division applies to all *signs* within the City unless otherwise specifically regulated. This division applies to all construction within the City whether or not a permit or other approval is required. In addition, discretionary permits may also contain conditions that regulate *signs* on certain properties. Table 142-12A shows the applicable regulations and type of permit required by this division, if any, for specific types of *signs*.

**Table 142-12A
 Sign Regulations Applicability**

Type of Sign or Development Proposal	Applicable Sections	Required Permit Type/Decision Process
Changing the copy of a <i>sign</i> and <i>sign</i> maintenance that does not involve structural and electrical changes through Any proposal to erect a <i>ground sign</i> [No change.]		
Any proposal to erect a revolving <i>sign</i>	142.1210, 142.1220, 142.1240, and 142.1260	Sign Permit/Process One May require a Neighborhood Use Permit/Process Two
Any proposal to erect a <i>sign</i> with automatic changing copy	142.1210 and 142.1260	Neighborhood Use Permit/Process Two
Any proposal to erect a <u>community neighborhood</u> identification <i>sign</i>	142.1210 and 142.1260	Neighborhood Use Permit/Process Two
Any proposal to erect a secondary type of <i>sign</i>	142.1210, 142.1245, and 142.1255	Sign Permit may be required
Any proposal to erect a <i>sign</i> in a <i>single dwelling unit</i> residential zone	142.1210 and 142.1265	Sign Permit may be required

Type of <i>Sign</i> or <i>Development Proposal</i>	Applicable Sections	Required Permit Type/Decision Process
Any proposal to erect a <i>sign</i> in a <i>multiple dwelling unit</i> residential zone	142.1210 and 142.1270	Sign Permit may be required
Any proposal to erect a <i>sign</i> in an agricultural zone	142.1210 and 142.1275	Sign Permit may be required
Any proposal to erect a <i>sign</i> in an open space zone	142.1210 and 142.1280	Sign Permit may be required

§142.1215 Types of Signs

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

(c) *Signs Permitted by Higher Process*

The following are the types of *signs* that may be permitted with a Neighborhood Use Permit in accordance with Chapter 12, Article 6, Division 2.

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

(4) **Community Neighborhood** identification *signs*

§142.1260 Signs Permitted by Higher Process

The following *signs* may be permitted with a Neighborhood Use Permit in accordance with Chapter 12, Article 6, Division 2 and Chapter 14, Article 1, Division 11.

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

(d) **Community Neighborhood** identification *signs*, and

(e) ~~Reallocation of sign area allowance~~ **Comprehensive Sign Plans.**

§151.0104 Uses Permitted in the Planned Districts

(a) through (c) [No change]

(d) Conditional Use Permits/Process Three

Except as otherwise provided in the planned district, the following uses may be permitted with a Conditional Use Permit decided in accordance with Process Three, subject to the location restrictions and the Land Development Code section specified for each use.

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

(8) ~~Community~~ **Neighborhood** identification signs, subject to Land Development Code Section 141.1104

Issue #15: Instructional Studios

§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 Bed and breakfast establishments [No change]

~~Boarding kennels~~ [See Issue #13]

Child Care Centers through Impound storage yards [No change]

Instructional studios

Major transmission, relay, or communication switching station through Swap meets and other large outdoor retail facilities [No change]

~~Veterinary clinics and hospitals~~ [See Issue #13]

Wireless communication facilities [No change]

(b) through (c) [No change]

§131.0112 Descriptions of Use Categories and Subcategories

(a) [No change]

(1) through (5) [No change]

(6) Commercial Services Use Category

This category includes uses that provide for consumer or business services, for the repair and maintenance of a wide variety of products, and for entertainment. The commercial services subcategories are:

(A) through (E) [No change]

(F) Instructional Studios - Uses that provide a place where skills including dance, art, and martial arts are taught to individuals or groups. Instructional studios do not include educational facilities.

~~(F)~~**(G) Maintenance and Repair** — Uses that provide maintenance, cleaning and repair services for consumer goods.

- ~~(G)~~(H) Off-Site Services — Uses that provide for deliveries of a wide variety of products and that provide services that are used at a location separate from the business providing the delivery or service.
- ~~(H)~~(I) Personal Services — Uses that provide a variety of services associated with personal grooming and the maintenance of health and well-being.
- ~~(J)~~(J) Assembly and Entertainment — Uses that provide gathering places for large numbers of people for recreation, physical fitness, entertainment, or other assembly.
- ~~(K)~~(K) Radio and Television Studios — Uses that provide for the production, recording, and broadcasting of radio and television shows and motion pictures.
- ~~(L)~~(L) Visitor Accommodations — Uses that provide lodging, or a combination of lodging, food, and entertainment, primarily to visitors and tourists. (Outside the Coastal Overlay Zone, includes single room occupancy hotels.)

(7) through (11) [No change]

(b) [No change]

§131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

Legend for Table 131-02B [No change]

**Table 131-02B
 Use Regulations Table for 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 ⁽¹²⁾ -
	3rd >>	1-	2-	1-	1-	1-	
	4th >>	1	1	1	1	2	1
Open Space through Retail Sales [No change]							
Commercial Services							
Instructional Studios		-	-	-	-	-	-

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 ⁽¹²⁾ -
	3rd >>	1-	2-	1-	1-		1-
	4th >>	1	1	1	1	2	1
Separately Regulated Commercial Services Uses							
Instructional Studios							
Offices through Signs [No change]							

§131.0322 Use Regulations Table for Agricultural Zones

The uses allowed in the agricultural zones are shown in Table 131-03B.

Legend for Table 131-03B [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 Retail Sales [No change]					
Commercial Services					
Instructional Studios					
Separately Regulated Commercial Services Uses					
Instructional Studios					
Offices through Signs [No change]					

§131.0422 Use Regulations Table for Residential Zones

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

Legend for Table 131-04B [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 >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Retail Sales [No change]													
Commercial Services													
Instructional Studios													
-P -P -P -P -P													
Separately Regulated Commercial Services Uses													
Instructional Studios													
- - - - -													
Offices through Signs [No change]													

§131.0522 Use Regulations Table of Commercial Zones

**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-
	3rd >>	1-			1-	2-	1-	1-	1-		
	4th >>	1	2	3	1	1	1	2	1	2	1
Instructional Studios											
P P P P P ⁽¹²⁾ -											
Separately Regulated Commercial Services Uses											

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-	
	3rd >>	1-			1-	2-	1-		1-		1-	
	4th >>	1	2	3	1	1	1	2	1	2	1	
Instructional Studios		P			P	P	E		E		-	

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-				
	4th >>	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4
Instructional Studios	P			P			P			P			P					
Separately Regulated Commercial Services Uses																		
Instructional Studios	E			E			E			E			E					

Footnotes to Table 131-05B

Footnotes 1 through 11 [No change]

¹² Within the Coastal Overlay Zone, instructional studios are not permitted on the ground floor in the CV-1-1 or CV-1-2 zone.

¹³ [See Issue #24 Art Galleries]

¹⁴ [See Issue #25 Specialized Massage]

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B.

Legend for Table 131-06B [No change]

**Table 131-06B
 Use Regulations Table for Industrial Zones**

Use Categories/ Subcategories	Zone Designator	Zones
-------------------------------	-----------------	-------

[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >		IP-		IL-			IH-		IS-
	3rd >>		1-	2-	1-	2-	3-	1-	2-	1-
	4th >>		1	1	1	1	1	1	1	1
Open Space through Residential [No change]										
Institutional										
Churches & Places of Religious Assembly [See Issue #26]										
Retail Sales [No change]										
Commercial Services										
Building Services through Funeral and Mortuary Services [No change]										
<u>Instructional Studios</u>					P ⁽¹⁶⁾					P
Maintenance and Repair through Personal Services [No change]										
Assembly & Entertainment [See Issue #26]										
Radio & Television Studios through Visitor Accommodations [No change]										
Separately Regulated Commercial Services Uses										
Adult Entertainment Establishments through Bed & Breakfast Establishments [No change]										
Boarding Kennels/Pet Day Care Facilities [See Issue #13]										
Camping Parks [No change]										
<i>Child Care Facilities</i> : [See Issue #26]										
Eating and Drinking establishments Abutting Residentially Zoned Property through Urgent Care Facilities [No change]										
Veterinary Clinics & Animal Hospitals [See Issue #13]										
Zoological Parks [No change]										
Offices through Signs [No change]										

Footnotes for Table 131-06B

Footnotes 1-15 [No change]

16 Instructional studios and Assembly and entertainment facilities are not permitted on a premises that is identified as Prime Industrial Land.

~~§141.0612 — Instructional Studios~~

~~Instructional studios are establishments in which skills including dance, art, and martial arts are taught to individuals or groups. Instructional studios do not include educational facilities.~~

~~Instructional studios 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) — The number of students using the studio at any one time may be limited based on the following:
 - ~~(1) — The intensity of existing surrounding uses that are allowed in the zone; and~~
 - ~~(2) — The amount of parking available on the premises.~~~~
- ~~(b) — The hours of operation of the studio may be limited.~~
- ~~(e) — Within the Coastal Overlay Zone, instructional studios are not permitted on the ground floor in the CV-1-1 or CV-1-2 zone.~~

Issue #16: Special Flood Hazard Areas

§126.0502 When a Site Development Permit is Required

- (a) A Site Development Permit decided in accordance with Process Three is required where *environmentally sensitive lands* are present for the following types of development.
 - (1) City public works projects on a *premises* containing *environmentally sensitive lands*, as described in Section 143.0110.
 - (2) *Single dwelling unit development* that involves any of the following:
 - (A) *Development* on a *premises* containing *sensitive coastal bluffs* or *coastal beaches*, as described in Section 143.0110;
 - (B) *Development* on *lots* greater than 15,000 square feet containing *sensitive biological resources*; or steep hillsides; or Special Flood Hazard Areas as described in Section 143.0110; or
 - (C) *Development* on *lots* less than or equal to 15,000 square feet that are joined in ownership to a contiguous *lot* so that the total area of contiguous ownership exceeds 15,000 square feet where *sensitive biological resources*; or steep hillsides; or floodplains are present, as described in Section 143.0110.
- (3) through (5) [No change]

(b) through (e) [No change]

§126.0504 Findings for Site Development Permit Approval

(a) through (c) [No change]

(d) Supplemental Findings--Environmentally Sensitive Lands Deviation from Federal Emergency Management Agency Regulations

A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested from the *Special Flood Hazard Area* regulations as specified in Section 143.0150(b) may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0504(a) and the supplemental *findings* in Sections 126.0504(b) and 126.0504(c):

- (1) The City Engineer has determined that the proposed *development*, within any designated *floodway* will not result in an increase in *flood* levels during the base *flood* discharge except as allowed under Code of Federal Regulations Title 44, Chapter 1, Part 60.3(13);
- (2) The City Engineer has determined that the deviation would not result in additional threats to public safety, extraordinary public expense, or create a *public nuisance*.

§143.0110 When Environmentally Sensitive Lands Regulations Apply

(a) through (b) [No change]

(c) A Neighborhood Development Permit or Site Development Permit is not required for the following *development* activity:

(1) and (2) [See Issue #20 ESL]

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

(9) *Development in a Special Flood Hazard Area that is permitted in accordance with the underlying base zone and complies with the regulations in Sections 143.0145 and 143.0146.*

§143.0146 Supplemental Regulations for Special Flood Hazard Areas

All proposed *development* within a *Special Flood Hazard Area* is subject to the following requirements and all other applicable requirements and regulations of FEMA.

(a) *Development* and Permit Review

(1) through (6) [No change]

- (7) In all *floodways*, any *encroachment*, including *fill*, new construction, significant modifications, and other *development* is prohibited unless *certification* by a registered professional engineer is provided demonstrating that *encroachments* will not result in any increase in *flood* levels during the occurrence of the *base flood* discharge except as allowed under Code of Federal Regulations Title 44, Chapter 1, Part 60.3(13).

(b) through (f) [No change]

Issue #17: Planned Development Permits

§126.0602 When a Planned Development Permit May Be Requested

- (a) The following types of *development* may be requested with a Planned Development Permit decided in accordance with Process Three.
- (1) ~~Residential *development* within the areas described in this section when~~ Development in accordance with Section 143.0465 where the applicable community plan recommends a Planned Development Permit be processed in conjunction with if another requested discretionary action is also requested, as described in Section 143.0402; ; or
- (A) ~~Within the Carmel Mountain Ranch Community Plan area, residential *development* within certain areas as identified in the community plan;~~
- (B) ~~Within the Midway Pacific Highway Corridor Community Plan area, mixed-use residential and commercial *development*;~~
- (C) ~~Within the Mira Mesa Community Plan area, residential *development* that includes a rezone or *subdivision*;~~
- (D) ~~Within the Miramar Ranch North Community Plan area, all proposed residential *development*;~~
- (E) ~~Within the Rancho Penasquitos Community Plan area, *subdivisions* creating 5,000 square foot *lots* consistent with the low *density* residential land use category;~~
- (F) ~~Within the Sabre Springs Community Plan area, residential *development* on those parcels identified in Section 4.4 of the community plan;~~
- (G) ~~Within the Scripps Miramar Ranch Community Plan area, residential *development* in Areas C or E as identified in the community plan; and~~
- (H) ~~Within the Torrey Pines Community Plan area, all new *multiple-dwelling unit development*.~~

- (2) ~~Commercial *development* within the areas listed below when the community plan recommends a Planned Development Permit in conjunction with another requested discretionary action, as described in Section 143.0402:~~
- (A) ~~Within the Carmel Mountain Ranch Community Plan area, commercial *development* located within the area designated for planned commercial *development* on Figure 35 of the community plan;~~
 - (B) ~~Within the Kearny Mesa Community Plan area, any visitor accommodation facilities;~~
 - (C) ~~Within the Midway Pacific Highway Corridor Community Plan area, all commercial and residential mixed-use *development*;~~
 - (D) ~~Within the Mira Mesa Community Plan area, commercial *development* that includes a rezone or *subdivision*;~~
 - (E) ~~Within the Miramar Ranch North Community Plan area, all commercial *development*;~~
 - (F) ~~Within the Navajo Community Plan area, commercial *development* that includes a rezone or *subdivision*;~~
 - (G) ~~Within the Otay Mesa Nestor Community Plan area, commercial *development* of property identified by the Plan's Commercial Land Use Map as requiring discretionary review;~~
 - (H) ~~Within the Peninsula Community Plan, commercial *development* on the block bounded by Lowell Street, Keats Street, Rosecrans Street, and Locust Street; and~~
 - (I) ~~Within the Rancho Penasquitos Community Plan area, commercial *development* located in the Towne Centre.~~
- (3) ~~Industrial *development* within the areas listed below when the community plan recommends a Planned Development Permit in conjunction with another requested discretionary action, as described in Section 143.0402:~~
- (A) ~~Within the Kearny Mesa Community Plan area, industrial *development* in the area known as Allred-Collins East;~~
 - (B) ~~Within the Mira Mesa Community Plan area, industrial *development* that includes a rezone or *subdivision*;~~
 - (C) ~~Within the Navajo Community Plan area, industrial *development* that includes a rezone or *subdivision*;~~
 - (D) ~~Within the Sabre Springs Community Plan area, *development* on parcels 3 and 9 of the Sabre Springs Industrial Park;~~

~~(E) Within the Scripps Miramar Ranch Community Plan area, development of a 3.7-acre storage facility as identified in the community plan and all development in the Scripps Business Park; and~~

~~(F) Within the Torrey Pines Community Plan area, development in the Carrol Canyon Corridor as identified in the community plan.~~

(2) Development in accordance with Section 143.0403(a) that complies with the applicable land use plan, but contains uses that are not permitted in the underlying base zone.

(b) The following types of *development* may be requested with a Planned Development Permit to be decided in accordance with Process Four.

(1) *Development* that does not comply with all base zone regulations or all development regulations (except as permitted in accordance with Section 126.0602(a)(2)), or that proposes to exceed limited deviations allowed by the regulations in Chapter 14, as described in Section 143.0402-143.0403; or

(2) Rural Cluster *development* in the OR and AR zones, as described in Section 143.0402.

~~(3) Developments involving a Planned Development Permit within RS zones in Urbanized Communities as described in Section 143.0402.~~

(c) [No change.]

§143.0402 When Planned Development Permit Regulations Apply

This division applies to all *development* proposals for which a Planned Development Permit is requested, in accordance with Table 143-04A.

**Table 143-04A
 Supplemental Planned Development Permit Regulations Applicability**

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process ⁽¹⁾
Residential <i>development</i> requesting deviations from applicable zone regulations ⁽²⁾	143.0403, 143.0410, 143.0420	PDP/Process 4
Commercial and Industrial <i>development</i> requesting deviations from applicable zone regulations	143.0403, 143.0410, 143.0460	PDP/Process 4
<i>Developments</i> within <i>land use plans</i> where a Planned Development Permit is recommended when other discretionary actions are requested	143.0403, 143.0465	PDP/Process 3
<u><i>Development</i> that complies with the applicable <i>land use plan</i> designation, but contains uses that are not permitted in the underlying base zone</u>	<u>143.0403</u>	<u>PDP/Process 3</u>

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process ⁽¹⁾
Rural cluster <i>development</i> in the AR and OR zones	143.0403, 143.0410, 143.0420, 143.0440	PDP/Process 4
Rural cluster <i>development</i> with increased <i>density</i> in the AR-1-1 and OR-1-2 zones within <i>Proposition A Lands</i> ⁽³⁾	143.0403, 143.0410, 143.0420, 143.0450	PDP/Process 5

Footnotes to Table 143-04A [No change]

Issue #18: Supplemental Findings for Coastal Development Permit

§126.0708 Findings for Coastal Development Permit Approval

An application for a Coastal Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0708(a) and the supplemental *findings* in Section 126.0708(b) that are applicable to the proposed *development*.

- (a) [no change]
- (b) Supplemental *Findings* **Deviations to** Environmentally Sensitive Lands Within the Coastal Overlay Zone

When a deviation is requested from the Environmentally Sensitive Lands Regulations because the applicant contends that application of the regulations would result in denial of all economically viable use, the Coastal Development Permit shall include a determination of economically viable use.

A Coastal Development Permit, or a Site Development Permit in the Coastal Overlay Zone, required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested in accordance with Section 143.0150 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in Section 126.0708(b) in addition to the *findings* in Section 126.0708(a), (b), (c) and (d) and the supplemental *findings* in Section 126.0504 (b):

The decision maker shall hold a public hearing on any application on a Coastal Development Permit that includes a deviation from the Environmentally Sensitive Lands Regulations in the Coastal Overlay Zone.

Such hearing shall address the economically viable use determination. Prior to approving a Coastal Development Permit for development within the Coastal Overlay Zone that requires a deviation from the Environmentally Sensitive Lands Regulations, the decision maker shall make all of the following *findings*:

- (1) through (5) [no change]

The *findings* adopted by the decision making authority shall identify the evidence supporting the *findings*.

Issue #19: Bonds and Expiration Dates for Right of Way Permits and Grading Permits

§129.0119 Bond Required for Construction Permit for Grading or Public Improvements

(a) Persons performing work under Public Right-of-Way or Grading Permits issued in accordance with this article shall furnish a bond in accordance with the following provisions:

(1) though (5) [No change]

(6) The amount of the bond covering a specific project shall be approved by the City Manager based on the amount of the estimate of the cost of work and the following schedule:

(A) through (E) [No change]

(F) Shoring Restoration: 100 percent of the estimated cost of restoring site to the original condition, together with removal of all tie backs and shoring.

(b) through (f) [No change]

§129.0218 Expiration of a Building Permit

(a) [No change]

(b) If the building or work authorized by a Building Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued or an extension of time is approved in accordance with Section 129.0219. All Electrical, Plumbing, or Plumbing/Mechanical, **Public Right-of-Way, and Grading** Permits associated with a Building Permit shall expire concurrently with the Building Permit.

§129.0643 Maintaining Utilization of Grading Permit

A Grading Permit shall become void if, at any time after the work has begun, the *grading* or other work authorized by the Grading Permit is suspended or abandoned for a continuous period of 180 calendar days, **unless the Grading Permit is associated with a valid Building Permit.**

§129.0650 Expiration of a Grading Permit

(a) A Grading Permit shall expire by limitation and become void 24 months after the date of permit issuance, unless an exception is granted in one of the following ways:

- (1) At the time of permit issuance, the City Manager may approve an expiration date exceeding 24 months if the permittee can demonstrate that the complexity or size of the project makes completion of the project within 24 months unreasonable. The expiration date for the Grading Permit shall be specified on the permit; or
 - (2) A Grading Permit issued as part of a *subdivision* improvement agreement shall expire in accordance with the terms of that agreement.
 - (3) A Grading Permit associated with a valid Building Permit shall expire concurrently with the Building Permit.
- (b) If the *grading* or work authorized by a Grading Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued.

§129.0744 Maintaining Utilization of a Public Right-of-Way Permit

A Public Right-of-Way Permit shall become void if, at any time after the work has begun, the work authorized by the permit is suspended or abandoned for a period of 180 calendar days, unless the Public Right-of-Way Permit is associated with a valid Building Permit.

§129.0750 Expiration of a Public Right-of-Way Permit

- (a) A Public Right-of-Way Permit shall expire by limitation and become void 24 months after the date of permit issuance, unless an exception is granted in one of the following ways:
- (1) At the time of permit issuance, the City Manager may approve an expiration date exceeding 24 months if the permittee can demonstrate that the complexity or size of the project makes completion of the project within 24 months unreasonable. The expiration date for the Public Right-of-Way Permit shall be specified on the permit; or
 - (2) A Public Right-of-Way Permit issued as part of a *subdivision* improvement agreement shall expire in accordance with the terms of that agreement.
 - (3) A Public Right-of-Way Permit associated with a valid Building Permit shall expire concurrently with the Building Permit.
- (b) If the work authorized by a Public Right-of-Way Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued.

Issue #20: Environmentally Sensitive Lands

§129.0203 Exemptions from a Building Permit

- (a) A Building Permit is not required for the following *structures* and activities.

- (1) through (24) [No change]
- (b) The exemptions in Section 129.0203(a) are not exemptions from the electrical, plumbing, and mechanical permit requirements. Unless the proposed work is exempt under another section of the Land Development Code, separate electrical, plumbing, and mechanical permits may be required.
- (c) ~~The exemptions in Section 129.0203(a) do not apply to alterations, repairs, or improvements of historical resources as described in Section 143.0220.~~ The exemptions in Section 129.0203(a) do not apply to proposed development on a premises containing environmentally sensitive lands that requires a development permit in accordance with Section 143.0110.
- (d) Exemption from the permit requirements of the Building Regulations does not authorize any work to be done in any manner in violation of the provisions of the Building Regulations or any other applicable local or state regulations.

§143.0110 When Environmentally Sensitive Lands Regulations Apply

- (a) through (b) [No change]
- (c) A Neighborhood Development Permit or Site Development Permit is not required for the following *development* activity:
- (1) ~~Outside the Coastal Overlay Zone, development on a premises containing environmentally sensitive lands when the development will not encroach into the environmentally sensitive lands during or after construction, if the property owner signs an acknowledgment that further development on the property is not permitted unless the development is reviewed and approved pursuant to this division and if the development proposal provides for the following:~~
- (A) ~~A 100-foot setback from sensitive biological resources;~~
- (B) ~~A 40-foot setback from the top of slope of steep hillsides;~~
- (C) ~~A 100-foot setback from floodplains.~~
- (2) Development on a premises containing environmentally sensitive lands that is limited to interior modifications or repairs, or any exterior repairs, alterations or maintenance that does not increase the footprint of an existing building or accessory structure, and will not encroach into the environmentally sensitive lands during or after construction. For a premises containing a sensitive coastal bluff, any addition shall observe a minimum 40-foot setback from the coastal bluff edge.
- (2) Development on a premises containing environmentally sensitive lands where the development:
- (A) Would not encroach into environmentally sensitive lands during or after construction;
- (B) Would not expand brush management zone one into environmentally sensitive lands;

- (C) Would comply with the MHPA adjacency guidelines as applicable;
 - (D) Would observe a minimum 40 foot setback from the *coastal bluff edge* of a *sensitive coastal bluff*; and
 - (E) Would either:
 - (i) Observe at least 100 feet from *sensitive biological resources* and at least 40 feet from the top of slope of *steep hillsides*; or
 - (ii) Locate *development* in a legally graded or developed portion of the *premises* separated from *environmentally sensitive lands* by an existing *fence* or other *physical barrier*.
- (3) Outside the Coastal Overlay Zone, minor improvements to existing *structures* on *steep hillsides*, subject to all of the following applicable requirements:
- (A) *Clearing* and *grubbing* shall not exceed 100 square feet per acre.
 - (B) *Excavation* for foundations or pilings shall total less than 10 cubic yards.
 - (C) The proposed improvements do not *encroach* into *sensitive biological resources*.
 - (D) One story *structures* supported by pilings or pillars may be located on *steep hillsides* provided that the total of all *encroachments* into the *steep hillsides* area does not exceed 5 percent of the total *floor area* of the building or *structure*.
 - (E) Residential decks up to 500 square feet may be located on *steep hillsides* provided that the deck is attached to the building or *structure* and does not exceed 12 feet in elevation above the *existing grade* at any point.
- (4) through (8) [No change.]
- (9) [See Issue #16 Special Flood Hazard Areas]

Issue #21: Monitoring Wells

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

An application for a Public Right-of-Way Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Public Right-of-Way Permits are listed in the Land Development Manual. A *development permit* or other discretionary approval is required prior to issuance of a Public Right-of-Way Permit for the following:

- (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 (j) except for the following:
- (1) Private *hardscape* improvements in the *public right-of-way* including ramps required to accommodate required access for *disabled persons*;
 - (2) Fences or walls that meet the following criteria:
 - (A) There is no present use for the subject *public right-of-way*;
 - (B) The proposed *encroachment* is consistent with the underlying zone, city standards, and policies;
 - (C) The proposed *encroachment* shall be 3 feet or less in height.
 - (3) The *encroachment* is permitted under Chapter 6, Article 2, Division 11 (Utilities) or as a private underground utility service to the *applicant's* property.
 - (4) The *encroachment* is permitted under Section 141.0619(b) (Pushcarts).
 - (5) The *encroachment* is permitted under Chapter 6, Article 2, Division 10 (Newsracks).
 - (6) The *encroachment* is permitted under Section 141.0621 (Sidewalk Cafes).
 - (7) Temporary monitoring wells in the *public right-of-way*.
- (b) If the proposed *encroachment* is erected, placed, constructed, established or maintained in the *public right-of-way* when the applicant is not the *record owner* of the property on which the *encroachment* will be located, a Site Development Permit is required in accordance with Section 126.0502(d)(7), except for the following:
- (1) *Encroachments* listed in Section 129.0710(a)(4) through (7)
 - (2) Underground utility connections to a public main shall require a Neighborhood Development Permit in accordance with Section 126.0402(j).
 - (3) Temporary monitoring wells in the *public right-of-way*.
- (c) [No change]

Issue #22: Guest Quarters in RM-1 Zones

§131.0422 Use Regulations Table for Residential Zones

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

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1 st & 2 nd >>	RM-											
	3 rd >>	1-			2-			3-			4-		
	4 th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Agriculture [No Change]													
Residential [No Change]													
Group Living Accommodations through Single Dwelling Units [No Change]													
Separately Regulated Residential Uses													
<i>Border & Lodger Accommodations through Garage, Yard & Estate Sales</i> [No Change]													
Guest Quarters			L ¹¹			-			-				-
Home Occupations through Watchkeeper Quarters [No Change]													
Institutional through <i>Signs</i> [No Change]													

Footnotes for Table 131-04B

Footnotes 1 through 10 [No change]

11 A guest quarters is permitted in accordance with Section 141.0306 only where accessory to a *single dwelling unit*.

Issue #23: Art Galleries, Surf Shops, and Small Consumer Retail Uses in CV Zones

§131.0522 Use Regulations Table of Commercial Zones

[Intro statement No change]

[Legend No change]

**Table 131-05B
 Use Regulations Table for Commercial Zones**

Use Categories/Subcategories	Zone Designator	Zones
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[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	CN ⁽¹⁾⁻			CR-		CO-		CV-		CP-
	3rd >>	1-			1-	2-	1-		1-		1-
	4th >>	1	2	3	1	1	1	2	1	2	1
Open Space through Institutional [No change]											
Retail Sales											
Building Supplies & Equipment through Food, Beverages and Groceries [No change]											
Consumer Goods, Furniture, Appliances, Equipment											
Pets & Pet Supplies [See Issue #13]											
Sundries, Pharmaceutical, & Convenience Sales through Wearing Apparel & Accessories [No change]											
Separately Regulated Retail Sales Uses [No change]											
Commercial Services through Signs [No change]											
-											

Footnotes to Table 131-05B

Footnotes 1 through 11 [No change]

12 [See Issue #15 Instructional Studios]

13 Permitted in CV zones where the gross floor area occupied by an individual retail sales establishment would not exceed 2,500 square feet.

14 [See Issue #24 Specialized Massage]

Issue #24: Specialized Practice Massage Establishments

Use Categories/Subcategories	Zone Designator	Zones									
		CN ⁽¹⁾⁻			CR-		CO-		CV-		CP-
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	CN ⁽¹⁾⁻			CR-		CO-		CV-		CP-
	3rd >>	1-			1-	2-	1-		1-		1-
	4th >>	1	2	3	1	1	1	2	1	2	1
Massage Establishments, Specialized Practice		L			L	L	-		<u>-L⁽¹⁴⁾</u>		-

Use Categories/Subcategories	Zone Designator	Zones
------------------------------	-----------------	-------

[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	CC-																
	3rd >>	1-	2-	3-	4-	5-												
	4th >>	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4
Massage Establishments, Specialized Practice		L	L	-L	-L	L												

Footnotes to Table 131-05B

Footnotes 1 through 11 [No change]

¹² [See Issue #15 Instructional Studios]

¹³ [See Issue #23 Art Galleries]

¹⁴ Specialized practice massage establishments are permitted only as an accessory use in the CV-1-1 and CV-1-2 zones.

§141.0613 Massage Establishments, Specialized Practice

Specialized practice massage establishments are police regulated businesses subject to Chapter 3, Article 3, Division 35 of the Municipal Code and 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.

- (a) Any *sign* advertising the establishment shall contain the full name of the operator and may contain words that identify the specialized field of practice in which the operator engages.
- (b) The letters of any words identifying the operator’s specialized field of practice shall not exceed one-half of the height of the capital letters in the name of the operator, and the words shall be uniform in height.
- (c) The phrase “massage parlor” or “massage establishment” shall not be used on any *sign* or any other form of advertising. The word “massage” shall not be used on any *sign* or any other form of advertising unless preceded by words identifying the specialized field of practice.
- (d) The owner of the establishment shall submit scale drawings of all *signs* that will be displayed on the *premises* to the City Manager to determine compliance with this section.
- (e) The owner of the establishment shall submit proof of certification through the Massage Therapy Organization established by California Business & Professions Code Section 4600 or by establishing proficiency of the operator in the specialized field of practice. Proficiency may be established by completion of a course of instruction in the specialized field of practice at a school authorized to provide such instruction by the State of California, or proof of actual practice in the field of specialization for a period of three years. The period of practice shall be attested to, in writing, by no less than three persons who meet the educational qualifications described in this section or are members of a professional organization that is incorporated in the State of California, and which fosters or promotes the specialized field of practice.

- (f) The application and business license for the establishment shall ~~identity~~ identify the business as a “Massage Establishment, Specialized Practice, pursuant to Municipal Code Section 141.0613.”

Issue #25: Public Assembly and Sensitive Receptors in Prime Industrial Lands

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B.

Legend for Table 131-06B [No change]

**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
Open Space through Residential [No change]									
Institutional									
Airports through Cemeteries, Mausoleums, and Crematories [No change]									
Churches & Places of Religious Assembly	C	C	-	C	L	-	-	C	
Correctional Placement Centers through Wireless Communication [No change]									
Retail Sales [No change]									
Commercial Services									
Building Services through Funeral and Mortuary Services [No change]									
Instructional Studios [See Issue #15]	=	=	=	=	P ⁽¹⁶⁾	=	=	P	
Maintenance and Repair through Personal Services [No change]									
Assembly & Entertainment	-	-	-	P ^(11), 16)	P ⁽¹⁶⁾	-	-	P ^(12), 16)	
Radio & Television Studios through Visitor Accommodations [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 >	IP-		IL-			IH-		IS-	
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-	
	4th >>	1	1	1	1	1	1	1	1	
Separately Regulated Commercial Services Uses										
Adult Entertainment Establishments through Bed & Breakfast Establishments [No change]										
Boarding Kennels/Pet Day Care Facilities [See Issue #13]										
Camping Parks [No change]										
<i>Child Care Facilities:</i>										
Child Care Centers										
		LC	LC	-	LC	LC	-	LC	LC	
Large Family Child Care Homes										
		-	-	-	-	-	-	-	-	
Small Family Child Care Homes										
		-	-	-	-	-	-	-	-	
Eating and Drinking establishments Abutting Residentially Zoned Property through Parking Facilities as a Primary Use[No change]										
Private Clubs, Lodges, and Fraternal Organizations										
		C	C	C	C	C	C	C	C	
Veterinary Clinics & Animal Hospitals [See Issue #13]										
Zoological Parks [No change]										
Offices through Signs [No change]										

Footnotes for Table 131-06B

Footnotes 1-15 [No change]

16 Instructional studios and Assembly and entertainment facilities are not permitted on a premises that is identified as Prime Industrial Land.

§141.0404 Churches and Places of Religious Assembly

Churches and places of religious assembly 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 141.0404(a). *Churches* and places of religious assembly that do not comply with Section 141.0404(a) may be permitted with a Conditional Use Permit decided in accordance with Process Three subject to Section 141.0404(b). *Churches* and places of religious assembly may also 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 Section 141.0404(b).

(a) Limited Use Regulations

(1) *Churches* and places of religious assembly are not permitted:

(A) within the *MHPA*; ~~or~~

(B) within ~~in~~ floodplains located in the Coastal Overlay Zone; ~~or~~

(C) on a premises that is identified as Prime Industrial Land.

(2) through (4) [No change]

(b) Conditional Use Permit Regulations

(1) *Churches* and places of religious assembly are not permitted:

(A) within the *MHPA*; ~~or~~

(B) within ~~in~~ floodplains located in the Coastal Overlay Zone; ~~or~~

(C) on a premises that is identified as Prime Industrial Land.

(2) through (5) [No change]

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

Educational facilities 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) Educational facilities are not permitted on a premises that is identified as Prime Industrial Land. Permanent *development* associated with educational facilities is not permitted in agricultural zones in *Proposition A Lands* or within *floodplains* located in the Coastal Overlay Zone.

(b) through (f) [No change]

§141.0617 Private Clubs, Lodges, and Fraternal Organizations

Private clubs, lodges, and fraternal organizations are associations of persons, whether incorporated or unincorporated, for the promotion of some common social, cultural, educational, religious, or recreational objective. This use does not include *churches* or any group whose primary objective is a business customarily carried on for a profit.

Private clubs, lodges, and fraternal organizations 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) through (d) [No change]

(e) Private clubs, lodges, and fraternal organizations are not permitted on a premises that is identified as Prime Industrial Land.

Issue #26: Companion Units

§141.0302 Companion Units

A companion unit is a *dwelling unit* that is an *accessory use* for a *single dwelling unit* on a residential lot that provides complete living facilities, including a kitchen, independent of the primary *dwelling unit*. Companion units are permitted as a limited use in accordance with Process One in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and Chapter 15, Article 1, Division 4 (General and Supplemental Regulations), subject to the following regulations: in Section 141.0302. Within the Coastal Overlay Zone, companion units are subject to the provisions of Chapter 12, Article 6, Division 7.

~~Limited Use Regulations. Companion units are permitted as a limited use subject to the following regulations:~~

- (a) Before a Building Permit may be issued for a companion unit, the property owner shall enter into an agreement with the City in a form that is acceptable to the City Attorney. The agreement shall include the following provisions: ~~That if the property owner does not occupy either the primary *dwelling unit* or the companion unit, only one of the units may be rented;~~ that neither the primary *dwelling unit* nor the companion unit may be sold or conveyed separately; and that the property owner shall reside in the primary ~~dwelling unit~~ *dwelling unit* or the companion unit. The city will submit the agreement to the County Recorder for recordation. The agreement shall run with the land and be coterminous with the life of the companion unit.
- (b) ~~Within single family residential zones, a companion unit is allowed where the existing lot area is equal to or greater than two times the minimum lot area required for the zone.~~
- (c) ~~For premises within a multi-family zone, one companion unit is permitted on property that would otherwise allow only one *single dwelling unit* based on the size of the premises, provided there is an existing *single dwelling unit*. If the premises are modified by area or zone to permit additional *dwelling units*, the companion unit shall then be considered an additional *dwelling unit* and shall not be restricted by the applicable companion unit regulations.~~
- (d) ~~A primary *dwelling unit* must exist on the premises. Concurrent construction of the primary *dwelling unit* and *companion unit* is not allowed.~~

- (eb) No more than one companion unit is permitted on a *premises*.
- (c) **Within a *multiple dwelling unit zone*, a companion unit is permitted on any *premises* that would otherwise be limited to a maximum of one *single dwelling unit* based on the allowable *density* and existing area of the *premises*. *Dwelling units* on a *premises* that can accommodate *density* for *multiple dwelling units* shall be regulated in accordance with applicable zoning and not subject to Section 141.0302.**
- (fd) A companion unit may be attached to or detached from the primary *dwelling unit* on the *premises*.
- (ge) If access from an improved abutting *alley* exists, vehicular access to parking spaces for the companion unit shall be from the *alley* unless the *premises* has a garage that accommodates all *off-street parking* required in accordance with this section, except for *premises* located in the Beach Impact Area or any other zones in which vehicular access from the alley is required.
- (hf) If an existing garage is converted to a companion unit, another garage shall be provided on the *premises* to replace the converted parking spaces.
- (ig) Parking for the entire *premises* shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations) and with this section.
- (jh) One standard *off-street parking space* is required for each *bedroom* in the companion unit, with a minimum requirement of one *parking space* per companion unit.
- (ki) *Off-street parking* required by this section shall not be located in the area between the *street wall* and the front *property line*.
- (lj) Access to the *off-street parking* from an unimproved *alley* is not permitted.
- (mk) The *gross floor area* of the companion unit shall be included in the *floor area ratio* calculation for the *premises*.
- (nl) The *gross floor area* of the companion unit shall not exceed 700 square feet.
- (om) One 24-in box tree shall be planted in the required front *yard* of the *premises* or in the abutting *parkway*. Existing trees that are at least 15 feet high and 15 feet in width may be used to satisfy this requirement.
- (pn) **Maximum structure height for companion units:**
- (1) For companion units located above a garage or other accessory building:
- (1A) ~~†~~The maximum *structure height* for flat-roofed *structures* is 21 feet; and

(2B) †The maximum *structure height* is 30 feet for sloped-roofed *structures* with a roof pitch of at least 3:12 (3 vertical feet to 12 horizontal feet).

(2) For detached companion units, not above a garage or other accessory building:

(A) 15 feet without a chimney or flue, or

(B) 17 feet with a chimney or flue.

(eo) Companion unit entrances shall not be located on the *building street wall* or within the front fifty percent of the *structure*

(ep) The companion unit shall be constructed with the same siding and roofing materials as the primary *dwelling unit*.

(s) — For detached companion units, the maximum *structure height* is:

(1) — 15 feet without a chimney or flue, or

(2) — 17 feet with a chimney or flue.

(q) Within the Coastal Overlay Zone, companion units are subject to the provisions of Chapter 12, Article 6, Division 7.

Issue #27: Fraternity Houses, Sorority Houses, and Student Dormitories

§141.0304 Fraternity Houses, Sorority Houses, and Student Dormitories

First Paragraph [No change]

(a) Fraternity houses, sorority houses, and student dormitories may be permitted only in the following locations:

(1) Within an area specifically designated for these facilities by the applicable land use plan, or

(2) When the applicable *land use plan* does not contain a designated area, such facilities may be located ~~W~~within a 1-mile radius of the boundary of a college or university campus, in any of the following zones: RM-3-7, RM-3-8, RM-3-9, RM-4-10, and RM-4-11.

(b) through (e) [No change]

Issue #28: Emergency Permits for Environmentally Sensitive Lands

§143.0126 Procedures for Emergency Authorization to Impact Environmentally Sensitive Lands

Whenever *development* activity within *environmentally sensitive lands* is deemed necessary by order of the City Manager to protect the public health or safety, the City Manager may authorize, without a public hearing, the minimum amount of impact necessary to protect the public health or safety, subject to the following:

- (a) Application. When an emergency exists, an *applicant* may use the procedures of this section instead of the standard application and decision procedures for a Site Development Permit. The *applicant* may apply for an emergency Site Development Permit in person, by letter to the City Manager, or by telephone.
- (b) Contents of Application. The application for emergency Site Development Permit shall include the following information:
 - (1) The nature of the emergency;
 - (2) The cause of the emergency;
 - (3) The location of the emergency;
 - (4) The remedial, protective, or preventive work required to deal with the emergency;
 - (5) The circumstances during the emergency that justify the course of action taken or to be taken, including the probable consequences of failing to take emergency action; and
 - (6) Identification of options for addressing the emergency, including the least environmentally damaging alternative.
- (c) Verification. The City Manager shall verify the facts, including the existence and nature of the emergency, to the extent that time allows.
- (d) Decision on Permit. A decision to approve, conditionally approve, or deny the emergency Site Development Permit shall be made by the City Manager.
- (e) Findings. An emergency Site Development Permit may be approved or conditionally approved only if the City Manager makes the following *findings*:
 - (1) An emergency exists that requires action more quickly than would be permitted by the normal procedures for acquiring a Site Development Permit and the *development* can and will be completed within 30 days unless otherwise specified in the permit; and
 - (2) Public comment on the proposed emergency action has been solicited and reviewed to the extent feasible.
- (f) Conditions. The City Manager may approve an emergency Site Development Permit with conditions, including an expiration date for any work authorized by the City Manager.

- (1) All emergency Site Development Permits shall authorize only the minimum necessary to stabilize the emergency.
- (2)(a) If the emergency work involves only temporary impacts to *environmentally sensitive lands*, a follow up Neighborhood Development Permit or Site Development Permit is not required provided the *environmentally sensitive lands* are restored, in a timely manner to their natural state, to the satisfaction of the City Manager. Restoration shall be in accordance with a restoration plan that conforms with the Biology Guidelines and is approved by the City Manager. The restoration plan shall be submitted to the City Manager within 60 days of completion of the emergency work and work on the approved restoration plan shall be initiated within 90 days of project completion or prior to the beginning of the next rainy season, whichever is greater.
- (3)(b) If the emergency work results in permanent impacts to *environmentally sensitive lands*, a subsequent Neighborhood Development Permit or Site Development Permit is required through the regular process in accordance with all regulations of this division. The application for the Neighborhood Development Permit or Site Development Permit shall be submitted within 60 days of completion of the emergency work.
- (g)(e) Within the Coastal Overlay Zone, a Coastal Development Permit is required for any emergency *coastal development* in accordance with Section 126.0718.

Issue #29: Interior Work Exemption from Historical Resource Survey Requirement

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

- (a) The City Manager shall determine the need for a site-specific survey for the purposes of obtaining a *construction permit* or *development permit* for *development* proposed for any parcel containing a *structure* that is 45 or more years old and not located within any area identified as exempt in the Historical Resources Guidelines of the Land Development Manual or for any parcel identified as sensitive on the Historical Resource Sensitivity Maps. Interior development and any modifications or repairs that are limited in scope to an electrical or plumbing/mechanical permit shall be exempt from the requirement to obtain a site specific survey prior to approval of the applicable construction permit where the development would include no change to the exterior of existing structures.
- (b) through (d) [No change]

Issue #30: Recordation of Ownership Interest for Parcel Maps

§144.0350 Recordation of Ownership Interest for Parcel Maps

- (a) When no dedications or offers of dedication are required, a parcel map for the division of land into four or fewer parcels shall be signed and acknowledged only by the subdivider pursuant to Government Code Section 66445(e).

- (b) Concurrent with the recordation of a parcel map for the division of land into four or fewer parcels, an applicant shall record a Statement of Ownership Interest to the satisfaction of the City Engineer indicating that any persons or entities having record title interest in the property, including but not limited to trustees and beneficiaries, consent to the proposed subdivision.
-

Issue #31: Initiation Process in Planned Districts

§151.0202 Initiation of a Planned District Amendments Zoning or Rezoning Action

~~The establishment, repeal, change in boundaries or change in development controls of a planned district may be initiated as follows:~~

- (a) ~~The City Council or the Planning Commission may initiate the matters listed above by resolution.~~
- (b) ~~Property owners that may be affected by the planned district regulations may file a petition with the City Manager. The petition must contain the signatures of the owners of at least 50 percent of the land located within the proposed or existing planned district.~~

A proposed action to designate a zone on a property or change an existing zone in a planned district may be commenced in the following manner:

- (a) By Resolution. The City Council or the Planning Commission may initiate a zoning or rezoning action by resolution; or
- (b) By Application. A property owner may commence a zoning or rezoning action by filing an application in accordance with Sections 112.0102 and 123.0104.
-

Issue #32: Notices Required in Planned Districts

§151.0203 — Additional Notice

~~In addition to the persons entitled to be mailed notice as set forth in Section 111.0302(b), the City shall mail a Notice of Public Hearing to the owner of each parcel of land within the boundaries of the proposed planned district in accordance with Section 111.0302, no later than ten (10) working days before the date of the public hearing.~~

Issue #33: Separately Regulated Uses in Planned Districts

§151.0401 Uses Permitted in the Planned Districts

- (a) ~~Where not otherwise specified the planned district, the uses identified in Section 151.0401 Chapter 14, Article 1 (Separately Regulated Uses) may be permitted in planned districts as limited uses subject to supplemental regulations, or conditional uses requiring a Neighborhood Use Permit or Conditional Use Permit in accordance with the rules and procedures in Chapter 14, Article 1. for a Neighborhood Use~~

~~Permits and Conditional Use Permits in Land Development Code Chapters 11 and 12. In addition to the uses listed in this section, other uses may be approved with a Conditional Use Permit as provided in each planned district.~~

[Delete existing subsections (b) through (f)]

- (b) The permit process for a separately regulated use shall be determined in accordance with applicable planned district use regulations.
- (c) Where the use and accompanying permit process for a separately regulated use is not provided for within a planned district, but upon request of the applicant, the City Manager determines a separately regulated use, identified in Chapter 14, Article 1, meets the purpose and intent of the applicable planned district zone, that separately regulated use may be processed in accordance with the zone in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) that most closely meets the purpose and intent of the applicable planned district zone in terms of permitted uses within the zone and the allowable intensity of those uses.
- (d) In case of conflict between Section 151.0401 and regulations for a planned district, the planned district regulations shall apply.

§1510.0107 Applicable Regulations

- (a) Where not otherwise specified in the La Jolla Shores Planned District, the following provisions of the Land Development Code apply:
- Chapter 11 (Land Development Procedures) through Chapter 13, (Zones) [No change]
Chapter 14, Article 1 (Separately Regulated Use Regulations);
Chapter 14, Article 2, Division 1 (Grading Regulations) through Chapter 14, Article 7 (Plumbing and Mechanical Regulations) [No change]
- (b) Where there is a conflict between the Land Development Code and the La Jolla Shores Planned District Ordinance, the Planned District Ordinance applies. In addition, Municipal Code Section 151.0401(b), which provides regulations for limited uses, applies in the La Jolla Shores Planned District, but Section 151.0401(c), (d), (e), and (f), which permits Neighborhood Use Permits and Conditional Use Permits, does not apply.

Issue #34: Determining Property Lines/Setbacks for Resubdivided Corner Lots

§113.0246 Determining Property Lines

The *property lines* define the perimeter of a *lot* or *premises* and separate one *lot* or *premises* from any other *lot* or *premises* or from the *public right-of-way*. These rules for determining *property lines* are for purposes of applying and interpreting development regulations only and are not intended to affect ownership rights or responsibilities. These rules apply regardless of ownership of property extending into the *public right-of-way*.

(a) through (d) [No change]

(e) *Property Lines that Abut an Alley*. A *property line* that abuts an *alley* shall be determined in accordance with Section 113.0237 **113.0246** (a) through (d). However, the *property line* that abuts an *alley* shall not be considered a *street property line* for the purpose of determining *setbacks* or *street yards* as indicated below:

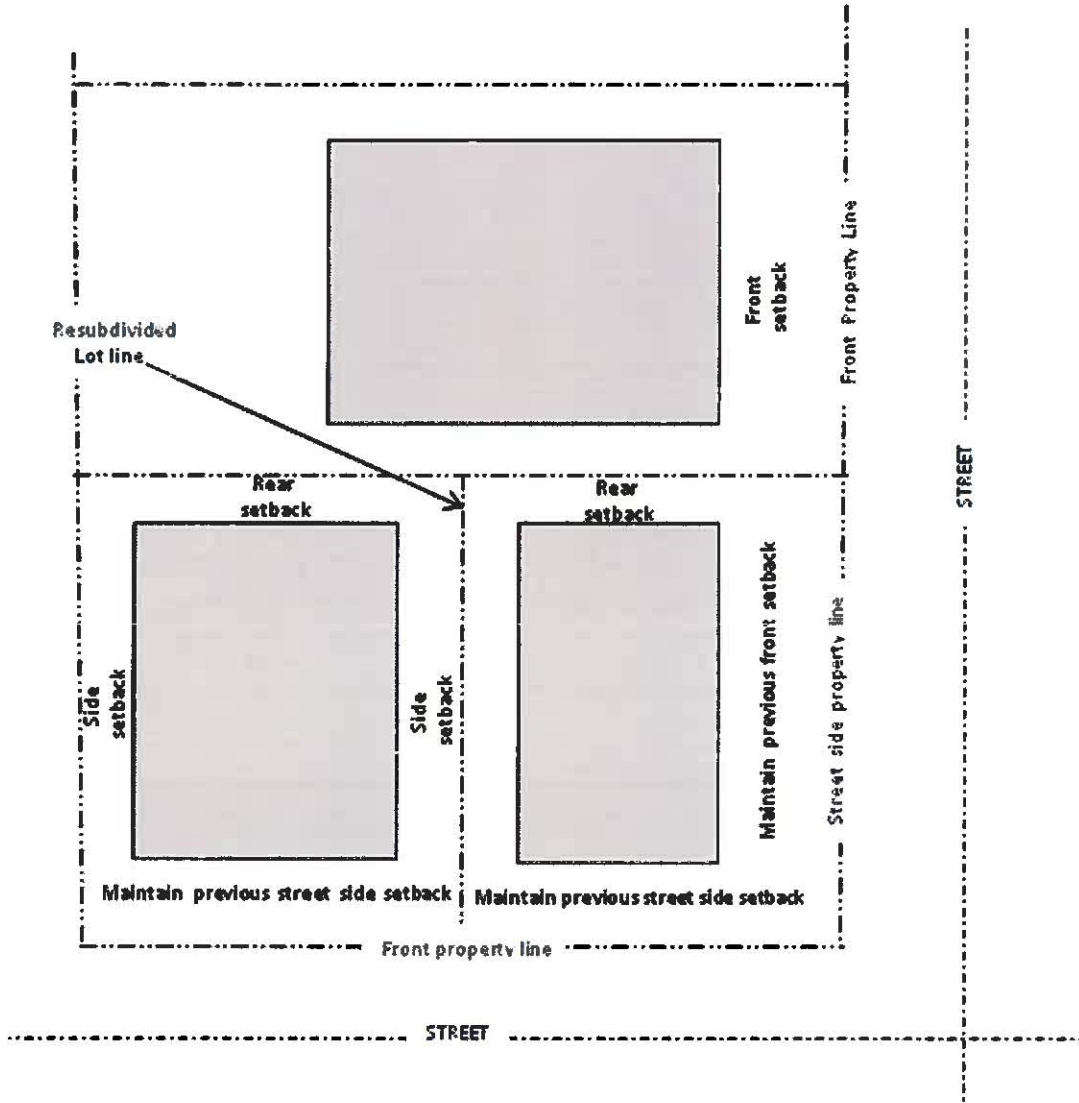
- (1) *Alley adjacent to front property line*. A *setback* equivalent to a rear yard shall be applied when a *lot* abuts an *alley* as a front *property line*.
- (2) *Alley adjacent to side property line*. A *setback* equivalent to an interior side yard shall be applied when a *lot* abuts an *alley*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

Diagram 113-02CC Alley Setbacks [No change]

(f) **Resubdivided Corner Lots in Residential Zones**

In residential zones, *property lines* for resubdivided corner lots shall be determined in accordance with Section 113.0246 (a) through (d), however, the *setbacks* along the front *property line* and street side *property line* shall observe the *setback* requirements placed on the original *lot* configuration, as shown in Diagram 113-02DD.

Diagram 113-02DD
Setbacks for Resubdivided Corner Lots



§113.0249 Determining Setback Line

(a) The *setback line* is a line that runs parallel to the nearest *property line* at a distance inward from the *property line* equal to the *setback*. The area between the *setback line* and the parallel *property line* is the required *yard*. A continuous line connecting all *setback lines* defines the boundaries of the *building envelope* at ground level. See also Sections 113.0246 (Determining Property Lines) and 113.0252 (Measuring Setbacks).

(b) through (d) [No change]

§113.0252 Measuring Setbacks

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

(1) through (4) [No change]

(b) through (c) [No change]

§131.0443 Setback Requirements in Residential Zones

(a) through (h) [No change]

~~(i) — *Setbacks for Resubdivided Corner Lots in the RE, RS, and RM Zones*~~

~~Corner lots that have been resubdivided shall maintain the front *setback* and *street side setback* in compliance with the requirements placed on the original *lot* configuration, as shown in Diagram 131-04K. The rear *yards* of the resubdivided *lots* shall be adjacent to the *property line* located opposite the front *property line* of the resubdivided *lots*.~~

**Diagram 131-04K
Setbacks for Resubdivided Corner Lots**

Issue #35: Measurement of Height in Coastal Height Limit Overlay Zone

§113.0270 Measuring Structure Height

- (a) *Structure Height of Buildings and Structures (Excluding Fences, Retaining Walls, or Signs)*

(1) through (3) [No Change]

(4) *Special Circumstances*

(A) through (C) [No Change]

(D) *Structure Height of Buildings subject to Coastal Height Limit in accordance with Section 132.0505*

- (i) The height of a building is measured to the uppermost point of the *structure* or any appurtenance placed upon the roof thereof,

including *signs*, penthouses, mechanical equipment, chimneys, vent stacks, spires, or steeples, or other projections.

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

(iii) Structure height of buildings subject to the Coastal Height Limit shall also comply with the height measurement calculations for plumb line in Section 113.0207(a)(2)(A) and overall height in Section 113.0207(a)(2)(B).

Issue #36: Applicability of Chapter 14 Regulations

§131.0145 Applicability of Chapter 14 Regulations

The following regulations in Chapter 14 apply to *development* in all base zones:

General Development Regulations (Chapter 14, Article 2)
Supplemental Development Regulations (Chapter 14, Article 3)
Subdivision Regulations (Chapter 14, Article 4)
Building Regulations (Chapter 14, Article 5)
Electrical Regulations (Chapter 14, Article 6)
Plumbing and Mechanical Regulations (Chapter 14, Articles 7 and 8)

Issue #37: Minimum Street Side Yard for Variable Setbacks

§131.0431 Development Regulations Table of Residential Zones

Intro statement [No change]

- (a) [No change]
- (b) RS Zones

Table 131-04D Development Regulations of RS Zones [No change]

Footnotes for Table 131-04D

- 1 For *lots* where at least one-half of the front 50 feet of the *lot* depth has a minimum slope gradient of 25 percent, the *setback* closest to the *street frontage* may be reduced to a minimum 6 feet.

- 2 The required side setbacks may be reallocated where the combined dimension of each side setback would meet or exceed the combined total required in Table 131-04D. In no case shall a side setback be reduced to less than 4 feet, or a street side setback be reduced to less than 10 feet. Once a side setback is established, all additions to the primary structure thereafter shall maintain the established side setback.

Footnotes 3 through 7 [No change]

Issue #38: Non Habitable Accessory Buildings in Residential Zones

§131.0431 Development Regulations Table of Residential Zones

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

- (a) RE Zones

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

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones		
	1st & 2nd >>	RE-		
3rd >>	1-	1-	1-	
4th >>	1	2	3	
Accessory uses and structures [See Sections 131.0448 (a),(b) and 141.0306]		applies	applies	applies

- (b) RS Zones

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

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
3rd >>	1-	1-	1-	1-	1-	1-	1-	
4th >>	1	2	3	4	5	6	7	

Accessory uses and structures [See Sections 131.0448 (a),(b) and 141.0306]	applies	applies	applies	applies	applies	applies	applies
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Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1 st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	8	9	10	11	12	13	14
Accessory uses and structures [See Sections 131.0448 (a),(b) and 141.0306]	applies	applies	applies	applies	applies	applies	applies	

Footnotes for Table 131-04D [No change]

(c) RX Zones

Table 131-04E
Development Regulations of RX Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones	
	1st & 2nd >>	RX-	
	3rd >>	1-	1-
	4th >>	1	2
Accessory uses and structures [See Sections 131.0448 (a),(b) and 141.0306]	applies	applies	applies

Footnote for Table 131-04E [No change]

(d) RT Zones

Table 131-04F
Development Regulations of RT Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones			
	1st & 2nd >>	RT-			
	3rd >>	1-	1-	1-	1-

	4th >>	1	2	3	4
Accessory uses and structures [See Section 131.0448(a)]		applies	applies	applies	applies

(e) RM Zones

Table 131-04G

Development Regulations of RM Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM-					
	3rd >>	1-	1-	1-	2-	2-	2-
	4th >>	1	2	3	4	5	6
Accessory uses and structures [See Section 131.0448(a)]		applies	applies	applies	applies	applies	applies

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM					
	3rd >>	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12
Accessory uses and structures [See Section 131.0448(a)]		applies	applies	applies	applies	applies	applies

Footnotes for Table 131-04G [No change]

§131.0448 Accessory Buildings Structures in Residential Zones

This section is intended to clarify the regulations applicable to non habitable accessory buildings in residential zones.

- (a) Multiple *accessory buildings* are permitted on a *premises*. However the square footage of all non habitable accessory buildings excluding garages cannot exceed 25 percent of the allowable *gross floor area* of the *premises*.
- (b) No Non habitable accessory buildings or garages may not be used for living or sleeping purposes. An non habitable accessory building or garage may have electrical, gas, and water/sewer connections to provide the following activities:
 - (1) Lighting, washing machines, dryers, laundry tubs, and hot water heater;
 - (2) A one-half bathroom, limited to a water closet and a lavatory sink; and
 - (3) A shower, provided the property owner signs an agreement recorded with the County Recorder and processed through the City Manager stating that the building will not be used for living or sleeping purposes.
- (c) Non habitable Accessory buildings or detached garages may encroach into required *yards* subject to the requirements in Section 131.0461.
- (d) ~~Structures containing uses regulated by Chapter 14, Article 1 (Separately Regulated Uses) are not subject to Section 131.0448.~~
- (d) Habitable accessory buildings may be permitted as follows:
 - (1) Accessory to a single dwelling unit in accordance with Sections 141.0302 or 141.0306, or
 - (2) Accessory to a multiple dwelling unit development to provide common area facilities for the property owners, tenants, and their guests in accordance with the underlying base zone.

§131.0461 Architectural Projections and Encroachments in Residential Zones

- (a) The following are permitted *architectural projections* and *encroachments* into required *yards* and the angled *building envelope* plane for RS and RX zones and the RM-1-1, RM-1-2, and RM-1-3 zones. These projections and *encroachments* are not permitted in the required yards within view corridors that are designated by *land use plans* in the Coastal Overlay Zone and may not be located in a required *visibility area* or a required turning radius or vehicle back-up area except where development regulations may allow.
 - (1) [See Issue #39]
 - (2) through (4) [No change]
 - (5) [See Issue #41]

- (6) [See Issue #39]
- (7) through (11) [No change]
- (12) Detached garages or **non habitable accessory buildings** may encroach into a required side or rear *yard* as follows:
 - (A) through (D) [No change]

(b) through (c) [No change]

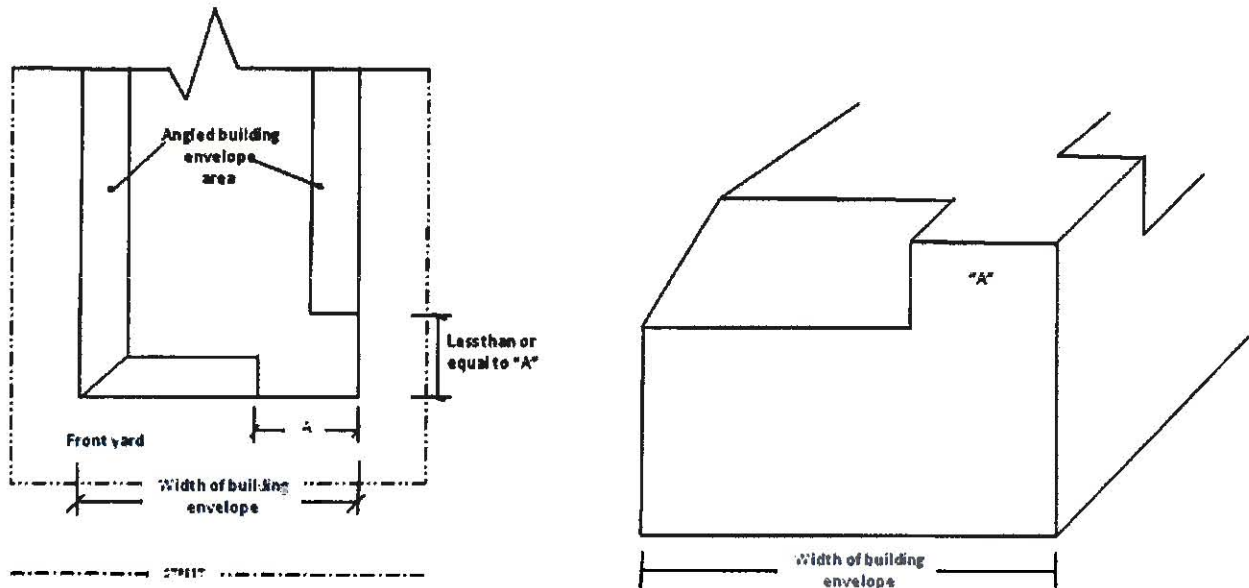
Issue #39: Entry Way and Other Setback/Building Envelope Projections

§131.0461 Architectural Projections and Encroachments in Residential Zones

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

- (1) **Roof projections such as Eave-cave, cornice, and eyebrow projections may extend into the required yard or into the space above the angled building envelope** subject to the following:
 - (A) The projection may extend a maximum of 6 feet into the required *yard* or 50 percent of the width of the required *yard*, whichever is less;
 - (B) The projection shall not be closer than 2 feet, 6 inches to the *property line*; and
 - (C) There shall be a minimum 6-foot, 8-inch clearance between *proposed grade* and the projection.
 - (D) **The projection into the space above the angled building envelope is limited to a maximum of 33 percent of the width of the building envelope facing the front yard, and a maximum depth equal to or less than its width. See Diagram 131-04S.**

Diagram 131-04S
Exception for Angled Building Envelope Area



Note: "A" shall not exceed 33% of the width of the building envelope

(2) through (4) [No change]

(5) [See Issue #41]

(6) Entry roofs and porches may encroach into the required front and street side yards subject to the following requirements:

- (A) The *encroachment* shall not exceed 6 feet or 50 percent of the width of the required yard, whichever is less;
- (B) The height of the entry roof shall not exceed 10 **15 feet above grade** for flat roofs, 12 feet for pitched roofs, or 12 feet at the apex of an arched roof with 10 feet at the springline;
- (C) The width of the *encroachment* shall not exceed 10 feet or 50 percent of the width of the habitable portion of the building elevation, whichever is greater; and
- (D) Porches shall be maintained with at least two elevations that are at least 40 percent open.

(7) through (11) [No change]

(12) [See Issue #38]

(b) through (c) [No change]

RENUMBER DIAGRAMS in Section 131.0461 (04S, 04T, 04U, 04V)

Issue #40: Air Conditioner Units Accessory to Residential Uses

§131.0461 Architectural Projections and Encroachments in Residential Zones

- (a) The following are permitted *architectural projections* and *encroachments* into required *yards* and the angled *building envelope* plane for RS and RX zones and the RM-1-1, RM-1-2, and RM-1-3 zones. These projections and *encroachments* are not permitted in the required yards within view corridors that are designated by *land use plans* in the Coastal Overlay Zone and may not be located in a required *visibility area* or a required turning radius or vehicle back-up area except where development regulations may allow.
- (1) [See Issue #40]
- (2) through (4) [No change]
- (5) Mechanical equipment such as air conditioner units, gas meters, electrical fuse boxes, or pool equipment and associated utility enclosures may encroach into required side and rear *yards* subject to the following requirements:
- (A) At-grade equipment shall be located a minimum of 4 feet from the *property line*; and
- (B) Equipment that is located completely below finished grade, with a permanent, durable, protective cover shall be permitted to encroach up to 2 feet, 6 inches from the *property line*;
- (C) Except that no setback shall be required for air conditioner units within a side or rear *yard* where sound attenuation features are incorporated and demonstrated to comply with applicable sound level limits in accordance with Section 59.5.0401.
- (6) [See Issue #40]
- (7) through (12) [No change]
- (b) through (c) [No change]

Issue #41: Maximum Setback Requirements for Commercial Zones

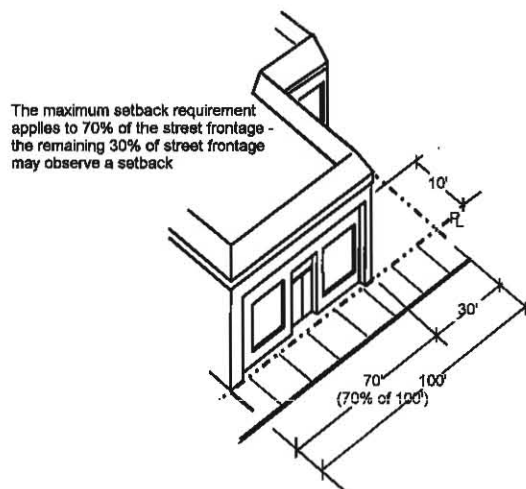
§131.0543 Setback Requirements for Commercial Zones

[No Change first paragraph.]

- (a) [No Change.]
- (1) [No Change.]

- (2) In the CN, CO, CV, and CC zones with a maximum front or *street side setback* as shown in Tables 131-05C, 131-05D, and 131-05E, the maximum *setback* shall apply to only 70 percent of the *street frontage*. The remaining 30 percent is not required to observe the maximum *setback* and may be located farther from the *property line*. There is no maximum *setback* for the remaining 30 percent. See Diagram 131-05B.

**Diagram 131-05B
 Maximum Setback Requirement**



- (3) [No change.]
 (b) through (c) [No change.]

Issue #42: Loading Docks

131.0531 Development Regulations Tables of 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 of CN Zones**

Development Regulations	Zone designator	Zones
-------------------------	-----------------	-------

[See Section 131.0530 for Development Regulations of Commercial Zones]	1st & 2nd >>	CN-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
Max permitted residential density through Refuse and Recyclable Material Storage [No change]				
Loading Dock and Overhead Door Screening Regulations [See Section 142.1030]		<u>applies</u>	<u>applies</u>	<u>applies</u>

Footnotes for Table 131-05C [No change]

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

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

Development Regulations	Zone Designator	Zones						
		[See Section 131.0530 for Development Regulations of Commercial Zones]	1st & 2nd >>	CR-		CO-		CV-
3rd >>	1-		2-	1-		1-		1-
4th >>	1		1	2	1	2	1	
Max permitted residential density through Refuse and Recyclable Material Storage [No change]								
Loading Dock and Overhead Door Screening Regulations [See Section 142.1030]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

Footnotes For Table 131-05D [No change]

(c) CC Zones

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

Development Regulation	Zone Designator	Zones																	
		[See Section 131.0530 for Development Regulations of Commercial Zones]	1st & 2nd >>	CC-															
3rd >>	1-		2-	4-	5-	1-	2-	4-	5-	1-	2-	4-	5-	3-	4-	5-	3-	4-	5-
4th >>	1			2			3			4			5						

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones																	
	1st & 2nd >>	CC-																	
	3rd >>	1-	2-	4-	5-	1-	2-	4-	5-	1-	2-	4-	5-	3-	4-	5-	3-	4-	5-
	4th >>	1			2			3			4			5					
Max permitted residential density through Refuse and Recyclable Material Storage [No change]																			
Loading Dock and Overhead Door Screening Regulations [See Section 142.1030]		applies	applies	applies	applies	applies	applies	applies	applies	applies	applies	applies	applies	applies	applies	applies	applies	applies	

Footnotes for Table 131-05E [No change]

§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**

Development Regulations [See Section 131.0630 for Development Regulations of Industrial Zones]	Zone Designator	Zones											
	1st & 2nd >>	IP-			IL-			IH-			IS-		
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1				
	4th >>	1			1			1			1		
Lot Area through Refuse and Recyclable Material Storage [No change]													
Loading Dock and Overhead Door Screening Regulations [See Section 142.1030]		applies	applies	applies	applies	applies	applies	applies	applies	applies	applies	applies	applies

Footnotes for Table 131-06C [No change]

§131.0660 Street Wall Requirements for Industrial Zones

In the IL and IH zones, a maximum of two loading docks or overhead doors may be located in the ~~street wall~~. The total width of the loading docks or overhead doors shall not occupy more than 25 percent of the length of the ~~street wall~~. See Diagram 131-06C.

**Diagram 131-06C
 Street Wall Loading Docks in the IL and IH Zones**

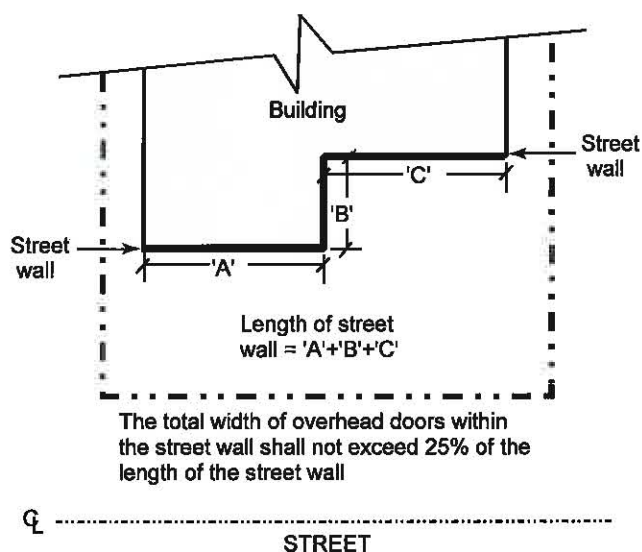
§142.1030 Loading Dock and Overhead Door Screening Regulations

- (a) Loading docks and overhead doors shall be *screened* from the *public right-of-way* with *fences* or walls designed to reduce visual impacts.
- (b) In all industrial zones, loading docks and overhead doors that are adjacent to the *street yard* shall comply with Chapter 14, Article 2, Division 4 (Landscape Regulations) for loading docks that face the *street*.
- (c) In the IP zones, loading docks and overhead doors shall be *screened* from the *public right-of-way* with a wing wall that meets the following criteria:
 - (1) The wing wall may be either freestanding or attached to the building wall, as shown in Diagram 142-10A.
 - (2) The wing wall shall be at least 12 feet high for half its length but may taper to a lesser height, as shown in Diagram 142-10A, provided that the wall still *screens* the loading dock and loading vehicles from the *public right-of-way*. The wall shall not be less than 4 feet high at any point.

Diagram 142-10A Wall Requirement in the IP Zone [No change]

- (3) The wing wall shall be architecturally similar to the associated building and shall be constructed of the same materials as the building to which it is attached.
 - (4) The wing wall shall not encroach into a *visibility area*.
 - (5) The length of the wing wall shall be sufficient to *screen* the loading dock and any vehicle parked in the area.
- (d) In the IL and IH zones, a maximum of two loading docks or overhead doors may be visible when projected perpendicularly to a single plane that is most parallel to the closest abutting *public right-of-way*. The total width of the loading docks or overhead doors shall not occupy more than 25 percent of the length of the *street wall*. See Diagram 142-10B.

Insert new Diagram 142-10B (Modify old Diagram 131-06C)



Issue #43: Guest Quarters/Habitable Accessory Buildings

§141.0306 Guest Quarters/Habitable Accessory Buildings

Guest quarters/habitable accessory buildings are attached or detached accessory living quarters developed of habitable construction, and 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~~ Guest quarters/habitable accessory buildings is are solely for the use of the occupants of the primary dwelling unit or their guests or employees.

Guest quarters/habitable accessory buildings may be permitted accessory to a single dwelling unit as a limited use in accordance with Process One in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) A primary dwelling unit must exist on the *premises*. Concurrent construction of the primary dwelling unit and the guest quarters/habitable accessory building is permitted.
- (b) ~~No more than one guest quarters may be permitted on a premises.~~ Guest quarters/habitable accessory buildings may occupy a maximum of 25 percent of the allowable gross floor area of the premises.
- (c) Guest quarters/habitable accessory buildings may be attached to or detached from the primary dwelling unit on the *premises*.
- (d) ~~The gross floor area of the guest quarters shall not exceed 20 percent of the maximum gross floor area for the premises that is permitted in the zone.~~

- (e)(d) The *gross floor area* of the guest quarters/*habitable accessory buildings* shall be included in the *floor area ratio* calculation for the *premises*.
- (f)(e) The guest quarters/*habitable accessory buildings* shall not contain a *kitchen* or facilities for the storage and preparation of food. A bar sink and miniature refrigerator may be permitted.
- (g)(f) For guest quarters/*habitable accessory buildings* located above a garage or other accessory building, the maximum *structure height* for flat-roofed *structures* is 21 feet. For sloped-roofed *structures* with a roof pitch of at least 3:12 (3 vertical feet to 12 horizontal feet), the maximum *structure height* is 30 feet.
- (h)(g) For detached guest quarters/*habitable accessory buildings*, the maximum *structure height* is 15 feet without a chimney or flue, or 17 feet with a chimney or flue.
- (i)(h) Decks and staircases of not more than 3 feet in height may encroach into required *yards*.
- (j)(i) *Roof decks*, including railings, shall not exceed the height limits in Section 141.0306(gf) and (hg).
- (k) ~~One 24-inch box tree shall be planted in the required front yard of the premises or in the abutting parkway. Existing trees may be used to satisfy this requirement.~~
- (l) ~~Off-street parking and access for a premises containing a guest quarters shall be provided as follows:~~
- (1) ~~Parking for the entire premises shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations).~~
 - (2) ~~Off-street parking shall be provided at a rate of 1 space for each bedroom in the guest quarters.~~
 - (3) ~~Off-street parking required for guest quarters shall not be located in the area between the street wall and the front property line.~~
 - (4) ~~Access to the off-street parking from an unimproved alley is not permitted. [See Parking Issue #49]~~
- (m)(i) Occupancy of a *premises* containing guest quarters/*habitable accessory buildings* shall be subject to the following:
- (1) Guest quarters/*habitable accessory buildings* shall not be rented, leased, or sold as a separate *dwelling unit*.

- (2) Before a Building Permit is issued for a guest quarters/*habitable accessory building*, the property owner shall submit a signed agreement with the City that specifies that the guest quarters/*habitable accessory building* shall not be used as, or converted to, a companion unit or any other *dwelling unit*. The agreement shall include a stipulation that neither the primary *dwelling unit* nor the guest quarters/*habitable accessory building* shall be sold or conveyed separately. The City will provide the agreement to the County Recorder for recordation.
- (3) The guest *Guest* quarters/*habitable accessory buildings* shall be used solely by the occupants of the primary *dwelling unit*, their guests, or their employees.

Issue #44: Brush Management**§143.0142 Development Regulations for Steep Hillsides**

Development that proposes *encroachment* into *steep hillsides* or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Steep Hillside Guidelines in the Land Development Manual.

(a) Allowable Development Area

(1) through (3) [No change]

(4) [No Change]

(A) through (D) [No change]

(E) In the approval of any Coastal Development Permit for a *subdivision*, and any other division of land, including lot splits, no *encroachment* into *steep hillsides* containing *sensitive biological resources*, or mapped as Viewshed or Geologic Hazard on Map C-720 shall be permitted, and the decision maker shall require a minimum 30-foot setback for Zone 1 brush management for coastal development from such steep hillsides consistent with Section 142.0142.

§142.0412 Brush Management

Brush management is required in all base zones on publicly or privately owned *premises* that are within 100 feet of a *structure* and contain native or naturalized vegetation.

(a) through (f) [No change]

(g) Zone One Requirements

(1) [No change]

(2) Zone One shall contain no habitable *structures*, *structures* that are directly attached to habitable *structures*, or other combustible construction that provides a means for transmitting fire to the habitable *structures*. *Structures* such as *fences*, walls, palapas, play structures, and nonhabitable gazebos that are located within brush management Zone One shall be of noncombustible, one hour fire-rated and/or heavy timber construction.

(3) through (7) [No change]

(h) through (o) [No change]

Issue #45: Landscape Regulations Applicability:

§142.0402 When Landscape Regulations Apply

(a) [No change]

(b) [No change]

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

Type of Development Proposal	Applicable Regulations	Required Permit Type/ Decision Process
1. through 2. [No change]		
3. through 7. [See Issue #8 Minor Construction Permits]		
8. [No change]		
9. All City owned property, dedicated in perpetuity for park or recreation purposes, within 100 feet of a structure.	142.0403 142.0412 142.0413	No permit required by this division if work is performed in accordance with applicable regulations
10. through 11. [No change]		
12. New Trees or shrubs planted in the <i>public right-of-way</i>	62.0603; 129.0702; 142.0403, and 144.0409 142.0409 142.0610	Public Right-of-Way Permit or Street Tree Permit/ Process One
13. [No change]		

Issue #46: Parking Structures

§113.0234 Calculating Gross Floor Area

[First paragraph no change.]

(a) [No change]

(1) through (2) [No change]

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

(A) All portions of the *structure* where the vertical distance between adjacent grade and the finished floor elevation above exceeds 5 feet.

(B) The vertical measurement between adjacent *grade* and the finished *floor* above shall not include subterranean vehicular access openings (up to a maximum of 25 foot width). Instead, the vertical distance measurement shall be measured from the imaginary plane perpendicular to the driveway access that connects the adjacent grades to the finished *floor* above.

AMEND DIAGRAM 113-02K to delete reference to 3'-6".

(4) through (5) [No change]

(6) *Gross floor area* includes on- or above-grade parking *structures*, garages, and carports that are constructed and maintained with less than two elevations of the element that are at least 75 percent completely open, as shown in Diagram 113-02M, except where the parking *structure* design meets the exemptions identified in Section 113.0234(d)(3).

AMEND DIAGRAM 113-02M to change title from "Parking Structures" to "Garages/Carports".

(b) through (c) [No change]

(d) Elements Not Included in *Gross Floor Area*

(1) *Interior Courts*, as defined in Section 113.0103; and

(2) Interior modifications, including additions of actual *floor* areas that do not affect the outer limits of the existing *structural envelope*.

(3) Parking Structures

(A) The intent of this section is to facilitate the *development* of parking facilities for *multiple dwelling unit* and commercial *development*. This exemption from *gross floor area* does not apply to garages or carports that serve *single dwelling unit* or duplex *development*.

(B) In order to exclude a parking *structure* from the calculation of *gross floor area*, a combination of at least two of the following shall be incorporated into project design as follows:

(i) The parking *structure* includes at least one subterranean *floor* where the vertical distance between adjacent grade and the finished *floor* elevation above is 5 feet or less. Elevations that provide vehicular access to a subterranean parking level may still meet this provision where the vertical distance is 5 feet or less as measured in accordance with Section 113.0234(a)(3)(B);

(ii) The parking *structure* is part of wrapped design to screen parked vehicles within the *structure* from the adjacent *public right of way*;

(iii) The parking *structure* is screened from the adjacent *public right of way* on at least two elevations; or

(iv) The parking *structure* is at least 40 percent open on at least two elevations.

§142.0560 Development and Design Regulations for Parking Facilities

(a) through (i) [No change]

(j) [See Issue #53]

(k) *Parking Structure* Design Regulations. Parking *structures* are subject to the following design regulations:

- (1) The perimeter of each parking *garage structure floor* above *street* level shall have an opaque *screen* or other *screening* mechanism to shield automobiles from public view. The *screen* shall be at least 3½ feet high measured from the finished *floor* elevation.
- (2) An architectural treatment, such as a finished fascia, shall be provided to shield any unfinished structural elements (including electrical elements, exposed metal beams, and fireproofing material) or mechanical appurtenances from a viewing position at *grade* from the opposite side of the *street*.
- (3) Lights visible from the exterior of the *structure* shall comply with Section 142.0740. ~~be covered or screened with a diffusing lens and oriented to minimize the visual impact from a viewing position at grade from the opposite side of the street.~~
- (4) The top *floor* of parking *structures* that are open to the sky are subject to the vehicular use area requirements of the Landscape Regulations (Chapter 14, Article 2, Division 4).
- (2)(5) The maximum gradient in any direction within a parking *structure* is 6 percent, except that where unusual or special circumstances warrant, the City Manager may approve steeper gradients according to accepted engineering practices.

Issue #47: Exemption From Requirement To Pave Alley

§141.0306 Guest Quarters

[First paragraph no change.]

(a) through (k) [No change]

- (l) [See Issue #44] ~~Off-street parking and access for a premises containing a guest quarters shall be provided as follows:~~
 - (1) ~~Parking for the entire premises shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations).~~
 - (2) ~~Off-street parking shall be provided at a rate of 1 space for each bedroom in the guest quarters.~~
 - (3) ~~Off-street parking required for guest quarters shall not be located in the area between the street wall and the front property line.~~
 - (4) ~~Access to the off-street parking from an unimproved alley is not~~

~~permitted.~~

(m) [No change]

Issue #48: Previously Conforming Parking

§142.0510 General Parking Regulations

(a) through (c) [No Change]

- (d) Previously Conforming Premises. Enlargement or change in use, or resumption of a discontinued use, for a *premises* that is *previously conforming* for the reason that it does not provide the number of *off-street parking spaces* required by this division shall be required to provide parking as follows:
- (1) When the use is proposed to be enlarged, the additional *off-street parking spaces* required are the number required by this division for the enlargement. Within the beach impact area of the Parking Impact Overlay Zone, additional parking shall be provided at two times the number required for the enlargement but not exceeding the amount required for the entire development.
 - (2) When a change in use is proposed to a use that requires the same or fewer *off-street parking spaces* than the previous use, or for resumption of a discontinued use, no change in parking spaces is required, except as provided in Section 142.0510(d)(4).
 - (3) When a change in use is proposed to a use that requires more *off-street parking spaces* than the previous use, parking shall be required as provided in this division for the new use.
 - (4) A discontinued use may resume on a *premises* with *previously conforming* parking if:
 - (A) The use is permitted in accordance with the underlying base zone; and
 - (B) The *premises* is not located within the Parking Impact Overlay Zone; or
 - (C) The *premises* is located within the Parking Impact Overlay Zone, but the use has been discontinued for less than 2 years as determined in accordance with Section 142.0510(d)(5).
 - (4) (5) Within the Parking Impact Overlay Zone, ~~When a use is proposed on a *premises* for which~~ if the previous use has been discontinued for a period of 2 or more

consecutive years, parking shall be required as provided in this division for the new use unless a property owner has obtained a Neighborhood Development Permit.

- (A) Discontinuance of the use for a period of 2 or more consecutive years creates a presumption in favor of abandonment, against which the owner or person asserting *previously conforming* rights may offer evidence.
- (B) If the *previously conforming* use is discontinued temporarily while repairs, remodeling, or major alterations of the *structure* are under construction, maintenance of an active *construction permit* and continuance of the Business Tax Certificate constitutes conclusive evidence that the use has not been abandoned during the construction.

Issue #49: Parking for Outpatient Medical Clinics (Medical Offices)

§142.0530 Nonresidential Uses — Parking Ratios

(a) through (b) [No change]

(c) Nonresidential Uses. Table 142-05F establishes the required ratio of parking spaces to building *floor* area for the nonresidential uses shown that are not covered by the parking requirements in Section 142.0530(a) and (b).

**Table 142-05F
Parking Ratios for Specified Non-Residential Uses**

Use	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area, and Excludes Floor Area Devoted to Parking)				
	Required Automobile Parking Spaces				Required Bicycle Parking Spaces ⁽³⁾
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area ⁽¹⁾	Maximum Permitted	Carpool Minimum ⁽²⁾	Minimum
Institutional through Retail Sales [No change]					
Commercial Services					
Eating & Drinking Establishments through Visitor Accommodations [No change]					
Separately Regulated Uses					

Use	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area, and Excludes Floor Area Devoted to Parking)				
	Required Automobile Parking Spaces				Required Bicycle Parking Spaces ⁽³⁾
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area ⁽¹⁾	Maximum Permitted	Carpool Minimum ⁽²⁾	Minimum
<i>Child Care Facilities through Funeral parlors & Mortuaries [No change]</i>					
Outpatient Medical Clinic	4.0	3.5	6.0	0.4	0.03 + .03 bike lockers with shower
Private clubs, lodges, fraternal organizations (except fraternities and sororities) through Veterinary clinics & hospitals [No change]					
Offices ⁽⁶⁾ through Industrial [No change]					

Footnotes For Table 142-05F [No change]

(d) through (h) [No change]

Issue #50: Driveway and Access Regulations

§142.0560 Development and Design Regulations for Parking Facilities

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

(j) Driveway and Access Regulations

(1) [No change.]

(2) ~~When redevelopment occurs, after the demolition of the primary structures on a premises, e~~Existing driveways shall be modified to comply with this section, when redevelopment occurs after demolition of the primary structure on a premises, or when otherwise required per the Land Development Code.

(3) through (9) [No change.]

(k) [See Issue #46]

Issue #51: Advertising Display Signs

§113.0103 Definitions

Advertising display sign means a *sign* where the *sign copy* does not pertain to the use of the property, a product sold, or the sale or lease of the property on which the *sign* is displayed and which does not identify the place of business as purveyor of the merchandise or services advertised on the *sign*. Such *signs* include vehicle-mounted *signs and billboards* and *billboards*.

Issue #52: Lot Line Adjustments

§125.0310 When a Lot Line Adjustment Is Required

A Lot Line Adjustment is required when land is taken from one or more parcels and added to one or more adjacent *adjoining* parcels, provided that the adjustment would not result in the creation of an additional parcel.

Issue #53: When a Neighborhood Use Permit is Required- Incorrect References

§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 through Bed and breakfast establishments [No Change]

Boarding Kennels/Pet Day Care Facilities [See Issue #13]

Community Gardens [No Change]

~~Community identification signs~~ [See Issue #14]

Comprehensive Sign Plans [Issue #14]

Eating and drinking establishments through Employee Housing [No change.]

Guest quarters

Home occupations [No change.]

Neighborhood Identification Signs [See Issue #14]

Outpatient medical clinics

Parking facilities as a primary use through Pushcarts [No change.]

~~Reallocation of sign area allowance~~ [See Issue #14]

Recycling facilities through Theater marquees [No change.]

Urgent Care Facilities

Veterinary Clinics and Animal Hospitals [See Issue #13]

Wireless communication facilities [No change.]

(b) [No Change]

Issue #54: Findings for Site Development Permit Approval- Incorrect Section References

§126.0504 Findings for Site Development Permit Approval

A Site Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0504(a) and the supplemental *findings* in Section 126.0504(b) through ~~(n)~~ (o) that are applicable to the proposed *development* as specified in this section.

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

(l) Supplemental Findings--Deviation for Affordable Housing

[First Paragraph No change.]

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

(3) The deviation is necessary to make it economically feasible for the *applicant* to utilize an *density* bonus authorized for the *development* pursuant to Section 143.0730 143.0725.

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

(o) Supplemental Findings- *Public Right-of-Way* Encroachments. A Site Development Permit in accordance with Section 126.0502(d)~~(6)~~(7) for any *encroachment* or object which is erected, placed, constructed, established or maintained in the *public right-of-way* when the *applicant* is not the *record owner* of the property on which the proposed *encroachment* will be located may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0504(a):

(1) through (5)[No Change]

Issue #55: Satellite Antennas

§131.0422 Use Regulations Table for Residential Zones

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

Legend for Table 131-04B
 [No change]

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																					
	1 st & 2nd >>	RE-	RS-												RX-		RT-						
	3rd >>	1-	1-												1-		1-						
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3
Open Space through Residential [No change]																							
Institutional																							
Separately Regulated Institutional Uses																							
Airports through Major Transmission, Relay, or Communications Switching Stations [No change]																							
<i>Satellite Antennas</i>																							
L		L												L		L							
<i>Social Service Institutions</i>																							
-		-												-		-							
<i>Wireless communication facility:</i>																							
<i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use</i>																							
L		L												L		L							
<i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use</i>																							
N		N												N		N							
<i>Wireless communication facility in the public right-of-way with above ground equipment</i>																							
C		C												C		C							
<i>Wireless communication facility outside the public right-of-way</i>																							
C		C												C		C							
Sales through Signs [No change]																							

Issue #56: Residential Zones- Missing Reference/Incorrect References

§131.0431 Development Regulations Table of Residential Zones

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

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

(e) RM Zones

Table 131-04G [No change]

Footnotes for Table 131-04G
1 through 16 [No change.]

17 See Section 131.0444(~~f~~)(e)

18 See Section 131.0444(~~g~~)(f)

19 through 36 [No change.]

Issue #57: Underground Parking Structure- Remove Italics

§131.0446 Maximum Floor Area Ratio in Residential Zones

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

(e) In the RM-1-2, RM-1-3, RM-2-4, RM-2-5, and RM-2-6 zones, a minimum of one-fourth of the permitted *floor area ratio* shall be reserved for required parking. If underground parking is provided, an area equal to the *gross floor area* of the underground parking may be added to the maximum *gross floor area* permitted for nonparking uses. The maximum *floor area ratio* for all *structures* on the *premises*, excluding ~~*underground parking structures*~~ **underground parking structures**, shall not exceed the maximum permitted *floor area ratio* for the zone as identified in Table 131-04G.

(f) In the RM-3-7, RM-3-8, RM-3-9, RM-4-10, RM-4-11, and RM-5-12 zones, a minimum of one-third of the permitted *floor area ratio* shall be reserved for required parking. If underground parking is provided, an area equal to the *gross floor area* of the underground parking may be added to the maximum *gross floor area* permitted for nonparking uses. The maximum *floor area ratio* for all *structures* on the *premises*, excluding ~~*underground parking structures*~~ **underground parking structures**, shall not

exceed the maximum permitted *floor area ratio* for the zone as identified in Table 131-04G.

(g) [No change.]

Issue #58: College Area CPIOZ-Missing Reference

§132.1402 Where the Community Plan Implementation Overlay Zone Applies

(a) [No change.]

Table 132-14A

Community Plans with Property in the Community Plan Implementation Overlay Zone

Community Plan	Map Number Showing Boundaries of CPIOZ Area
Clairemont Mesa (See Diagram 132.14A)	C-771.1, B-3951
College Area	C-761.1
Linda Vista (See Diagram 132-14C)	C-750
Midway/Pacific Highway Corridor (See Diagram 132-14D)	C-782
Navajo (See Diagram 132-14E)	C-779
Pacific Beach (See Diagram 132-14F)	B-3737I, B-3857
Peninsula (See Diagram 132-14G)	C-744, C-781
Rancho Bernardo (See Diagram 132-14H)	C-773.1
Rancho Penasquitos (See Diagram 132-14I)	B-4025
Skyline Paradise Hills (See Diagram 132-14L)	B-4272
Southeastern San Diego (See Diagram 132-14M)	B-4272
University (See Diagram 132-14J)	C-725, C-751.2
Uptown (See Diagram 132.14K)	C-780.2

(b) [No change]

Table 132-14B [No change]

Issue #59: Requirements for Park and Recreational Facilities- Incorrect Reference

§142.0650 Requirements for Park and Recreational Facilities

The provision of park facilities and the payment of park fees are required in accordance with Municipal Code Chapter 6, Article 3, Division 4 **Chapter 9, Article 6, Division 4** (Development of Park and Recreational Facilities).

Issue #60: General PDO Provisions- Incorrect References

§151.0201 Processing of Planned District Permits

Planned district permits will be processed in accordance with the Land Development Code as follows:

- (a) through (c) [No change]
- (d) Where Section ~~151.0105~~ **151.0401** requires a Neighborhood Use Permit, an applicant shall apply for a Neighborhood Use Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 2 (Neighborhood Use Permit Procedures). The findings required for approval will be the general findings for Neighborhood Use Permits in Land Development Code Section 126.0205 and any additional findings provided in the planned district.
- (e) Where Section ~~151.0105~~ **151.0401** or the planned district requires a Conditional Use Permit, an applicant shall apply for a Conditional Use Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 3 (Conditional Use Permit Procedures). The findings required for approval will be the general findings for Conditional Use Permits in Land Development Code Section 126.0305 and any additional findings provided in the planned district.

Issue #61: Carmel Valley PDO- Missing Reference

§153.0103 Applicable Regulations

Where not otherwise specified or inconsistent with the Carmel Valley Planned District Ordinance, the following provisions of the Land Development Code apply:

Chapter 11 (Land Development Procedures);

Chapter 12 (Land Development Reviews);

Chapter 13, Article 2 (Overlay Zone);

Chapter 14, Article 1 (Separately Regulated Use Regulations);

Chapter 14, Article 2, Division 1 (Grading Regulations);

Chapter 14, Article 2, Division 2 (Drainage Regulations);

Chapter 14, Article 2, Division 4 (Landscape Regulations):

Chapter 14, Article 2, Division 5 (Parking Regulations);

Chapter 14, Article 2, Division 6 (Public Facility Regulations);

Chapter 14, Article 2, Division 8 (Refuse and Recyclable Materials Storage Regulations);

Chapter 14, Article 3 (Supplemental Development Regulations);

Chapter 14, Article 4 (Subdivision Regulations);

Chapter 14, Article 5 (Building Regulations);

Chapter 14, Article 6 (Electrical Regulations); and

Chapter 14, Article 7 (Plumbing and Mechanical Regulations).

Where there is a conflict between the Land Development Code and the Carmel Valley Planned District Ordinance, the Planned District Ordinance applies.

Issue #62: La Jolla PDO – Incorrect References

§159.0307 Property Development Regulations

No building or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used unless the lot or premises and buildings shall comply with the applicable development regulations. Please refer to Appendices B and C for illustrations of the development regulations.

(a) through (c) [No change]

(d) Maximum Height

- (1) The maximum height of any point on any structure shall be 30 feet. Height shall be measured in accordance with Land Development Code Section 113.0270 with the exception of Section 113.0270(a)(4)(B)(i) and ~~(5)~~ 113.0270(a)(2)(B). See Appendix B of the La Jolla Planned District.

(2) through (3) [No change]

(e) through (f) [No change]

Issue #63: Mid City PDO- Incorrect References

§1512.0303 Residential Development Regulations

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

(c) Residential Density. One dwelling unit is permitted for each "X" square feet of lot area shown in the third column in Table 1512-03C.

**Table 1512-03C
 Residential Density**

Zone	Lot Size	One Unit per "X" Sq. Ft.
MR-3000	any size legal lot	3,000
MR-2500	any size legal lot	2,500
MR-1750	any size legal lot	1,750
MR-1500	any size legal lot	1,500
MR-1500B	less than 10,000 s.f.	1,500 ⁽¹⁾
MR-1500B	10,000 s.f. or more	1,250 ⁽²⁾
MR-1250B	less than 10,000 s.f.	1,250 ⁽²⁾⁽¹⁾
MR-1250B	10,000 s.f. or more	1,000 ⁽²⁾
MR-1000	any size legal lot	1,000
MR-1000B	less than 10,000 s.f.	1,000
MR-1000B	10,000 s.f. or more	800 ⁽²⁾
MR-800B	less than 15,000 s.f.	800 ⁽³⁾
MR-800B	15,000 s.f. or more	600 ⁽²⁾⁽³⁾
MR-400	-	400

Footnotes for Table 1512-03C

1 Remainder Lot Provision: If all properties abutting a MR-1500B or MR-1250B lot are developed at a density greater than one dwelling unit per 1,000 square feet, then the bonus density may be developed regardless of lot size.

2 The bonus density given for parcel accumulation may be used only if at least 90 percent of all required resident parking is either underground or enclosed within the rear 50 percent of the lot,

or provided in some combination of those 2 formats.

³ Exception. MR-800B zoned lots with a depth of less than 100 feet are permitted the bonus density of one dwelling unit per 600 square feet of lot area for lots 10,000 square feet or more.

Issue #64: Old Town PDO – Incorrect References

§1516.0302 Property Development Regulations

(a) through (e) [No change]

(f) Yard and Setbacks

(1) through (2) [No change]

**Table 1516-03D
 Yards and Setbacks**

Subarea	Street ^(1,2)		Side Yard ⁽³⁾⁽⁴⁾ (ft)	Rear Yard ⁽⁴⁾ (ft)
	Front (ft) ⁽²⁾	Yard (ft) ⁽¹⁾		
Single-Family	15	10	4	4
Multi-Family	5	15	1-story 5	1-story 5
			2-story 10	2-story 10
			3-story 15	3-story 15
Rosecrans	15	20	1-story 5	1-story 5
			2-story 10	2-story 10
			3-story 15	3-story 15
Jefferson, Hortensia	10	0	1-story 5	1-story 5
			2-story 10	2-story 10
			3-story 15	3-story 15
Core	0 ⁽²⁾	0 ⁽²⁾	1-story 5	1-story 5
			2-story 10	2-story 10
			3-story 15	3-story 15

Footnotes for Table 1516-03D

- 1 Street Yard Defined: The street yard is that area of a lot which lies between the property line abutting a dedicated public street and the street wall line. The street wall line is drawn along the first building wall that parallels the street frontage. The street yard area is calculated by multiplying the street frontage times the linear foot requirement specified herein (see Figure 1).
- 2 Additional Corridor Front Yard: From property lines which abut the following streets the following front yard requirement shall prevail:
 Taylor - 30 feet.

Juan (between Taylor and Witherby) - 15 feet.

Congress (between the railroad tracks and Old Town Avenue) - 10 feet

Old Town Avenue (between San Diego Avenue and I-5) - 15 feet.

³ Side Yard Exemption: For properties 50 feet or less in width the side yard requirement shall be: 1-story -- 3 feet, 2-story -- 6 feet, 3-story - 9 feet.

⁴ Parking: In the side and rear yards, parking shall be permitted provided a five-foot-wide landscaped area separation is provided between the property line and the parking area.

⁵ Street Wall Continuity: Along the minimum setback, paralleling the public right-of-way, 65 percent of this area shall be building wall.

(g) Archaeological and Historical Site Review and Designation

Archaeological review by an archaeologist certified by the Society of Professional Archaeologists or equivalent acceptable to the City manager is required for any project which disturbs the ground.

For any site that is identified as having archaeological or recorded evidence of a preexisting historical structure, settlement or event, application shall be made to the Historical Resources Board for designation and to the Board for determination on an acceptable manner of commemorating the historical value of the site. This might include a reconstruction if adequate plans remain, a partial reconstruction or monument.

(h) Hillsides/bluffs

No building shall be located on an existing grade 30 percent or greater. Hillsides 30 percent or greater in slope shall not be disturbed by construction nor obstructed by building, within 15 feet of the toe of the slope, of more than 20 feet in height (as shown in Figure 2). Development on slopes between 25 and 30 percent may be permitted consistent with Land Development Code Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

Issue #65: Southeastern San Diego PDO- Incorrect Reference

§1519.0202 Southeastern San Diego Development Permit

(a) through (c) [No change]

(d) — ~~A Southeastern San Diego Development Permit may not be granted for the~~

~~development of a site with existing Municipal Code violations or to an applicant cited for Municipal Code violations, until said violations are remedied.~~

(e) (d) The Hearing Officer's decision on an application for a Southeastern San Diego Development Permit may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506.

§1519.0205 Alcoholic Beverage Establishments

(a) [No change]

(b) Alcoholic Beverage Sales for Off-Site Consumption

Establishments for which a Type 20 Beer and Wine License or a Type 21 General Liquor License has been obtained from, or for which an application has been submitted to, the California Department of Beverage Control, for permission to sell alcoholic beverages for off-site consumption are regulated by Section 151.0105 **151.0401** and Land Development Code Section 141.0502.

Article 19: Southeastern San Diego Planned District Appendix C.1: Alcoholic Beverage Establishments

A. [No change]

B. ALCOHOLIC BEVERAGE SALES FOR OFF-SITE CONSUMPTION

Establishments for which a Type 20 Beer and Wine License or a Type 21 General Liquor License has been obtained from, or for which an application has been submitted to, the California Department of Beverage Control, for permission to sell alcoholic beverages for off-site consumption are regulated by Section 103.0105 **151.0401 and Land Development Code Section 141.0502.**

C. [No change]