



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: February 6, 2013

REPORT NO. PC-13-019

ATTENTION: Planning Commission, Agenda of February 28

SUBJECT: 8TH UPDATE TO THE LAND DEVELOPMENT CODE/LOCAL COASTAL PROGRAM

SUMMARY

Issue(s): Should the Planning Commission recommend approval to the City Council of the 8th Update to the Land Development Code and Local Coastal Program, including adoption of a new annual fee for operation of a sidewalk cafe?

Staff Recommendation:

1. **Recommend approval** to the City Council of the Amendments to the Land Development Code and Local Coastal Program including Chapter 5, Article 9.5; Chapter 11, Articles 1-3; Chapter 12, Article 1-3, 5-7, and 9; Chapter 13, Articles 1 and 2; Chapter 14, Articles 1-3 and 10; and Chapter 15, Articles 3, 8-10, 12, 15-16, and 19.
2. **Recommend approval** to the City Council of a new annual fee for operation of a sidewalk cafe in accordance with LDC Section 141.0621.

Environmental Review: An Environmental Impact Report (EIR No. 96-0333) was prepared, and certified on November 18, 1997 for the original project, the adoption of the Land Development Code. In 2004 an EIR and Addendum (No. 31245) was prepared and certified for Amendments to the Brush Management Regulations, and in 2008 an EIR (No. 104495) was prepared and certified for the General Plan Update. The proposed amendments to the Land Development Code as part of the 8th Update, were reviewed by the Environmental Analysis Section for consistency with the above referenced environmental documents 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's were certified. Therefore, no subsequent EIR



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or other environmental document is needed for the 8th Update, as all of the impacts were adequately addressed and disclosed in EIR No. 96-0333. For a more detailed analysis, refer to CEQA 15162 Evaluation, Memorandum dated January 30, 2013.

Fiscal Impact Statement: Costs associated with implementation of these regulations in the future will be covered by project applicants. The proposed annual fee for operation of a sidewalk cafe is consistent with the practice for this type of development in other cities.

Code Enforcement Impact: The proposed amendments would improve predictability and consistency in application of regulations in the Land Development Code.

Housing Impact Statement: The 8th Update would remove existing processing obstacles within the Southeastern San Diego PDO to allow a companion unit to be developed accessory to a single dwelling unit via a Process one approval consistent with a set of objective regulations and the goals of the City's Housing Element.

BACKGROUND

The 8th Update is part of the code monitoring program directed by the Mayor and City Council with the adoption of the original Land Development Code (LDC) to help maintain the code in accordance with the original goals to simplify the land development regulations; to make the regulations more objective; to make the code more adaptable; to eliminate redundancies and contradictions; to standardize the code framework; and to increase predictability in application of the regulations. There are a total of 55 issues included in the 8th Update, that are divided into six issue categories including Permit Process, Measurement, Parking, Green Building Regulations, Planned District Ordinance, and Minor Corrections.

The proposed amendments will help clarify regulation applicability for various land use approval types and are intended to improve the permit review and decision processes. The most significant regulatory reform amendments would help to streamline the permit process for sidewalk cafes, and address various parking issues related to tandem parking, parking for commercial uses on small lots, and shared parking. The amendments would also clarify how the state's green building parking regulations would be modified to better meet local policies and standards for environmental quality in relation to low emitting vehicles, carpool vehicles, and bicycles.

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, California Coastal Commission, and San Diego County Regional Airport Authority. In an effort to encourage greater participation, a request for public input was posted on the City webpage and distributed via e-mail (November 9, 2012) to community planning chairs, planning group members, interested members of the public, and the environmental agencies. Outreach also involved coordination with various Business Improvement Districts, San Diego Regional Chamber of Commerce, San Diego County Bicycle Coalition, Move San Diego, California Restaurant Association, Alcoholic Beverage Control Board, and Port of San Diego. Recommendations were provided as follows:

Community Planners Committee (CPC): On November 27, 2012, the Community Planners Committee voted 18-5-1 to recommend approval of the 8th Update, except that no action was taken on tandem parking (Issue #32) or the green building code parking regulations (Issue #37), or for the two community specific items for Southeastern San Diego (Issue #38 companion units) and College Area (Issue #50 Community Plan Implementation Overlay Zone). CPC also took several votes related to the proposed sidewalk cafe amendments (Issue #13):

- CPC voted 15-7-1 to support the overall staff proposal for sidewalk cafes;
- CPC voted 14-9-1 to support the lower permit process for sidewalk cafes; and
- CPC voted 16-7-1 to support the staff proposal for a “no barrier” alternative.
- The motion to retain existing sidewalk cafe regulations failed by vote of 6-17-1.
- The motion to retain a minimum 8 foot path of travel failed by a vote of 8-15-1.

Code Monitoring Team (CMT): On December 12, 2012, the Code Monitoring Team voted 9-0 to recommend approval of the 8th Update with added emphasis on their support for the amendments related to the sidewalk cafe regulations (Issue #13), green building parking regulations (Issue #37), and parking amendments (Issues #32, 33, 34, and 35).

Technical Advisory Committee (TAC): On January 9, 2013, the Technical Advisory Committee voted 11-0 to recommend approval of the 8th Update.

La Jolla Community Planning Association (LJCPA): On December 6, 2012, the La Jolla Community Planning Association reviewed the 8th Update and took several votes:

- Voted 9-2-1 to recommend denial of the sidewalk cafe amendments (Issue #13);
- Voted 8-3-1 to recommend denial of the limited allowance for development consistent with previously conforming setbacks (Issue #15); and
- Voted 10-0-1 to recommend denial of the proposed modifications to the green building parking regulations (Issue #37).

Kensington-Talmadge Community Planning Group: On December 12, 2012, the Kensington-Talmadge Community Planning Group voted 13-0 to recommend denial of the proposed sidewalk cafe amendments (Issue #13).

DISCUSSION

Analysis for each of the 55 issues in the 8th Update is included below. Report Attachment 1 includes a matrix with a brief description of each issue. Attachments 2 and 3 include the proposed code language in strikeout-underline format.

Permit Process

Amendments involving the following 27 issues would address development regulations identified as unclear or burdensome and would make other improvements to streamline the

permit process. The list includes significant process improvements for various permit types (i.e. sidewalk cafes, easement vacations, wireless communication equipment enclosures, non-residential condo maps, and encroachments) and general administrative changes related to fee payment, public notice, appeals, and permit recordation or cancellation.

1. Noise Abatement

Currently, the code refers to outdated processes for issuance of noise abatement permits. The proposed amendments would clarify the duties and responsibilities of the Administrator to allow deviations in cases where there are practical difficulties or unnecessary hardship involved in carrying out the noise abatement requirements. Deviations could be granted by the Administrator if the deviation would not be contrary to the code purpose and intent, or detrimental to the public health, safety and welfare. The amendments also would remove outdated references to a citywide map of community noise equivalent levels that does not exist. The measurement and regulation of noise levels is adequately covered by existing Noise Element policies in the adopted General Plan, the CEQA significance thresholds for new development, and sound level limits for single event noise in Municipal Code Section 59.5.0401.

2. Decision Process for Land Development Code Amendments

The proposed amendments would clarify the process for amending the Land Development Code and Land Development Manual. In accordance with state law, a Planning Commission hearing must be held prior to City Council action for all zoning ordinances (as defined by California Government Code section 65850). Other LDC amendments that are non-zoning ordinance amendments are decided by City Council, but do not require a Planning Commission hearing. Major amendments to the Land Development Manual would be subject to the equivalent process for non-zoning ordinances. The amendment also adds criteria to help decision makers evaluate whether proposed code amendments would maintain the format and philosophy adopted with the original Land Development Code.

3. Remove Provision for Waiver of Use Permit Fees for Non-Profit Organizations

The City Attorney advised that the existing code provision that allows for a waiver of permit fees for certain non-profit institutions and organizations poses significant fiscal impacts and legal conflicts for the City because the California Constitution precludes the City from making a gift of City funds. However, the waiving of appeal fees for a public purpose for officially recognized community planning groups will be allowed to remain.

4. Notice to Planning Groups for Process Two Decisions

LDC Diagram 112-05A shows the points in a decision process where notice is given to community planning groups, interested persons, and nearby property owners. For Process Two, the open-circle indicates “limited notice to applicant and anyone requesting notice”. The proposed amendment clarifies that the notice of decision for a Process Two decision will also be required to be provided to community planning groups within 300 feet of the project, which

means the officially recognized planning group and neighboring planning group may receive notice for some projects located near the plan boundary.

5. Regulations for Process Two Appeals Decided by City Council

The proposed amendments will clarify the process and timing requirements for an appeal hearing when the City Council is identified as the decision maker for a specific Process Two action. Process two actions are typically appealable to Planning Commission; however, the LDC provides for appeal directly to City Council in some cases (i.e. actions that require appeal to legislative body per state law).

6. Administrative Flexibility to Meet Regulatory Intent through Alternative Compliance

The proposed amendment would provide a formal administrative process for the Development Services Director to grant minor modifications for single dwelling unit development in cases where strict application of the land development regulations is impractical. This type of process is currently available to the City Engineer and Building Official and is similar to the Building Official's authority to approve alternative materials consistent with intent and purpose of building code regulations. While expected to be rare, it would be an important tool to help resolve unanticipated situations with solutions that are more in keeping with the neighborhood character than would otherwise result absent this process. The LDC currently provides this type of flexibility for other types of development via a Planned Development Permit. However, any type of deviation request for a single dwelling unit requires a variance, which is not always a reasonable or viable option for resolution of a minor conflict. Under the proposed process, any deviation request that would be inconsistent with the specified criteria in Section 129.0104(c) would instead require a variance application.

To qualify for the proposed process, the minor modification must be in conformance with the purpose and intent of the municipal code and adopted land use plans, and shall not lessen any fire protection or public safety requirements. For example, a reduction in setback would not be able to be approved through this process where in conflict with the intent of the regulation and applicable land use plan policies. This type of approval would not apply to any substantial improvement that meets or exceeds 50 percent of the market value of the structure. Staff expects that the proposed process will seldom be used and that cases where it is used will result in the processing of formal code amendments to reduce the need for future requests of a similar nature.

7. Decision Process for Land Use Plans

The existing code section related to specific plans refers to a section in the LDC that no longer exists. The amendments clarify that the land use plan initiation criteria for amending any land use plan, including specific plans, is located in the General Plan Land Use Element (LU-D.1-14).

8. Process for Commercial and Industrial Condominium Maps

The existing code identifies the process and special notice and design requirements that apply to

residential condominiums, but is silent as to which process and regulations apply to commercial and industrial condo maps. Non-residential condo maps are not subject to any special notice requirements per state law, and are not subject to the LDC Chapter 14, Article 5 regulations that relate to the conversion of apartments to condominiums. The amendments would allow new condominiums and condominium conversions for commercial and industrial development to be approved with a Process Three map waiver, and for mixed use development to be eligible for Process Three map waiver if residential is set aside and reserved for subdivision via future action.

9. Appeal Process for Extension of Time (EOT) Requests

The Subdivision Map Act provides for an applicant to appeal a decision on an extension of time of a tentative map or map waiver to the City Council. However, extension of time requests are currently identified in the LDC as Process Two staff level decisions appealable to the Planning Commission. In order to simplify the process and comply with state law, the proposed amendment covers all extension of time requests (including development permits) and provides for a consistent process of appeal directly to Council regardless of who files the appeal.

10. Lower Process for Easement Vacations

Section 125.1030 currently requires a Process Five action for any request to vacate an easement. State law allows for jurisdictions to adopt a process different than the Streets and Highway Code for public service easements (utility easements). The City of Sacramento is one jurisdiction that has adopted an alternate process for vacation of public service easements per this state law provision. The City's proposed alternate process would allow for vacation of public service easements through a Process Two. Process Five approvals would continue to be required for vacation of any easements that are not public service easements and for vacation of easements with a tentative map per the Subdivision Map Act. As proposed, all easement vacations would be required to provide notice in accordance with LDC Section 112.0301.

11. Payment of Required Fees Prior to Recordation of a Development Permit

The amendments would clarify that an applicant is required to pay all required fees and project charges prior to recordation of a development permit. This is already required of an applicant prior to issuance of building permits, but is currently not specified as a requirement for discretionary permits, which has allowed some applicants to defer payment for multiple years. This is concerning because changes in ownership are common between the discretionary permit phase and the construction permit phase, and it is more difficult to recover past development permit charges from successors in interest. Requiring payment prior to recordation of the development permit is expected to help recover those permit costs.

12. Cancellation of a Development Permit

The amendment would eliminate the requirement that the City must wait at least 120 days after a request to cancel a development permit is received before the permit can be cancelled. There

does not appear to be any need for the City to delay action after receiving such a request.

13. Sidewalk Cafes

Sidewalk cafes are outdoor dining areas of a restaurant that are located in the public right-of-way. Outdoor dining is desirable in San Diego's moderate climate and can help enhance the ambience of local neighborhoods while helping to boost a restaurant's operation. The local restaurant industry is concerned, however, that existing requirements make sidewalk cafes infeasible. In response to discussion at the Council Committee on Land Use and Housing on May 9, 2012, staff coordinated with the California Restaurant Association, local business improvement districts, and community planning groups to address burdensome requirements while still ensuring protection of neighborhoods from any potential conflicts. The main components of the proposal include a streamlined permit process with reduced costs, a modified path of travel standard, and a new option for a single row of tables and chairs with no barrier.

The amendments would significantly improve the permit process by reducing the process level from a Process Two Neighborhood Use Permit to a Process One approval for establishments that meet the criteria in Section 141.0621. The approval process would also be simplified to allow a single permit for right-of-way and building permit issues. Permit review would involve a check for compliance with sidewalk cafe design standards and would require that operations occur in accordance with Section 141.0621 including a new limit on hours of operation to 10 p.m. Sunday through Thursday and 11 p.m. Friday and Saturday; and a prohibition on smoking in the cafe. Recordation of an "Encroachment, Maintenance and Removal Agreement" is required to ensure improvements are installed and maintained in a safe, sanitary condition and that the property owner agrees to remove them if requested by the City.

The proposed permit process changes are expected to save an applicant thousands of dollars. Consistent with other cities, a basic annual fee (separate from any construction permit fees) is proposed for operation of a sidewalk cafe. The cost varies greatly with some cities charging a flat fee (ranging from \$75 to \$900) and others charging a rate per square footage (\$2 to \$22.80/sq ft which is equivalent to about \$400 to \$4560 per project). The Code Monitoring Team recommended a flat fee similar to the \$75 annual fee adopted by San Jose.

The design of a sidewalk cafe will still require a clear path of travel for pedestrians free of obstructions (i.e. parking meters, tree grates, signs, and fire hydrants). Proposed amendments would reduce the minimum width for the clear path from 8 to 5 feet consistent with what is required by the City's Street Design Manual, California Building Code Title 24 accessibility standards, and other cities. The clear path as a whole can meander to avoid obstructions, but must contain a continuous direct passage of 3 feet in width for a clear indication of the direction of travel past the sidewalk cafe.

Currently, the regulations require that a barrier up to 3 feet be erected as a combination of railings, fences, and planters to identify the limits of the sidewalk cafe. The industry explained that installation of a wrought iron fence to meet the requirement typically costs about \$7000, which is cost prohibitive for most restaurants. The amendments would therefore allow an option

for a single row of tables and chairs to be set up within a 4 foot 6 inch extension of the building facade without the need for a barrier. The proposed option for a sidewalk cafe with no barrier provides a predictable and enforceable boundary and is consistent with what is permitted in other cities (i.e. San Francisco, Santa Monica, New York, Seattle, and Portland).

The proposed ordinance is not changing any regulations with respect to alcohol licenses, which are granted by the state through a separate process. State law requires that a license be obtained from the Alcoholic Beverage Control Board (ABC) to serve alcohol; and that restaurants with existing licenses obtain an “Extension of Premises” to expand the licensed area where alcohol will be served. ABC indicated that requests to serve alcohol are subject to public review and protest; and that while there is no state law requirement for a fence; certain establishments may still be required by the state to have a fence or barrier as a condition of their alcohol license.

Development (new and existing) must conform to any applicable use and development permits. Property owners with an existing Neighborhood Use Permit (NUP) for a sidewalk cafe would have the option to request that their NUP be rescinded in accordance with LDC Section 126.0110. Such requests may be granted administratively if the development conforms to all use and development regulations of the zone. Sidewalk cafes in a planned district would be subject to any special limitations or permits imposed by the planned district ordinance (PDO). For example, the La Jolla Shores PDO requires Process Two approval and an 8 foot path of travel for sidewalk cafes, which would continue to be enforced within that planned district.

The proposal has received significant support with formal recommendations from the Community Planners Committee, Code Monitoring Team, and Technical Advisory Committee, including support from the business improvement districts. Two planning groups (La Jolla and Kensington-Talmadge) submitted votes in opposition based on a desire to keep Process Two review and an 8 foot path of travel. However, these communities already have business improvement districts that have flexibility to approve sidewalk cafes outside of the standard city process; and as noted above, La Jolla’s planned district ordinance requirements for an 8 foot path of travel and a Process Two discretionary permit would continue to apply.

14. Lower Process for Wireless Communication Facility Equipment Enclosures

Currently, wireless communication projects are subject to a Process Four Planned Development Permit (decision by Planning Commission) if the associated equipment enclosure would exceed 250 square feet. The Planning Commission previously recommended that staff reduce the permit process for this type of request, which are regularly requested and approved with no opposition. The proposal would lower the decision level to a Process Two Neighborhood Development Permit—staff level decision appealable to the Planning Commission.

The amendment would also clarify that proposed equipment enclosures on city-owned property dedicated in perpetuity by ordinance for park, recreation, or cemetery uses may only be approved above-grade if a Process Two Neighborhood Development Permit is granted and the Park and Recreation Director determines there would be no conflict with City Charter Section 55 (protection of park uses). Above-ground equipment has typically been requested where

placement underground would conflict with health and safety due to potential for water seepage.

15. Allowance for Limited Development Consistent with Previously Conforming Setbacks

The code allows for new development in RM-1 (multiple dwelling unit) zones to observe a previously conforming side setback for up to 50 percent of the length of the building envelope on a floor by floor basis. As proposed, this flexibility would be extended to previously conforming yards in all zones to allow for a limited portion of new development to be permitted in accordance with previously conforming setbacks to help maintain neighborhood character. The La Jolla Community Planning Association recommended denial of this proposed amendment.

16. When a Building Permit is Required

The amendment clarifies when a building permit is required. Currently, the code states that a “separate” building permit is required for each structure. However, it is not the intent to preclude a proposed development with multiple structures from applying for a single building permit. The intent is that every structure be covered by a building permit (unless otherwise exempted).

17. Public Service Easement Encroachments

Public service easements (i.e. water, sewer, drainage, slope, or access) are easements that are granted to the City for location of services provided by the City. The proposed amendment clarifies that proposed private encroachments within a public service easement require a Public Right-of-Way Permit and Encroachment Maintenance and Removal Agreement.

18. Permit Process for Encroachments

Encroachments in the public right-of-way typically require staff approval of a Public Right-of-Way Permit and Encroachment Maintenance and Removal Agreement. More complex encroachments require a discretionary permit (Site Development Permit or Neighborhood Development Permit) prior to approval. The proposed amendments clarify that temporary shoring and tie backs in the public right-of-way are exempt from a discretionary permit. The amendments also clarify that applicants that have the written permission of the owner to the underlying fee title are not required to obtain a Site Development Permit. Such encroachments are otherwise eligible for lower Process One or Two approvals depending on the project type.

19. Additional Use Regulations for all Base Zones

LDC Chapter 13 includes a “use regulations” section for each zone category to help describe whether or not a particular land use is permitted in a specific zone. Additional use regulations in Sections 131.0323, 131.0423, 131.0540, and 131.0623 are intended to apply only if indicated by footnote in the use regulations table. The problem is that the code currently states that the additional use regulations apply to all development, which contradicts instances where footnotes were selectively not applied to certain uses because of the context of a particular zone. Amendments clarify that the additional use regulations apply only if indicated by footnote.

20. Assembly Uses

The amendments address inconsistencies in the use tables to ensure that churches are regulated similar to other assembly uses as required by state and federal law. Existing requirements for churches that do not apply equally to other assembly uses would be removed. For example, the City is not able to require a Conditional Use Permit or other limitations for churches in cases where assembly is allowed by right. Assembly and entertainment and private clubs are examples of assembly uses that are permitted by right. For most assembly uses, the associated parking requirement is what ends up controlling the size of the establishment.

The proposed amendments identify churches as “permitted” in the RM-5 zone for consistency with the existing allowance for private clubs, and “permitted” in all Community Commercial, Neighborhood Commercial, Commercial Office, Visitor Commercial, and Regional Commercial zones. Also, to better implement the City’s Multiple Species Conservation Program goals, amendments would identify churches as “not permitted” in Open Space-Residential (OR) zones. (Limited agriculture, low density residential, and passive recreation would continue to be options in OR zones to allow reasonable use of private property in open space.)

In accordance with General Plan policies for retention of base sector manufacturing, research and development, and major distribution facilities, the City would continue to limit public assembly uses from locating in prime industrial lands. Existing policies in the Economic Prosperity Element (EP-A.13-15) consider public assembly and sensitive receptor land uses as a potential threat to the operations of adjacent industrially-designated property. The proposed amendments would clarify that assembly uses, including churches, are not permitted in prime industrial lands (including all Industrial Park (IP) zones). The amendments would identify churches as “permitted” in Light Industrial (IL) and Small Industrial (IS) zones, except property identified as prime industrial land.

Property owners with an existing Conditional Use Permit for a church would have the option to request that their existing CUP be rescinded in accordance with LDC Section 126.0110. Such requests may be granted via Process One if the development would conform to all use and development regulations of the zone. Otherwise, development (new and existing) must conform to applicable use and development permits. Requests to amend a development permit for an existing church located in prime industrial lands would be considered via the same decision process as the original development permit in accordance with LDC Section 126.0113(c).

21. Child Care Facilities in the Agricultural Zone/Coastal Overlay Zone

Currently, child care facilities are not allowed in agricultural-residential (AR) zones within the coastal overlay zone. However, there are circumstances where child care facilities would be appropriate in AR zones. Amendments would allow child care facilities to be developed in accordance with the local coastal program, and not in locations where they would have the potential to impact agriculture, the open space character or unique coastal resources.

22. Educational Facilities: K-12, Colleges/Universities, Vocational/Trade Schools

The code currently does not define vocational/trade schools or colleges/universities. There has been some confusion as to how schools that function like an office or vocational/trade school, but call themselves a university should be regulated. Vocational schools are facilities that offer instruction and practical introductory experience in skilled trades such as mechanics, carpentry, plumbing, and construction with training that emphasizes the skills and knowledge required for a particular job. Trade schools are facilities organized by an industry or a large corporation to provide training, apprentice education, and similar courses. Traditional post secondary educational universities typically have dorms, student centers, athletic facilities, campus libraries, and other facilities to accommodate large assemblages of people. Vocational/trade schools can operate in a variety of settings (i.e. offices, labs, repair garages, and outdoors).

Amendments are proposed to better classify and address the potential land use impacts of these uses to allow them by right in more zones if certain criteria are met. Schools that provide training and education in a traditional office building without the extracurricular facilities of a traditional post secondary educational facility would be permitted by right in zones where business and professional office is permitted, except in prime industrial. Schools would not be allowed in prime industrial lands unless the primary emphasis of the school is instruction of adults in subjects' incidental to manufacturing and industrial uses. In accordance with the general plan, such base sector industries would include "industrial uses which drive economic prosperity by importing wealth to the local or regional economy through the production of goods and the development of intellectual products and processes which are exported to national or international markets. Therefore opportunities for growth are not constrained by the size of the local market."

23. Adult Entertainment Business License Transfers

The proposed amendment is necessary to address the conflict in LDC Section 141.0601(b)(1) and (b)(2) per City Attorney direction. The existing code limit on "transfer of ownership" is not legally enforceable per the City Attorney's office because the rights to a previously conforming use run with the land irrespective of a change in ownership.

24. Recycling Businesses

LDC Section 141.0620(d)(6) regulates small collection recycling facilities. The amendment clarifies that small collection recycling facilities that are not fully enclosed must be located at least 10 feet from any building and 10 feet from any public right-of-way.

25. Brush Management

The proposed amendments address inconsistencies related to the authority of the Fire Chief to grant alternative compliance for brush management. The existing code language is unintentionally limiting the Fire Chief's authority to grant modifications to the standard brush management requirements through alternative compliance. The amendments add necessary

flexibility to account for Fire Department expertise to provide sufficient defensible space to protect structures and minimize impacts to undisturbed native or naturalized vegetation.

26. Historic Resources: Exemption from Site Survey Requirement for Roof Replacement In-Kind

This code amendment was requested by stakeholders at the City's regulatory reform workshop in November 2011. The proposed amendment would clarify that a site specific survey review for structures 45 years and older is not required for development that is limited to in-kind roof repair/replacement. The replacement roof would have to match the same color and roof material of the existing roof. 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.

27. Historic Resources: Archaeological Resource Buffer

The proposed amendment will provide for an exemption from a discretionary permit in cases that will not result in substantial alteration, demolition, destruction, removal, relocation, or encroachment into archaeological resources during or after construction even if a 100 foot setback from archeological resources is not provided. The existing requirement is not practical in that a strict application would cause most infill development to be subject to a discretionary permit even where the development would not involve any type of impact to a resource. Development that would impact a historic resource, including archaeological resources, would continue to require a discretionary permit and CEQA review.

Measurement

Amendments involving the following four issues are intended to clarify how setbacks and encroachments are measured. Refer to Attachment 2 for the draft code sections.

28. Lot Tie Agreements

The LDC does not currently address lot tie agreements. The purpose of a lot tie agreement is to combine two or more parcels to maintain common ownership and control when compliance with certain zoning or building code provisions depends on treating the parcels as one. For example, lot tie agreements may be needed for a development to meet code requirements for fire protection of exterior walls, accessibility, or parking. The amendment would provide for use of a lot tie agreement as a means for determining a lot per the code. Lot tie agreements are recorded as covenants and agreements against the properties and require approval of both the Building Official and City Engineer prior to recordation or cancellation.

29. Variable Setbacks

Variable setback requirements apply only to lots that are greater than 50 feet in width. The proposed amendment would clarify that Footnote 2 to Table 131-04D is a variable setback requirement that only applies to lots greater than 50 feet width. Smaller lots are required to

observe the setback dimension indicated within the table and are not permitted to reapportion their required setbacks.

30. Architectural Projections and Encroachments

The amendment would clarify provisions for architectural projections and encroachments in multiple dwelling unit residential zones in accordance with Section 131.0461. The proposed amendment would also provide flexibility for single dwelling unit and low density residential development with encroaching one story non-habitable accessory buildings on lots 10,000 square feet and less by allowing for attached development above one story to be permitted if it complies with the required setback.

31. Setback Requirements for Commercial-Neighborhood Zones Abutting Residential

Currently, the code allows for commercial development to abut residential development with no setback, which makes sense in certain planned mixed use development areas, but is of concern for homeowners in existing single dwelling unit neighborhoods that abut commercial property. The proposed amendment would clarify that the zero setback option can't be used for neighborhood commercial development that abuts low density residential zoned properties (up to 15 dwelling units per acre) in order to help reduce the potential for land use conflicts.

Parking

Amendments involving the following four issues would help remove processing obstacles (i.e. for projects on small lots or use of shared parking), and address inconsistencies in the parking regulations. Refer to Attachment 2 for the draft code sections in strikeout-underline format.

32. Residential Tandem Parking Overlay Zone/Transit Area Overlay Zone

The existing description in the code of the applicability of the Residential Tandem Parking and Transit Area overlay zones is unnecessarily complex and has caused confusion as to which maps apply. The proposed amendments help clarify the action previously taken on ordinance O-19288 (adopted by the City Council on June 7, 2004 and certified by the Coastal Commission on March 17, 2005), which is effective citywide.

Amendments would also allow for use of tandem parking (not otherwise provided for by right) to be requested via a Process Two Neighborhood Development Permit. Expansion of the use of tandem parking was identified as a priority item at the City's regulatory reform workshop in November 2011 and in subsequent public forums that focused on the relationship between the high cost of housing and parking requirements. Tandem parking is an important option that can help reduce housing costs and allow for better development if incorporated with consideration to the neighborhood context. The Process Two staff level decision would be appealable to Planning Commission.

33. Parking Impact Overlay Zone

The Parking Impact Overlay Zone is intended to regulate areas with high parking demand (beach impact and campus impact areas) and apply supplemental regulations to require more off-street parking as applicable. However, the code currently identifies an additional “coastal impact area” that appears to be coterminous with the coastal overlay zone boundary, and contains no supplemental development regulations or special permit requirements. The amendments would clarify that the parking impact overlay zone applies only to beach impact and campus impact areas as mapped on C-731 and C-795 and filed in the Office of the City Clerk. This amendment in no way lessens any coastal requirements per the City’s adopted local coastal program.

34. Modify Parking Exception for Commercial Uses on Small Lots

The proposed amendment would modify the existing exception for parking for commercial uses on small lots outside the beach impact area. The existing regulation applies to *lots* that are 7,000 square feet or less that existed before January 1, 2000, including abutting *lots* under common ownership. In such cases, the applicant has the option to use parking requirements set forth in Table 142-05G as an alternative to the requirements set forth in Section 142.0530. (Table 142-05G allows 1 space per 10 feet of *alley* frontage, minus one space if site has alley access; otherwise no spaces required if site has no alley access). The proposed amendment would expand the exception to apply to commercial uses on lots 10,000 square feet or less, which will help to provide regulatory relief and facilitate occupancy of vacant tenant spaces on small commercial lots.

35. Lower Process for Shared Parking based on Alternative Studies

Section 142.0545 allows for shared parking agreements in all zones (except single unit residential zones) through a Process One, but requires a Process Two Neighborhood Development Permit for uses not listed in the City’s parking demand tables. The amendment would also allow for Process One approval of shared parking using rates that more accurately represent the parking demand and peak parking demand of a development consistent with the latest Urban Land Institute study or equivalent parking study to the satisfaction of the City Engineer. This is consistent with what is allowed in other cities.

Green Building Regulation Amendments

The following are intended to address inconsistencies with state green building regulations. Refer to Attachment 2 for the draft code sections.

36. Irrigation Controllers for Non-Residential Development

The amendment would incorporate the existing CalGreen requirement for water efficiency into the landscape regulations in order to clarify that all new commercial development that involves a landscape area of 1000-2500 square feet (including additions to existing commercial development) must install irrigation controllers that are weather or soil moisture based if potable water is being used for the irrigation.

37. Parking for Zero Emissions Vehicles, Carpools, and Bicycles

The proposed amendments would clarify how the CalGreen requirements for parking for fuel efficient vehicles and bicycles will be modified in accordance with state law for local implementation via the LDC. Currently, the LDC requires carpool spaces for certain types of commercial development, but does not require designated fuel efficient parking spaces. CalGreen requires commercial development (2,000 square feet or TI valuation of \$500,000) adding 10 or more vehicle spaces to provide designated spaces for any combination of low-emitting, fuel-efficient and car pool/van pool vehicles based on the number of vehicle spaces being added with the project. In order to avoid the potential for displacement of carpool vehicles and still meet the intent to reduce greenhouse gas emissions, the amendments would instead expand the LDC requirement for reserved carpool spaces to also include certified zero emissions vehicles. This approach was recommended by the Code Monitoring Team since most contemporary vehicles could be argued to be low emitting and/or fuel efficient.

Currently, the LDC requires bicycle parking based on gross floor area and requires various use types to provide both short term (bicycle racks) and long term bicycle parking (lockers/showers). CalGreen requires short term bicycle parking for commercial development adding more than 10 parking spaces if the project is anticipated to generate visitor traffic (at rate of 5% of vehicle parking being added- minimum two bike rack located within 200 feet of the visitors entrance); and requires long term bicycle parking (i.e. covered, lockable enclosures with anchored racks) for buildings with over 10 tenant-occupants that add 10 or more vehicular spaces (secure bicycle parking at rate of 5% of vehicle parking being added- minimum one secure bicycle space). The Code Monitoring Team recommended that the City continue to require bicycle spaces based on the addition of floor area as opposed to the addition of new automobile parking spaces per state law because no permit is required for a new parking layout, but is required for the addition of floor area. The San Diego Bicycle Coalition concurred with the City's approach and recommended that bicycle parking facilities be required to comply with the national "Association of Pedestrian and Bicycle Professional" (APBP) standards.

Planned District Ordinance

38. Southeastern San Diego Planned District - Companion Units and Guest Quarters

Companion units and guest quarters are separately regulated uses identified in LDC Chapter 14, Article 1. A companion unit is an accessory dwelling unit that provides complete living facilities, 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.

Guest quarters are not considered separate living units and cannot be rented or sold separately from the primary dwelling unit. They are to be used solely by the occupants of the primary dwelling unit or their guests or employees, and may not provide independent living facilities. Development or use of a guest quarters inconsistent with Section 141.0306 is subject to enforcement penalties in accordance with existing code provisions.

Currently, the Southeastern San Diego PDO allows companion units and guest quarters by right in multi dwelling unit zones, but requires discretionary permit review in single dwelling unit zones. This is contrary to California Government Code section 65852.2 which requires second units (companion units) to be considered and approved ministerially through Process One. The proposed amendment would make the Southeastern San Diego PDO requirement consistent with citywide regulations for companion units and guest quarters, and consistent with the City's Housing Element, which identifies the need to promote ministerial approval of companion units consistent with state law.

Minor Corrections

Amendments related to the following 17 issues would fix incorrect terms/references and formatting errors. See Attachment 3 for the draft code language.

39. References to the Chapter 14 Building, Electrical, Plumbing, Mechanical, Residential Building, and Green Building Regulations- Incorrect Section References

Sections 111.0101, 121.0202, and 121.0308 currently refer to the Chapter 14 Building, Electrical, Plumbing, and Mechanical Regulations. As a result of previous Council action to adopt the 2010 state building standards and codes, the reference should be expanded to include Article 8 Mechanical Regulations, Article 9 Residential Building Regulations, and Article 10 Green Building Regulations, which are collectively referred to as the Building, Electrical, Plumbing, Mechanical, Residential Building, and Green Building Regulations.

40. Definition of Business Day- Incorrect Section Reference

Amendment would correct the definition to refer to Section 21.0104 instead of 21.04.

41. Definition of Land Use Plan

The existing LDC definition of Land Use Plan still refers to the old Progress Guide and General Plan that was replaced by the General Plan in 2008. Outdated references to the old Progress Guide and General Plan will also be removed from the Carmel Valley PDO, Golden Hill PDO, La Jolla PDO, La Jolla Shores PDO, Mid-City PDO, Mount Hope PDO, Old Town PDO, and Southeastern San Diego PDO.

42. Definition of Parking Structure- Incorrect Term

Amendment would delete the reference to "parking structure, underground" from the definitions section since no such term is defined.

43. Existing Grade- Incorrect Section Reference

Amends Table 113-02A to identify Section 113.0228 as the reference for the rules for calculation of "existing grade". Remove the reference to "proposed grade", which is a defined term in 113.0103, but has no applicable section with rules for calculation and measurement.

44. Fence and Wall Height- Incorrect Term

Replaces the term “No” with “The” to correct the statement regarding calculation of fence and wall height under Section 113.0270(b)(1)(A). “~~No~~ The height of any portion of a *fence* or wall is measured from...”

45. Commencement of a Zoning or Rezoning Action- Incorrect Section Reference

Corrects the reference to read Section 123.0105 since Section 123.0104 does not exist.

46. Site Development Permit Findings for Historical Resources- Incorrect Term

The amendment would fix a typo in the heading for the required finding that a decision maker must make for any deviation requests for development with historical resources that involve substantial alteration.

47. Comprehensive Sign Plans- Incorrect Term

The old term “reallocation of sign area” would be replaced with updated term “comprehensive sign program” in all Chapter 13 use tables pursuant to the adopted 7th Update ordinance.

48. Resubdivided Corner Lots- Incorrect Section Reference

Tables 131-04C and D reference an outdated code section. Reference to Section 113.0246(f) would be added to reflect the correct location of the resubdivided corner lot regulations.

49. Street Wall Requirements in Industrial Zones- Incorrect Section Reference

In Table 131-06C, the reference to Section 131.0660 would be changed to Section 142.1030.

50. College Area Community Plan Implementation Overlay Zone- Incorrect References

The legislative record shows that the College Area Community Plan Implementation Overlay Zone (CPIOZ) was repealed and replaced with redevelopment plan policies when the San Diego State University Redevelopment Plan was adopted by Ordinance O-18004 on October 26, 1993. The accompanying community plan amendment replaced all College Area CPIOZ policies with redevelopment plan policies and effectively removed all references to CPIOZ from the College Area community plan. The issue is that map records still mistakenly show portions of the old overlay zoning on two remnant parcels, which caused outdated College Area CPIOZ references to be subsequently published in error in LDC Section 132.1402. The amendment will correct the map and delete incorrect references to College Area CPIOZ in LDC Section 132.1402.

51. Boarding Kennels- Incorrect Section Reference

Under 141.0604 (b)(5), the reference to Section 146.0604 would be changed to 141.0604.

52. Pushcarts- Incorrect Term

The word “notarized” is misspelled as “notorized” in Section 141.0619(b)(4).

53. Veterinary Clinics- Incorrect Section Reference

Under 141.0625(b)(4), the reference to Section 146.0625(a) would be changed to 141.0625(b).

54. When Sign Regulations Apply- Incorrect Term

The amendment will fix typographical error to clarify that clocks or banners in the public right-of-way require a “Public Right-of-Way Permit”.

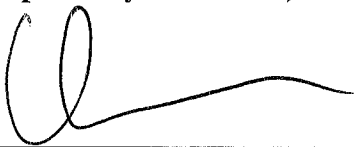
55. La Jolla Sign Control District Abatement and Severability Subsections- Incorrect Format

LDC subsections 142.1290(e)(5) and (6) would be reformatted to subsections (f) and (g) to clarify that abatement and severability apply to the district as a whole (not just to a subdistrict).

Conclusion:

Staff recommends approval of the proposed 8th 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,



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Director,
Development Services Department



Amanda Lee
Senior Planner, Land Development Code
Development Services Department

BROUGHTON/AJL

Attachments:

1. Issue Matrix
2. Draft Code Language: Issues #1-38
3. Draft Code Language: Minor Corrections Issues #39-55

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Following is a summary of the 55 amendments organized into Permit Process, Measurement, Parking, Green Building Regulations, Planned District, and Minor Corrections categories. Within each category the amendments are listed in order of the associated code sections to be amended.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
Permit Process Amendments: The following amendments are proposed to improve the permit process and address inconsistencies.			
1	Address Inconsistency/Regulatory Reform	59.5.0202 59.5.0203 59.5.0204 59.5.0206	<p><u>Noise Abatement</u> Clarifies the process for approval of exceptions for noise in cases where there are practical difficulties or unnecessary hardship involved in carrying out the noise abatement requirements if the Administrator finds that the exception will not be contrary to the code purpose and intent or detrimental to the public health, safety, and welfare. Removes outdated Section 59.5.0206, which makes reference to a citywide map of community noise equivalent levels that does not exist. The measurement and regulation of noise levels is adequately covered by existing Noise Element policies in the General Plan, CEQA significance thresholds for new development, and sound level limits for single event noise in Municipal Code Section 59.5.0401.</p>
2	Clarification/Regulatory Reform	111.0106 New 111.0107 112.0305 112.0307	<p><u>Decision Process For Land Development Code Amendments</u> Clarifies the process for amending the Land Development Code and Land Development Manual. In accordance with state law, a Planning Commission hearing must be held prior to City Council action for all zoning ordinances (as defined by California Government Code section 65850). Other LDC amendments that are non-zoning ordinance amendments shall be decided by City Council, but shall not require a Planning Commission hearing. Major amendments to the Land Development Manual would be subject to the equivalent process for non-zoning ordinances. The amendment also adds criteria to help decision makers evaluate whether proposed amendments would maintain the format and philosophy adopted with the original Land Development Code.</p>
3	Comply with State and Federal Law	112.0203	<p><u>Remove Provision for Waiver of Use Permit Fees for Non-Profit Organizations</u> Removes Section 112.0203(b), which allows for a waiver of permit fees for certain non-profit institutions and organizations, to address legal conflicts with the California Constitution.</p>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
4	Clarification/ Regulatory Reform	112.0501 Diagram 112-05A	<p><u>Notice to Planning Groups for Process Two Decisions</u> Clarifies that the notice of future decision for a Process Two application is required to be provided to the applicant, community planning groups within 300 feet of the project, and anyone requesting notice. Diagram 112-05A currently identifies that for Process Two decisions the requirement is for “limited notice to applicant and anyone requesting notice”.</p>
5	Clarification/ Regulatory Reform	112.0504	<p><u>Regulations for Process Two Appeals Decided by City Council</u> Clarifies the process and timing requirements for an appeal hearing when the City Council is identified in the Land Development Code as the decision maker for specified Process Two actions.</p>
6	Regulatory Reform	113.0103 129.0104	<p><u>Administrative Flexibility to Meet Regulatory Intent through Alternative Compliance</u> Provides an administrative process for single dwelling units to grant minor modifications for individual cases where strict application of the land development regulations is impractical. The minor modification must be in conformance with the purpose and intent of the municipal code and adopted land use plans, and shall not lessen any fire protection or public safety requirements. This process would be limited to minor deviations for single dwelling units that still meet the intent of the LDC regulation. This type of approval would not apply to any substantial improvement that meets or exceeds 50 percent of the market value of the structure. Requests that do not meet the specified criteria in Section 129.0104 would instead require application for a variance.</p>
7	Clarification	122.0105 122.0107	<p><u>Decision Process for Land Use Plans</u> Clarifies that requests for land use plans must be initiated in accordance with the initiation process and criteria identified in the General Plan Land Use Element for all land use plans, including specific plans.</p>
8	Regulatory Reform	125.0120	<p><u>Process for Commercial and Industrial Condominium Maps</u> Clarifies that new commercial and industrial condominiums and condominium conversions can be approved through a Process Three map waiver.</p>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
9	Regulatory Reform/ Comply with State Law	125.0124 125.0461 126.0111	<p><u>Appeal Process for Extension of Time (EOT) Requests</u> Provides a process for City Council decision on all appeals of extensions of time requests. At a minimum, the City must provide for an applicant to appeal a denial of an extension of time request for a tentative map or map waiver in accordance with state law.</p>
10	Regulatory Reform	Title of Div. 10 125.1001 125.1010 125.1030 125.1040	<p><u>Easement Vacations</u> State law allows for the City to adopt a process different than the Streets and Highway Code for public service easements. The proposed amendment would allow for vacation of some public service easements through a Process Two. Process Five approvals would continue to be required for vacation of any easements that are not public service easements and for vacation of easements with a tentative map per the Subdivision Map Act. As proposed, all easement vacations would be required to provide notice in accordance with LDC Section 112.0301.</p>
11	Regulatory Reform	126.0106	<p><u>Payment of Required Fees Prior to Recordation of a Development Permit</u> Clarifies that an applicant is required to pay all required development permit fees/charges prior to recordation of the development permit. The code already requires payment prior to issuance of building permits for ministerial actions.</p>
12	Regulatory Reform	126.0110	<p><u>Cancellation of a Development Permit</u> Amendments would eliminate the requirement that City must wait at least 120 days after the request is received before a development permit can be cancelled.</p>
13	Regulatory Reform	126.0203 129.0203 129.0702 129.0750 131.0522 141.0621	<p><u>Sidewalk Cafes</u> Reduces the permit process level from a Process Two Neighborhood Use Permit to a Process One limited use for establishments that meet the criteria. Sidewalk cafes would require an Encroachment, Maintenance and Removal Agreement (EMRA) and a Public Right-of-Way permit or Building Permit as applicable to project scope. Amendments would also reduce the minimum width for path of travel from 8 feet to 5 feet, and create an option for sidewalk cafes to set up a single row of tables and chairs within a 4 foot-6 inch extension of the establishment without the need for an expensive fence or landscape planter barrier.</p>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
14	Regulatory Reform	126.0402 141.0420	<p><u>Lower Process for Wireless Communication Facility Equipment Enclosures</u> Provides for a lower process via a Process Two Neighborhood Development Permit for wireless communication projects proposing an equipment enclosure that exceeds 250 square feet. The amendment would also clarify that proposed equipment enclosures may be approved above-grade on city-owned property that has been dedicated in perpetuity by ordinance for park, recreation, or cemetery uses only if a Process Two Neighborhood Development Permit is granted and the Park and Recreation Director determines there would be no conflict with City Charter Section 55 (related to protection of park, recreation and cemetery uses on city park property).</p>
15	Regulatory Reform	127.0102 131.0443	<p><u>Allowance for Limited Development Consistent with Previously Conforming Setbacks</u> The code allows for new development in RM-1 zones to observe a previously conforming side setback for up to 50 percent of the length of the building envelope on a floor by floor basis. As proposed, this flexibility would be extended to all residential zones and previously conforming yards to allow for a limited portion to be permitted in accordance with existing previously conforming setbacks to help maintain the established neighborhood character.</p>
16	Regulatory Reform/ Clarification	129.0202	<p><u>When a Building Permit is Required</u> Clarifies that a Building Permit is required for a structure unless exempted by Section 129.0202(b) or 129.0203. Amendments also clarify that a single Building Permit can cover multiple structures.</p>
17	Regulatory Reform/ Clarification	129.0702 129.0715 129.0720 129.0742	<p><u>Public Service Easement Encroachments</u> Clarifies that proposed private encroachments within a public service easement require approval of a Public Right-of-Way Permit and Encroachment Maintenance and Removal Agreement.</p>
18	Regulatory Reform/ Clarification	129.0710	<p><u>Permit Process for Encroachments (Tie Backs and Temporary Shoring)</u> Clarifies that temporary shoring and tie backs are encroachments in the public right-of-way that require a Public Right-of-Way Permit and Encroachment, Maintenance, and Removal Agreement. Clarifies that applicants that have the written permission of the owner to the underlying fee title are not required to obtain a Site Development Permit for encroachments. Such encroachments are otherwise eligible for lower Process One or Two approvals depending on the project type.</p>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
19	Regulatory Reform/ Clarification	131.0220 131.0320 131.0323 131.0420 131.0423 131.0520 131.0540 131.0620 131.0623	<p><u>Additional Use Regulations for All Base Zones</u> Clarifies that the additional use regulations apply to a land use only if indicated by footnote in the corresponding base zone use table. The issue is that footnotes in the Chapter 13 use tables have been selectively applied to specific land use types in the context of specific base zones to indicate when the additional use regulations apply; however, existing LDC Sections 131.0323, 131.0423, 131.0540, and 131.0623 currently identify that the additional use regulations apply to all development, which was not intended.</p>
20	Regulatory Reform/ Comply with State and Federal Law	131.0222 131.0422 131.0522 131.0622 141.0404 141.0502 141.0702 1510.0303	<p><u>Assembly Uses</u> Amendments address inconsistencies in the zoning use tables to ensure that churches are being regulated similar to other assembly uses. Identify churches as “permitted” in the RM-5 zone for consistency with allowance for private clubs. Identify churches as “permitted” in all CN, CR, CO, CV, and CC zones. Amendments identify churches as “not permitted” in OR zones in order to implement the MSCP subarea plan, which does not list churches or other assembly uses as compatible land uses. Identify churches as “not permitted” in prime industrial land (including all IP zones), and as “permitted” in the IS, IL-2 and 3 zones, except in prime industrial land.</p>
21	Regulatory Reform	131.0322 Table 131-03B Footnote 9 141.0606	<p><u>Child Care Facilities in the Agricultural Zone/Coastal Overlay</u> Currently, child care facilities are not allowed in agricultural-residential (AR) zones within the coastal overlay zone. However, there are circumstances where child care facilities would be appropriate in AR zones. Amendments to Section 141.0606 would allow child care facilities to be developed in accordance with the local coastal program, and not in locations where they would have the potential to impact the open space character or unique coastal resources.</p>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
22	Regulatory Reform	131.0622 141.0407	<p><u>Educational Facilities: K-12, Colleges/Universities, Vocational/Trade Schools</u> The code currently does not define vocational/trade schools or colleges/universities. Amendments are proposed to better classify and address the potential land use impacts of these uses. Colleges/universities and vocational/trade schools would not be allowed in prime industrial lands unless the primary emphasis of the school is instruction of adults in subjects incidental to manufacturing and industrial uses. Amendments would allow private colleges and universities that provide training and education in a traditional office building without any extracurricular facilities of a traditional post secondary educational facility to be permitted by right in zones where business and professional office is permitted, except would be limited in prime industrial lands as described above.</p>
23	Compliance with law	141.0601	<p><u>Adult Entertainment Business License Transfers</u> The existing “transfer of ownership” section is not legally enforceable per the City Attorney’s office because zoning regulations can’t prohibit the transfer of rights to a previously conforming use with the transfer of the land. The use runs with the land irrespective of a change in ownership. The amendment is necessary to address the conflict in Section 141.0601(b)(1) and (b)(2) per City Attorney direction.</p>
24	Clarification	141.0620	<p><u>Recycling Businesses</u> Amendments would clarify in Section 141.0620(d)(6) that small collection facilities that are not fully enclosed must be located at least 10 feet from any building and from any public right-of-way.</p>
25	Regulatory Reform	142.0412	<p><u>Brush Management</u> Address inconsistencies related to authority of the Fire Chief to grant alternative compliance for brush management. Existing code language is unintentionally limiting the Fire Chiefs authority to grant modifications to the standard brush management requirements through alternative compliance. Amendments will add necessary flexibility to account for Fire Department expertise.</p>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
26	Regulatory Reform	143.0212	<p><u>Historic Resources: Site Survey Exemption for Roof Replacement In Kind</u> Provide exemption from the requirement for the 45 year site specific survey for development that is limited to in kind roof repair/replacement for a non-designated structure as recommended during the regulatory reform workshop.</p>
27	Regulatory Reform	143.0220	<p><u>Historic Resources: Archaeological Resource Buffer</u> Provide for exemption from a discretionary permit in cases that will not result in substantial alteration, demolition, destruction, removal, relocation, or encroachment into archaeological resources during or after construction even if a 100 foot setback from archeological resources is not provided.</p>
<p>Measurement Amendments: The following clarify how various things are defined or measured in the Land Development Code.</p>			
28	Regulatory Reform/ Clarification	113.0237 New 129.0120	<p><u>Lot Tie Agreements</u> Clarify the method for determining a lot. Identify the process for recording a lot tie agreement in order to combine two or more parcels to maintain common ownership and control when compliance with zoning or building code regulations depends on treating the parcels as one. For example, lot tie agreements may be needed for fire protection of exterior walls, protection of building openings/egress, disabled access, foundation encroachment, parking, or other reasons determined by the Building Official.</p>
29	Clarification	131.0431 Table 131-04D	<p><u>Variable Setbacks</u> Clarify that footnote 2 to Table 131-04D; which relates to the 4 foot minimum, applies to lots greater than 50 feet only. Lots 50 feet and smaller are subject to the minimum setback in the table which is indicated as a percentage.</p>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
30	Regulatory Reform/ Clarification	131.0461	<p><u>Architectural Projections and Encroachments</u> Amendments would clarify in Section 131.0461(a)(12)(B) that encroaching accessory non habitable buildings shall be limited to a maximum structure height of 15 feet within the setback, and that any attached development above one story shall comply with the required setback. Amendments would also clarify that the reference to “architectural encroachments” in RM zones was intended to mean “architectural projections and encroachments”.</p>
31	Clarification	131.0543	<p><u>Setbacks for Commercial-Neighborhood Zones Abutting Residential</u> Clarify that the zero setback option can’t be used for neighborhood commercial development that abuts low density residential zoned properties (up to 15 dwelling units per acre).</p>
<p>Parking Amendments: The following would provide regulatory reform, clarification, and would address inconsistencies.</p>			
32	Regulatory Reform/ Clarification	126.0402 132.0902 132.0905 132.1002	<p><u>Residential Tandem Parking Overlay Zone/Transit Area Overlay Zone</u> Proposed amendments would help clarify the action previously taken on ordinance O-19288 that was adopted by the City Council on June 7, 2004 and certified by the Coastal Commission on March 17, 2005 thereby making the ordinance effective citywide. The concern is that the existing description in the code of the applicability of the Residential Tandem Parking and Transit Area overlay zones is unnecessarily complex and has caused confusion as to which maps apply. Amendments would also allow for use of tandem parking that is not otherwise provided for by right, to be requested via a Process Two Neighborhood Development Permit.</p>
33	Regulatory Reform/ Clarification	132.0801 132.0802 Diagram 132-08A	<p><u>Parking Impact Overlay Zone</u> The Parking Impact Overlay Zone is intended to regulate areas with high parking demand and apply supplemental regulations to beach impact and campus impact areas to require more off-street parking as applicable. However, the code currently identifies an additional “coastal impact area” (that appears to be coterminous with the coastal overlay zone boundary), which contains no supplemental development regulations or special permit requirements. Amendments clarify the overlay zone applies only to beach impact and campus impact areas as mapped on C-731 and C-795 filed in the Office of the City Clerk. Revise LDC Diagram 132-08A to indicate the coastal zone boundary as a reference point in place of the existing “coastal impact area” on the Diagram.</p>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
34	Regulatory Reform	142.0540(a)	<p><u>Modify Parking Exception for Commercial Uses on Small Lots</u> Modifies the existing parking exception for commercial uses on small lots (outside the beach impact area) to apply to commercial uses on lots 10,000 square feet or less. The existing regulation applies to <i>lots</i> that are 7,000 square feet or less that existed before January 1, 2000, including abutting <i>lots</i> under common ownership. In such cases, the applicant has the option to use parking requirements set forth in Table 142-05G as an alternative to the requirements set forth in Section 142.0530. (Table 142-05G allows 1 space per 10 feet of <i>alley</i> frontage, minus one space if site has alley access; otherwise no spaces required if site has no alley access).</p>
35	Regulatory Reform	142.0545	<p><u>Lower Process for Shared Parking based on Alternative Studies</u> Section 142.0545 allows for shared parking agreements through a Process One, but requires a Process Two Neighborhood Development Permit for uses not listed in the City’s parking demand tables. Amend Section 142.0545 to allow for Process One approval of shared parking using alternative parking demand rates that more accurately represent the parking demand and peak parking demand of a development consistent with the latest Urban Land Institute study or equivalent parking study to the satisfaction of the City Engineer.</p>
<p>Green Building Regulation Amendments: The following would address inconsistencies with the State’s adopted 2010 California Green Building Regulations (CalGreen).</p>			
36	Address Inconsistencies/ Comply with State Law	142.0402 142.0413	<p><u>Irrigation Controllers for Non-Residential Development</u> Amendments would incorporate the CalGreen requirement for water efficiency that requires all new commercial development that involves a landscape area of 1000-2500 square feet, including additions to existing commercial development, to install irrigation controllers that are weather or soil moisture based if potable water is being used for the irrigation.</p>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
37	Regulatory Reform/ Comply with State Law	142.0530 1410.0104 1410.0105 1410.0106	<p><u>Parking for Zero Emissions Vehicles, Carpools, and Bicycles</u> Amendments clarify how the CalGreen requirements for parking for fuel efficient vehicles and bicycles will be modified in accordance with state law for local implementation via the LDC. To avoid the potential for displacement of carpool vehicles and still meet the intent to reduce greenhouse gas emissions, the amendments would expand the LDC requirement for reserved carpool spaces to include certified zero emissions vehicles, but would not allow vehicles that are simply considered low emitting or fuel efficient to occupy those designated spaces per CalGreen since most contemporary vehicles could be argued to be low emitting and/or fuel efficient. Clarifies that the City will continue to require bicycle parking based on gross floor area for both short term (bicycle racks) and long term bicycle parking (lockers/showers) instead of adopting the CalGreen requirement, which is based on the addition of new automobile parking spaces.</p>
<p>Planned District Ordinance Amendments: The following would address inconsistencies and minor errors in the Planned District Ordinances.</p>			
38	Regulatory Reform/ Comply with State Law	Chapter 15, Article 19, Appendix A	<p><u>Southeastern San Diego PDO- Companion Units and Guest Quarters</u> The SESDPDO requires a discretionary “Special Permit” in SF zones for companion units and guest quarters. These use categories should be changed to “limited” to allow for Process One approval of complying companion unit and guest quarters/habitable structures consistent with state law (Government Code Section 65852.2) and citywide regulations.</p>
<p>Minor Corrections: The following 17 items would fix typos, formatting errors, and incorrect terms/section references.</p>			
39	Address Incorrect References	111.0101 121.0202 121.0308	<p><u>References to the Chapter 14 Building, Electrical, Plumbing, Mechanical, Residential Building, and Green Building Regulations</u> Sections 111.0101, 121.0202, and 121.0308 currently refer to the Chapter 14 Building, Electrical, Plumbing, and Mechanical Regulations. As a result of previous Council action taken to adopt the 2010 state building standards and codes, the reference should be expanded to include Article 8 Mechanical Regulations, Article 9 Residential Building Regulations, and Article 10 Green Building Regulations, which are collectively referred to as the Building, Electrical, Plumbing, Mechanical, Residential Building, and Green Building Regulations.</p>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
40	Address Incorrect Reference	113.0103	<p><u>Definition of Business Day</u> A business day is defined in Section 113.0103 as any day except a Saturday, Sunday, or holiday listed in Municipal Code Section 21.04, unless otherwise listed. Section 21.04 was renumbered in 2000 to 21.0104. Correct to reflect the amended section reference.</p>
41	Address Incorrect Reference	113.0103 153.0101 158.0101 159.0101 1510.0101 1512.0101 1515.0101 1516.0101 1519.0302 1519.0303	<p><u>Definition of Land Use Plan</u> The existing LDC definition of Land Use Plan refers to the Progress Guide and General Plan. The reference should be updated refer to the General Plan, which was updated in 2008. Outdated references to the old Progress Guide and General Plan can be found in the definitions section of the Land Development Code, the Carmel Valley Planned District Ordinance, Golden Hill Planned District Ordinance, La Jolla Planned District Ordinance, La Jolla Shores Planned District Ordinance, Mid-City Planned District Ordinance, Mount Hope Planned District Ordinance, Old Town Planned District Ordinance, and Southeastern San Diego Planned District Ordinance.</p>
42	Address Incorrect Reference	113.0103	<p><u>Definition of Parking Structure</u> The definition of <i>parking structure, underground</i> states see <i>underground parking structure</i>. This is a leftover code reference from when the term “underground parking structure” was previously a defined term in Chapter 11 of the LDC.</p>
43	Address Incorrect Reference	113.0202 Table 113-02A	<p><u>Existing Grade</u> Amend Table 113-02A to identify Section 113.0228 as the correct reference for the rules for measurement of “existing grade”. Remove the reference to “proposed grade”, which is a defined term in 113.0103, but has no applicable section in the rules for calculation and measurement.</p>
44	Address Incorrect Term	113.0270	<p><u>Fence and Wall Height</u> Correct the grammar used in Section 113.0270(b)(1)(A) regarding calculation of fence and wall height . “No <u>The</u> height of any portion of a <i>fence</i> or wall is measured from...”</p>
45	Address Incorrect Reference	123.0103	<p><u>Commencement of a Zoning or Rezoning Action</u> The reference to Section 123.0104 should be changed to 123.0105. Section 123.0104 does not exist.</p>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
46	Address Incorrect Term	126.0504	<p><u>Site Development Permit Findings for Historical Resources</u> The amendment would fix a typo in the heading for the required finding that a decision maker must make for any deviation requests for development with historical resources that involve substantial alteration.</p>
47	Address Incorrect Reference	Ch 13 use tables 131.0622	<p><u>Comprehensive Sign Plans</u> Replace old term “reallocation of sign area” with updated term “comprehensive sign program” in all of the Chapter 13 use tables pursuant to the code change adopted with the 7th Update.</p>
48	Address Incorrect Reference	131.0431 Tables 131-04C and 131-04D	<p><u>Resubdivided Corner Lots</u> Under Tables 131-04C and 131-04D, the reference to Section 131.0443(i) should be changed to Section 113.0246(f) for information on how to measure the setbacks for resubdivided corner lots.</p>
49	Address Incorrect Reference	131.0631 Table 131-06C	<p><u>Street Wall Requirements in Industrial Zones</u> In Table 131-06C, the reference to Section 131.0660 should be changed to Section 142.1030.</p>
50	Address Incorrect References	132.1402 Table 132-14A Diagram 132-14B	<p><u>College Area Community Plan Implementation Overlay Zone (CPIOZ)</u> The College Area CPIOZ was repealed and replaced with redevelopment plan policies when the San Diego State University Redevelopment Plan was adopted by Ordinance O-18004 in 1993. The accompanying community plan amendment replaced all College Area CPIOZ policies with redevelopment plan policies and effectively removed all references to CPIOZ from the community plan. The issue is that map records still mistakenly show portions of the old overlay zoning on two remnant parcels. The amendment will correct the map and delete incorrect references to College Area CPIOZ in LDC Section 132.1402.</p>
51	Address Incorrect References	141.0604	<p><u>Boarding Kennels</u> Under subsection (b)(5), the reference to Section 146.0604 should be changed to 141.0604.</p>
52	Address Incorrect Term	141.0619	<p><u>Pushcarts</u> The word “notarized” is misspelled as “notorized” under Section 141.0619(b)(4).</p>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
53	Address Incorrect References	141.0625	<p><u>Veterinary Clinics</u> Under subsection (b)(4), the reference to Section 146.0625(a) should be changed to 141.0625(b).</p>
54	Address Incorrect Term	142.1205	<p><u>When Sign Regulations Apply</u> Fix typographical error to clarify that clocks or banners in the public right-of-way require a “<u>Public Right-of-Way Permit</u>”.</p>
55	Address Incorrect Reference	142.1290	<p><u>La Jolla Sign Control District Abatement and Severability Subsections</u> The amendments clarify that the regulatory language related to abatement and severability is related to signs in the La Jolla sign control district as a whole (not just to one subdistrict).</p>

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Issue #1: Noise Abatement

§59.5.0202 Duties and Responsibilities of the Administrator Noise Abatement

- (a) [No change.]
- (b) The Administrator is expressly charged:
- (1) through (2) [No change.]
- (3) ~~To grant or issue variances, permits, notices, or other matters required under the provisions of this article as allow exceptions to the requirements of this article, subject to conditions, when there are practical difficulties or unnecessary hardship involved in implementing this article if the exception will not be contrary to the purpose and intent of this article or detrimental to the public health, safety, and general welfare of the citizens of the City of San Diego, when, due to special conditions, strict and literal interpretation and enforcement of the provisions of this article would result in unusual difficulties or unnecessary hardship or be inconsistent with the general purposes of this article. In granting any such variance or permit, the Administrator shall hold hearings and may impose such conditions as he deems necessary or desirable to protect the public health, safety, and general welfare in accordance with this article.~~

The requirement for a public hearing prior to issuing a permit or variance may be waived by the Administrator where a single social event is scheduled to occur between the hours of 7:00 a.m. and 11:00 p.m. and does not involve more than 200 persons or where a Special Event Permit is issued pursuant to Chapter II, Article 2, Division 40 of this Code by the City Manager.

- (4) [No change]

Delete Sections 59.5.0203 Issuance of Permits or Variances, 59.5.0204 Appeals, 59.5.0206 Map

Issue #2: Decision Process for Land Development Code Amendments

§111.0106 Land Development Manual

- (a) The City may establish and adopt submittal requirements, review procedures, and standards and guidelines for *development* to supplement to the Land Development Code. These support documents shall be known collectively as the Land Development Manual.
- (b) [No change in text.]

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(1) [No change in text.]

(2) ~~Major amendments to the Land Development Manual shall be approved in accordance with Process Five by the City Council.~~ Major amendments shall include the creation or elimination of a chapter or chapters, or the significant revision of a chapter or chapters that exceeds the requirements to qualify as a minor amendment as provided in Section 111.0106(b)(1).

(c) [No change in text.]

§111.0107 Process for Amending the Land Development Code

(a) Amendments to the Land Development Code shall be processed as follows:

(1) Amendments to the Land Development Code that involve zoning regulations, as defined in California Government Code section 65850, shall be decided by the City Council after a hearing held by the Planning Commission to consider whether to recommend approval, conditional approval, or denial.

(A) If the Planning Commission does not make a recommendation within 60 calendar days of the initial Planning Commission hearing, the City Council may take action without a Planning Commission recommendation.

(B) Notice of the Planning Commission and City Council hearings shall be provided in accordance with Sections 112.0305 and 112.0307 as applicable.

(2) Amendments to the Land Development Code that do not involve zoning regulations as defined in California Government Code Section 65850 shall be decided by the City Council.

(b) An application for an amendment to the Land Development Code shall identify how the proposed amendment accomplishes at least one of the following goals:

(1) Simplify land development regulations;

(2) Clarify language or concepts within land development regulations;

(3) Make the land development regulations more objective;

(4) Make the code more adaptable to changes in technology or innovative techniques;

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- (5) Eliminate redundancy and contradictions in the land development regulations;
- (6) Maintain a standardized land development regulation framework; and
- (7) Increase predictability in the application of land development regulations.

§112.0305 Notice for Land Use Plans or Zoning Ordinances

When a *land use plan*, a zoning ordinance, or a rezoning ordinance is to be considered at a public hearing, the City Manager shall submit a Notice of Public Hearing for publication as set forth in Section 112.0303 to be published at least 10 *business days* before the date of the public hearing. The Notice of Public Hearing shall include the date, time, and place of the hearing, the identity of the hearing body, a general explanation of the matter to be considered, and a general description of the location of the real property, if any, that is the subject of the hearing. This notice shall be provided in addition to the other notices required by this division.

§112.0307 Notice for Local Coastal Programs and Implementing Ordinances

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

(c) Notice of availability of a *Local Coastal Program* amendment shall be provided in accordance with Section 112.0301(d).

Issue #3: Remove Provision for Waiver of Use Permit Fees for Non-Profit Organizations

§112.0203 Waiver of Fees or Deposits

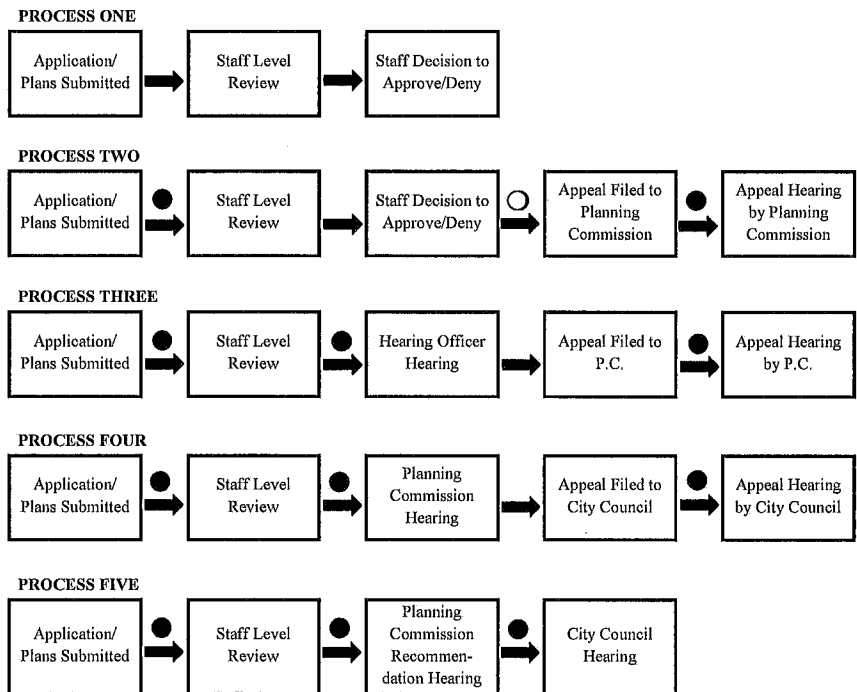
- (a) Appeal fees are waived for community planning groups officially recognized under City Council Policy 600-24.
- ~~(b) Processing fees or deposits for Conditional Use Permits and Neighborhood Development Permits are waived for nonprofit institutions or organizations whose primary purpose is the promotion of public health and welfare and who have qualified for federal tax benefits. This waiver does not apply to institutions or organizations in circumstances in which the City is precluded by the California Constitution from making a gift of City funds.~~ (c) If the City Manager determines that project delays have been caused solely by the actions of City agencies, the City Manager may, under the authority granted by the City Council, waive any portion of the fees or deposits.

Issue #4: Notice to Planning Groups for Process Two Decisions

§112.0501 Overview of Decision Process

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**Diagram 112-05A
Decision Processes with Notices**



Key

- Public Notice to all Property Owners, and Tenants, and Community Planning Groups within 300 Feet and to Community Planning Groups
- "Limited" Notice to Applicant, Community Planning Groups within 300 Feet, and Anyone Requesting Notice

Issue #5: Regulations for Process Two Appeals Decided by City Council

§112.0504 Process Two Appeal Hearing

- (a) The Planning Commission shall hear appeals of Process Two decisions subject to the following requirements, unless otherwise specified in the Land Development Code.

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- (a)(1) Persons Who Can Appeal. The following persons may request an appeal hearing after the designated staff person's decision:
- (1)(A) An *applicant*; or
 - (2)(B) Any other person who files an application for a Process Two appeal hearing in accordance with Section 112.0504(b)(a)(2).
- (b)(2) 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*. If an *applicant* appeals the denial of an Extension of Time for a map waiver or tentative map in accordance with Sections 125.0124 and 125.0461, the decision may be appealed no later than 15 calendar days after the *decision date* in accordance with Subdivision Map Act section 66452.6(e).
- (e)(3) Grounds for Appeal. A Process Two decision may be appealed on any of the following grounds:
- (1)(A) 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)(B) 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)(C) *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)(D) 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.
- (d)(4) 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.
- (e)(5) 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.

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- (b) Exception. Where the Land Development Code specifies that the City Council is the appeal body for a Process Two decision, Sections 112.0504(a)(4)-(5) shall not apply. Instead, the scheduling of the appeal hearing and the power to act on the decision at the appeal hearing shall be in accordance with Sections 112.0508(d)-(e).

Issue #6: Administrative Flexibility to Meet Regulatory Intent- Alternative Compliance

§113.0103 Definitions

Substantial improvement for the purposes of Sections 129.0104(c) and 143.0146 means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which, equals or exceeds 50 percent of the *market value* of the structure before the start of construction of the improvement.

§129.0104 Construction Permit Authorities

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

(c) The powers and duties of the Development Services Director or a designee with respect to *construction permits* are as follows:

- (1) To administer and enforce the applicable provisions of the Land Development Code and Municipal Code;
- (2) To review applications for *construction permits* including plans, specifications, and other data to determine if an application is in compliance with the Municipal Code and adopted City zoning standards.
- (3) To make interpretations of the applicable provisions of the Land Development Code in conformance with the purpose and intent of the Land Development Code.
- (4) To adopt policies reasonably necessary to clarify the application of development regulations in conformity with the purpose and intent of the Land Development Code.
- (5) To grant minor modifications for a *single dwelling unit development* in cases when there are practical difficulties involved in carrying out the applicable development regulations of the Land Development Code if the Development Services Director determines:
 - (A) That strict application of the Land Development Code is impractical;

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- (B) That the minor modification is in conformance with the purpose and intent of the Municipal Code and adopted *land use plans*, and where applicable, is adequate to carry out the provisions of the certified *land use plan* for *coastal development*;
- (C) That the minor modification does not lessen any fire protection or public safety requirements; and
- (D) That the minor modification does not involve a *substantial improvement*.
- (E) The details of any action granting a minor modification shall be documented in writing in the project file.

Issue #7: Decision Process for Land Use Plans

§122.0105 Decision Process for Land Use Plans

- (a) A request for a *land use plan* or an amendment to a *land use plan* requires initiation in accordance with the General Plan Land Use Element.
- (b) A Once initiated in accordance with Section 122.0105(a), a decision on a *land use plan* or an amendment to a *land use plan* shall be made processed in accordance with Process Five.
- (a)(c) The City Council may make a minor change to a proposed *land use plan* during the public hearing.
- (b)(d) The City Council shall refer any material change to a proposed *land use plan* to the Planning Commission for its recommendation. The failure of the Planning Commission to provide a recommendation on the material change within 45 calendar days of the date of the conclusion of the Commission hearing shall be deemed a recommendation for approval.

§122.0107 ~~Adoption and Amendment~~ Required Contents of Specific Plans

- (a) Specific plans adopted on or after January 1, 2000 shall be prepared pursuant to the California Government Code and ~~shall be processed in accordance with the *land use plan* initiation criteria and the decision process described in this division.~~
- (b) [No change in text.]

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- (c) ~~A specific plan shall be adopted by a resolution of the City Council.~~ (d) Zoning or rezoning to implement the specific plan shall be adopted by ordinance of the City Council.

Issue #8: Process for Commercial and Industrial Condominium Projects

§125.0120 When a Map Waiver May Be Requested

A *subdivider* may request a waiver of *tentative map*, *parcel map*, or final map requirements as provided by the *Subdivision Map Act*, Sections 66428 and 66428.1 for any of the following:

- (a) [No change.]
- (b) Condominium Projects.
- (1) [No change in text.]
- (2) The Subdivider may request a waiver of the requirement to file a tentative map and parcel map for a condominium conversion project creating four or fewer condominium units; or
- (3) The Subdivider may request a waiver of the requirement to file a tentative map and parcel map for a new commercial or industrial condominium project, or for conversion of existing development to commercial or industrial condominiums.
- (c) [No change.]

Issue #9: Appeal Process for Extension of Time Requests

§125.0124 Extension of Time for a Map Waiver

The expiration date of a Map Waiver may be extended as follows:

- (a) through (b) [No change.]
- (c) Decision Process. An application for Extension of Time for a Map Waiver shall be acted upon in accordance with Process Two, except that it shall be appealable in accordance with Section 125.0124(f).
- (1) through (2) [No change.]
- (d) through (e) [No change.]

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(f) Appeals. The City Council shall hear appeals of decisions on Extensions of Time for Map Waivers.

§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 72 months in accordance with the *Subdivision Map Act*. This timeframe does not include any legislative extensions enacted pursuant to state law.
 - (1) [No change.]
 - (2) Decision Process. An application for Extension of Time for a *tentative map* shall be acted upon in accordance with Process Two, except that it shall be appealable in accordance with Section 125.0461(c).
 - (A) through (B) [No change.]
 - (3) through (4) [No change.]
- (b) [No change.]
- (c) Appeals. The City Council shall hear appeals of decisions on Extensions of Time for tentative maps.

§126.0111 Extension of Time of a Development Permit

- (a) through (c) [No change.]
- (d) Decision Process. A decision on an application for an extension of time of a *development permit* shall be made in accordance with ~~the same process required for a new application for the same development permit~~ Process Two, except that it shall be appealable in accordance with Section 126.0111(i).
- (e) through (h) [No change.]
- (i) Appeals. The City Council shall hear appeals of decisions on Extensions of Time for development permits.

Issue #10: Easement Vacations

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Division 10: Easement Abandonments Vacations

§125.1001 Purpose of Easement Vacation Procedures

The purpose of these procedures is to establish the process and criteria to approve the vacation of ~~to vacate~~ *public service easements* and other easements granted to the public or the City of San Diego, ~~and to supplement the provisions of~~ This division establishes an alternative process to vacate *public service easements* as provided for by California Streets and Highways Code Section 8311 ~~Sections 8300 through 8363,~~ and to distinguish this alternative decision process from the process that applies by law to vacation of other easements and to the vacation of *public service easements* with a *tentative map* in accordance with the *Subdivision Map Act*.

§125.1010 When an Easement Vacation May Be Initiated Requested

- (a) The 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 pursuant to the California Streets and Highway Code,~~ requested by application in accordance with one of the following:
- (1) A request to vacate a *public service easement* in accordance with local adopted procedures in Section 125.1030(b) as an alternative to the procedures set forth for the vacation of *public service easements* in the California Streets and Highways Code Section 8311;
 - (2) A request to vacate a *public service easement* in conjunction with a *tentative map* application and the procedures for the vacation of public streets and easements on *final maps* and *parcel maps* pursuant to *Subdivision Map Act* Sections 66434(g), 66445(j), 66499.20 1/4 or 66499.20 1/2 and as set forth in Section 125.1030(a); or
 - (3) A request to vacate any other type of easement as set forth in Section 125.1030(a).
- (b) The City Council may also approve the vacation of a *public service easement* or other easement by resolution.
- ~~(b) A *public service easement* or other easement may also be 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 vacated if it does not contain *public utility* facilities or does not contain active *public utility* facilities that would be affected by the vacation and if any one of the following applies:~~

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- (1) ~~The easement has not been used for the purpose for which it was dedicated or acquired for 5 consecutive years immediately preceding the proposed vacation;~~
- (2) ~~The date of *dedication* or acquisition is less than 5 years and more than 1 year immediately preceding the proposed vacation, and the easement has not been used continuously since the date of *dedication*; or~~
- (3) ~~The easement has been superseded by relocation or determined to be excess by the easement holder, and there are no other public facilities located within the easement.~~

§125.1030 Decision Process for an Easement Vacation

- (a) ~~A decision on an application to vacate a *public service easement* requested in accordance with Section 125.1010(a)(2) or to vacate any other type of easement requested in accordance with Section 125.1010(a)(3) shall be made by the City Council in accordance with Process Five, with the following exceptions to Process Five procedures except that a recommendation by the Planning Commission is not required.~~
- (b) ~~A decision on an application to vacate a *public service easement* requested in accordance with Section 125.1010(a)(1) shall be made in accordance with Process Two, except that the decision shall be appealable directly to the City Council.~~
 - (1) ~~This process is intended to provide an alternative to other procedures provided by law for the vacation of *public service easements*.~~
 - (2) ~~Once a *public service easement* vacation has been approved in accordance with this Section and all appeal rights have been exhausted, the City Engineer shall execute a quitclaim deed conveying the City's right, title and interest in the unused *public service easement* to the property owner.~~
- (b) ~~The Notice of Public Hearing required by Section 112.0301(e) 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.~~
- (e) ~~A summary vacation of a *public service easement* or other easement pursuant to Section 125.1010(e) does not require a recommendation by the Planning Commission.~~

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§125.1040 Findings for a Public Service Easement and Other Easement Vacations

[No change in text.]

Issue #11: Payment of Required Fees Prior to Recordation of a Development Permit

§126.0106 Recordation of a Development Permit

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

(c) The City will forward the permit and the resolution approving the permit to the County Recorder for recordation provided that the applicant has paid all required fees and costs in accordance with Section 112.0202.

(d) Before the City forwards the permit for recordation, the *applicant* may submit a request in writing to the City Manager that the City obtain a certified copy of the permit from the County Recorder. The *applicant* shall pay the fees to obtain the certified copy.

Issue #12: Cancellation of a Development Permit

§126.0110 Cancellation of a Development Permit

(a) An owner or permittee may request cancellation of a *development permit* at any time before initial utilization of the permit. The owner or permittee shall submit the request for cancellation in writing to the City Manager. ~~The *development permit* shall not be canceled less than 120 calendar days after the request is received by the City Manager.~~ The City shall forward a written declaration of the cancellation to the County Recorder for recordation in accordance with Section 126.0106. The *development permit* shall be void on the date that the declaration of cancellation is recorded with the County Recorder. The City shall mail a copy of the declaration of cancellation to the owner and permittee.

(b) [No change.]

Issue #13: Sidewalk Cafes

§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.

[No change Automobile service stations through Revolving projecting signs]

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Sidewalk cafes that deviate from the requirements of Section 141.0621(a)
 [No change Signs with automatic changing copy through Wireless communication facilities]

(b) [No change.]

§129.0203 Exemptions from a Building Permit

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

(1) through (24) [No changes.]

(25) A sidewalk cafe in accordance with Section 141.0621 unless any one of the following applies;

- (A) The sidewalk cafe would alter or modify the existing building, building façade, or any means of building egress;
- (B) The sidewalk cafe would be located on a raised platform or in a sunken area; or
- (C) A barrier consisting of railings, fences, or planter boxes would be installed to delineate the area of the sidewalk cafe.

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

§129.0702 When a Public Right-of-Way Permit Is Required

(a) [See Issue #17 Public Service Easements]

(b) The City ~~Manager~~ Engineer may:

- (1) Require a building permit for private *structures* encroaching in the *public right-of-way* in addition to, or in place of, a Public Right-of-Way Permit; or
- (2) waive Waive the requirement for a Public Right-of-Way Permit as provided in the Land Development Manual.

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

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- (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) through (3) [No change.]
 - (4) A Public Right-of-Way Permit issued for a sidewalk café in accordance with Section 141.0621 shall expire in accordance with the Public Right-of-Way Permit.
- (b) [No change.]

§131.0522 Use Regulations Table of 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-
	3rd >>	1-			1- 2-		1-		1-		1-
	4th >>	1	2	3	1	1	1	2	1	2	1
Commercial Services											
Separately Regulated Commercial Services Uses											
Sidewalk Cafes		N-L	N-L	N-L	N-L	N-L	N-L	N-L	N-L	N-L	←

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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	5
Commercial Services																			

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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	5
Separately Regulated Commercial Services Uses																			
Sidewalk Cafes		N-L	N-L	N-L	N-L					N-L									

Footnotes to Table 131-05B [No change]

§141.0621 Sidewalk Cafes

Sidewalk cafes are outdoor dining spaces located in the *public right-of-way* that are associated with adjacent eating and drinking establishments. Sidewalk cafes are permitted as a limited use in the zones indicated with an "L" 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) subject to the provisions of this section the following regulations. It is not the intent of this section to regulate outdoor eating and drinking establishment areas that are located on private property.

- (a) — The decision maker will evaluate the following to determine if a sidewalk cafe is a suitable use for the proposed site and will not infringe on the use of the *public right-of-way* by pedestrians:
 - (1) — The width of the sidewalk;
 - (2) — The design and relationship of the cafe to other existing or planned uses in the vicinity;
 - (3) — The amount of pedestrian use and the impact of the cafe's location on pedestrian activity; and
 - (4) — The ability of the cafe to fit the character of the area, create an outdoor pedestrian plaza, intensify pedestrian activity, and make the *street* activity more attractive.

(b)(a) Limited Use Regulations

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- (1) Design requirements
- (A) ~~A sidewalk cafe may shall be located within the *public right-of-way* only in conjunction with, and adjacent to, a street-level eating or and drinking establishment.~~
- (e) ~~A sidewalk cafe shall be used only for dining, drinking, and circulation. The cafe may provide either waiter/waitress service or self-service.~~
- (B) A sidewalk cafe that provides a maximum of one row of tables and chairs within 4 feet 6 inches of the building façade, placed in a manner that does not block ingress or egress from the associated eating and drinking establishment, shall not be required to install a barrier in accordance with Section 141.0621(a)(1)(C).
- ~~(C)~~ If not designed in compliance with Section 141.0621(a)(1)(B), ~~The the area of the a sidewalk cafe shall be delineated by a barrier consisting of railings, *fences*, or a combination of railings and *fences*, and planter boxes that are 3 feet in height or less; ~~solid~~ Solid walls are not permitted.~~
- (i) ~~The barrier may be either permanently installed or moveable; if it is moveable, it shall be affixed to the sidewalk while the sidewalk cafe is open for business.~~
- (ii) ~~A clear, transparent, shatterproof glass or similar material may be used on top of the 3-foot barrier to enclose the sidewalk cafe to minimize windy or cold climatic conditions. ~~The enclosure must meet the following requirements.~~(1) The height of the sidewalk cafe barrier plus the clear enclosure shall not exceed 5 feet.~~
- (iii) ~~If an enclosure is used, *awnings* Awnings or umbrellas may be used in conjunction with a sidewalk cafe, but shall not be used as a cafe~~

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~~covering permanent roof or shelter over the sidewalk cafe area.~~

(D) Clear Path of Travel

~~(e)(i)~~ (i) A clear path, free of all obstructions to the flow of pedestrian traffic, shall be provided in the *public right-of-way* and shall be maintained at all times. Obstructions include traffic signals or *signs*, light standards, parking meters, phone booths, bus stops, trash receptacles, benches, trees, gates that open outward beyond the perimeter of the sidewalk cafe, and similar objects.

(ii) The clear path shall be a paved sidewalk that is at least 8 5 feet wide, unless a greater width is required by the adopted land use plan or applicable zone.

~~(iii)~~ (iii) The clear path may meander from side to side to avoid obstructions, but shall maintain a continuous, common surface at least 3 feet in width that provides a direct path of travel past the sidewalk cafe.

~~(iv)~~ (iv) ~~The clear path shall be measured in the following manner:~~(1) The clear path shall be measured from the outermost point of the sidewalk cafe to the curb or to the nearest obstruction within the flow of pedestrian traffic, whichever is shorter;

~~(2)(v)~~ (v) Recesses in the *building facade* shall not be used to satisfy the clear path requirement; ~~and.~~

~~(3)~~ (3) ~~The decision maker may grant an exception to the minimum clear path width if pedestrian volumes and existing street conditions are such that no congestion would result.~~

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- ~~(E)~~ (E) Accessibility. The sidewalk cafe shall be designed and operated so that unsafe conditions are not created for the physically disabled, blind, or partially sighted. Gates or other objects placed within a sidewalk cafe shall not swing or project beyond the delineated perimeter of the cafe. Cantilevered projections are not permitted. A change in paving pattern and texture may be required to alert pedestrians of a change in sidewalk use.
- ~~(i)~~ The surface of a sidewalk cafe shall be level, and have a running slope and a cross slope that do not exceed 2 percent (1 unit vertical in 50 units horizontal).
- ~~(ii)~~ A sidewalk cafe shall not be located on a raised platform or in a sunken area, unless an accessible ramp is provided in accordance with the California Building Code.
- ~~(iii)~~ At least one wheelchair seating space shall be provided for each 20 seats, or portion thereof.
- ~~(iv)~~ When multiple accessible seating spaces are provided, they shall be reasonably distributed and integrated within the area of the sidewalk cafe.
- ~~(v)~~ Accessible wheelchair spaces shall have a minimum unobstructed maneuverability dimension of 30 inches in width by 48 inches in depth.
- ~~(vi)~~ Access to designated wheelchair spaces shall be provided via an accessible path with not less than 36 inches unobstructed width.
- ~~(F)~~ An unobstructed path of ingress and egress travel with a minimum 4-foot width that leads occupants directly from exit doors to the public right-of-way shall be required for a sidewalk cafe and associated eating and drinking establishment.

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- ~~(g)~~(G) No portion of a sidewalk cafe may be located within 8 feet of the entrance to a ground *floor* commercial use other than the entrance to the adjacent restaurant; unless the property owners and first floor tenants of the affected commercial lease spaces provide a notarized letter of permission. An exception to the minimum distance between sidewalk cafes and adjacent business entrances may be granted by the decision maker after a review of existing conditions in the surrounding commercial area and on the *street* adjacent to the sidewalk cafe if the affected, adjacent property owners and first *floor* tenants give notarized, written permission for the encroachment. The decision maker's review will take into consideration the effect that the exception may have on adjoining businesses in terms of visibility and access.
- ~~(h)~~(H) *Awnings* If *awnings* are attached shall be secured to the main building, they shall be secured in accordance with the California Building Code and shall be subject to inspection by the Building Official prior to occupancy of a sidewalk cafe.
- ~~(i)~~(I) The furnishings of the interior of a sidewalk cafe shall consist solely of moveable furnishings, including moveable tables, moveable chairs, and moveable umbrellas.
- (J) Landscaping may be placed in moveable planters or planted in the ground inside the a delineated sidewalk cafe area adjacent to the barrier.
- ~~(k)~~(K) Lighting fixtures may be permanently affixed to the front of the main building associated eating and drinking establishment.
- ~~(l)~~(L) The name and type of establishment may be placed on umbrellas or on the valance of an *awning*. Other *signs* are not permitted on the a sidewalk cafe.
- ~~(m)~~ Trash or storage areas shall not be located on or adjacent to the public right-of-way.
- ~~(n)~~ Musical instruments or sound reproduction devices shall not be operated or used within a sidewalk cafe. For purposes of enforcement of Municipal Code Section 59.5.0101 et. seq., the

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~~property line shall be considered the boundary of the sidewalk cafe.~~

- ~~(m) Sidewalk cafes shall be free of litter at all times.~~
- ~~(n) The hours of operation of a sidewalk cafe shall be limited to the hours of operation of the associated eating or drinking establishment.~~
- ~~(o)(M) Within the beach impact area of the Parking Impact Overlay Zone, sidewalk cafes shall not exceed 200 sq ft in area without providing parking. Required parking shall be provided at a ratio not less than one parking space for every additional 200 sq ft (or portion thereof) above the first 200 sq ft. Parking for a sidewalk cafe portion of an eating and drinking establishment shall only be required if:
 - ~~(i) The area of a sidewalk cafe is greater than 200 square feet;~~
 - ~~(ii) The area of a sidewalk cafe exceeds 25 percent of the combined total of the gross floor area of the associated eating and drinking establishment and the area of the sidewalk cafe; and~~
 - ~~(iii) A sidewalk cafe is located in the Parking Impact Overlay Zone.~~~~
- ~~(2) Permit requirements

 - ~~(A) Prior to installation of any furniture or improvements in the public right-of-way and prior to operation of a sidewalk cafe, the applicant shall obtain a Public Right-of-Way Permit and/or Building Permit in accordance with Sections 129.0203 and 129.0702.~~
 - ~~(B) An Encroachment Maintenance and Removal Agreement is required in accordance with Section 129.0715.

 - ~~(i) The Encroachment Maintenance and Removal Agreement for a sidewalk cafe shall be valid upon issuance of a Public Right-of-Way Permit or~~~~~~

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building permit, as applicable, and shall expire after one year.

Comment [a3j1]: Should annual renewal and payment of flat fees (i.e. \$75 - \$150) be required for private use of sidewalk like other cities charge or should this limit of one year expiration be removed?

(ii) An Encroachment Maintenance and Removal Agreement for a sidewalk cafe shall be automatically renewed annually upon payment of applicable renewal fees, unless the City Manager determines that there is a violation of the terms, conditions, lawful requirements, or provisions of the associated *development permit, construction permit, or the Encroachment Maintenance and Removal Agreement.*

(C) The dimensions of a sidewalk cafe shall be delineated on a site plan and documented in the associated Public Right-of-Way Permit or building permit, as applicable.

(D) Prior to occupancy of a sidewalk cafe, inspection shall be required in accordance with Section 129.0111, as applicable.

(3) Operational requirements

(A) A sidewalk cafe shall only be used for dining, drinking, and circulation, and shall operate only in conjunction with an adjacent eating and drinking establishment.

(B) A sidewalk cafe may provide either waiter/waitress service or self-service.

(C) The sidewalk within, and adjacent to, the sidewalk cafe shall be clean and free of litter at all times.

(D) Trash or storage areas shall not be located on or adjacent to the *public right-of-way.*

(E) Musical instruments or sound reproduction devices shall not be operated or used within a sidewalk cafe. For purposes of enforcement of Municipal Code Chapter 5, Article 9.5, the property line shall be considered the boundary of a sidewalk cafe.

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- (F) The hours of operation of a sidewalk cafe shall be limited to the hours that the kitchen facilities of the associated eating and drinking establishment are open for meal ordering. No alcohol, food or beverages shall not be served or permitted within the sidewalk cafe after 10:00 p.m. Sunday through Thursday, and after 11:00 p.m. Friday through Saturday.
 - (G) Smoking shall not be permitted within the sidewalk cafe at any time.
 - (H) A sidewalk cafe shall comply with all State of California Department of Alcoholic Beverage Control license requirements as applicable.
 - (I) Outdoor cooking and preparation of food within the *public right-of-way* is prohibited.
 - (J) Portable heaters, if provided, shall be located a minimum of 4 feet away from the exterior face of the building and from any combustible materials, including architectural projections, or in accordance with manufacturer recommendations, whichever is most restrictive.
 - (K) A copy of the approved Public Right-of-Way Permit or building permit, as applicable, for a sidewalk cafe shall be posted on the *premises* of the associated eating and drinking establishment.
- (b) A Process Two Neighborhood Use Permit may be requested in accordance with Section 126.0203 to deviate from the requirements in Section 141.0621(a) as follows:
- (1) The *applicant* shall identify any requirement in Section 141.0621(a) where a deviation is being requested and shall specify why the deviation is needed.
 - (2) The decision maker will evaluate the request in accordance with the adopted *land use plan* and Land Development Manual to determine if a sidewalk cafe with the proposed deviation is a

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suitable use for the proposed site and will not infringe on pedestrian use of the *public right-of-way*. In making the determination, the decision maker shall consider the following:

- (A) The width of the sidewalk;
- (B) The design and relationship of the sidewalk cafe to other existing or planned uses in the vicinity;
- (C) The amount of pedestrian use and the impact of the sidewalk cafe's location on pedestrian activity; and
- (D) The ability of the sidewalk cafe to fit the character of the area, create an outdoor pedestrian plaza, intensify pedestrian activity, and make the *street* activity more attractive.

Issue #14: Lower Process for Wireless Communication Facility Equipment Enclosures

§126.0402 When a Neighborhood Development Permit Is Required

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

(m) A Neighborhood Development Permit is required for *development* of a *wireless communication facility* with an equipment enclosure that exceeds 250 square feet or that would not be placed underground as described in Sections 141.0420 (g)(3) and (i)(2).

§141.0420 Wireless Communication Facilities

[No change in text first paragraph.]

(a) The following uses are exempt from the provisions of Section 140.0420 141.0420:

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

(g) Design Requirements

The following regulations apply to all *wireless communication facilities*:

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

(3) The *wireless communication facility's* equipment shall be located within an existing building envelope, whenever possible. If a new equipment enclosure is necessary, it shall be of a height minimally necessary to accommodate the equipment, not to exceed 250 square feet, unless a Process Two Neighborhood Development Permit is granted in accordance with Section 126.0402.

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

(h) [No change.]

(i) Park Site Installations

(1) — In addition to the design ~~guidelines requirements~~ set forth in Section 141.0420(g), the following design requirements apply to *wireless communication facilities* in city parks.

~~(A)(1)~~ [No change in text.]

~~(B)~~ (2) If the proposed *wireless communication facility* would be located on city-owned property that has been formally dedicated in perpetuity by ordinance for park, recreation, or cemetery purposes, Equipment-~~equipment~~ enclosures shall be placed underground, unless the Park and Recreation Director determines that an above-ground equipment enclosure would not violate Charter Section 55 and a Process Two Neighborhood Development Permit is granted in accordance with Section 126.0402.

~~(C)~~ No above-ground equipment enclosures for a *wireless communication facility* shall be placed on city-owned property, dedicated in perpetuity by ordinance, for park or recreation purposes, except where the *wireless communication facility* use would not violate City of San Diego Charter section 55.

Issue #15: Allowance for Limited Development Consistent with Previously Conforming Setbacks

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§127.0102 General Rules for Previously Conforming Premises and Uses

The following general rules apply to all *previously conforming premises* and uses:

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

(k) Where *previously conforming development* provides a *setback* less than the current requirement, new *development* on the *premises* may be located in compliance with the *previously conforming setback* for up to 50 percent of the length of the *building envelope* on a *floor-by-floor* basis.

§131.0443 Setback Requirements in Residential Zones

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

(d) Setbacks in RM-1-1, RM-1-2, RM-1-3 Zones

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

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

(C) ~~Where there is an existing *development* on the *premises* with the side *setback* less than the current requirement and the building is to be maintained, new *development* may observe the existing side *setback* for 50 percent of the length of the *building envelope* on a *floor-by-floor* basis.~~

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

(i) New *development* on a *premises* with a *previously conforming setback* may be permitted to meet the existing *previously conforming setback* if consistent with Section 127.0102(k).

Issue #16: When a Building Permit is Required

§129.0202 When a Building Permit Is Required

(a) No *structure* regulated by the Land Development Code shall be erected, constructed, enlarged, altered, repaired, improved, converted, permanently relocated or partially

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demolished unless a separate Building Permit for each *structure* has first been obtained from the Building Official, except as exempted in Sections 129.0202(b) and 129.0203.

(b) [No change.]

Issue #17: Public Service Easement Encroachments

§129.0702 When a Public Right-of-Way Permit Is Required

(a) A Public Right-of-Way Permit is required for the following unless otherwise exempt under Section 129.0703:

(1) [No change]

(2) The construction of privately owned *structures*, or facilities, or improvements in the public right-of-way or in a public service easement;

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

(b) [No change]

§129.0715 Encroachment Maintenance and Removal Agreement

(a) An Encroachment Maintenance and Removal Agreement is required for any privately owned facilities or *structures* in the public right-of-way or in a public service easement constructed and maintained by the property owner subject to the following:

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

(5) Whatever rights and obligations were acquired by the City with respect to the rights-of-way or public service easement shall remain and continue in full force and effect and shall in no way be affected by the City's grant of permission to construct and maintain the encroaching *structure*.

(6) through (10) [No change.]

(11) The property owner shall pay the City or public utility for all cost of relocating, replacing, or protecting a facility within the public right-of-way or public service easement when such relocation, replacement, or protection results from the construction of the *encroachment*.

(12) [No change.]

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§129.0720 Qualifications to Prepare Plans and Perform Construction Work in the Public Right-of-Way or Public Service Easement

The preparation of plans for, and the construction of, work regulated by this division shall only be performed by persons with the following qualifications:

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

§129.0742 Commencement of Work Within a Public Right-of-Way or Public Service Easement

(a) The *applicant* shall not begin any work, construction, or use within the *public right-of-way* or *public service easement* that will be authorized by a Public Right-of-Way Permit until the required permit has been issued.

(b) [No change.]

Issue #18: Permit Process for Encroachments

§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) through (7) [No change.]

(8) *Encroachments for temporary shoring and tie-backs*

(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)~~(8)

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

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(5) Encroachments where the applicant has the written permission of the record owner of the underlying fee title in a form to the satisfaction of the City Manager shall be processed in accordance with Section 129.0710(a).

(c) [No change.]

Issue #19: Additional Use Regulations for all Base Zones

§131.0220 Use Regulations of Open Space Zones

The regulations of Section 131.0222 apply in the open space zones ~~unless otherwise specifically provided by footnotes~~ where indicated in Table 131-02B.

- (a) The uses permitted in any open space zone may be further limited by the following:
 - (1) ~~if the premises is located within~~ Use limitations applicable to the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15); ~~or~~
 - (2) ~~if Presence of environmentally sensitive lands are present,~~ pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations); or
 - (3) Any other provision of the San Diego Municipal Code.
- ~~(a)(b)~~ Within the open space zones no *structure* or improvement, or portion thereof, shall be constructed, established, or altered nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-02B. It is unlawful to establish, maintain, or use any *premises* for any purpose or activity inconsistent with this section or Section 131.0222.
- ~~(b)(c)~~ All uses or activities permitted in the open space zones shall be conducted entirely within an enclosed building unless the use or activity is traditionally conducted outdoors.
- ~~(e)(d)~~ *Accessory uses* in the open space zones may be permitted in accordance with Section 131.0125.
- ~~(d)(e)~~ Temporary uses may be permitted in the open space zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4 (Temporary Use Permit Procedures).
- ~~(e)(f)~~ For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

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§131.0320 Use Regulations of Agricultural Zones

The regulations of Section 131.0322 apply in the agricultural zones ~~unless otherwise specifically provided by footnotes~~ where indicated in Table 131-03B.

(a) The uses permitted in any agricultural zone may be further limited by the following:

- (1) Section 131.0323 (Additional Use Regulations of Agricultural Zones);
- (2) ~~if the premises is located within Use limitations applicable to the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15);~~ or
- (3) ~~if Presence of environmentally sensitive lands are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations);~~ or
- (4) Any other provision of the San Diego Municipal Code.

~~(a)(b)~~ Within the agricultural zones, no *structure* or improvement, or portion thereof, shall be constructed, established, or altered nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-03B. It is unlawful to establish, maintain, or use any *premises* for any purpose or activity not listed in this section or Section 131.0322.

~~(b)(c)~~ All uses or activities permitted in the agricultural zones shall be conducted entirely within an enclosed building unless the use or activity is traditionally conducted outdoors.

~~(e)(d)~~ *Accessory uses* in the agricultural zones may be permitted in accordance with Section 131.0125.

~~(d)(e)~~ Temporary uses may be permitted in the agricultural zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4.

~~(e)(f)~~ For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

§131.0323 Additional Use Regulations of Agricultural Zones

~~The uses in this section are permitted within the agricultural zones as additional use regulations identified in this section are applicable to uses where indicated in Table 131-03B subject to the regulations listed.~~

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

§131.0420 Use Regulations of Residential Zones

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The regulations of Section 131.0422 apply in the residential zones ~~unless otherwise specifically provided by footnotes~~ where indicated in Table 131-04B.

(a) The uses permitted in any residential zone may be further limited by the following:

- (1) Section 131.0423 (Additional Use Regulations of Residential Zones);
- (2) ~~if the premises is located within~~ Use limitations applicable to the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15); ~~or;~~
- (3) ~~if~~ Presence of environmentally sensitive lands are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations); ~~or~~
- (4) Any other provision of the San Diego Municipal Code.

~~(a)(b)~~ Within the residential zones, no *structure* or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-04B. It is unlawful to establish, maintain, or use any *premises* for any purpose or activity not listed in this section or Section 131.0422.

~~(b)(c)~~ All uses or activities permitted in the residential zones shall be conducted entirely within an enclosed building unless the use or activity is traditionally conducted outdoors.

~~(e)(d)~~ *Accessory uses* in the residential zones may be permitted in accordance with Section 131.0125.

~~(d)(e)~~ Temporary uses may be permitted in the residential zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4.

~~(e)(f)~~ For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

§131.0423 Additional Use Regulations of Residential Zones

~~The following uses are permitted in the residential zones~~ additional use regulations identified in this section are applicable to uses where indicated in Table 131-04B, ~~subject to the additional use regulations in this Section.~~

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

§131.0520 Use Regulations of Commercial Zones

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The regulations of Section 131.0522 apply in the commercial zones ~~unless otherwise specifically provided by footnotes~~ where indicated in Table 131-05B.

(a) ~~_____~~ The uses permitted in any commercial zone may be further limited by the following:

- (1) ~~Section 131.0540 (Maximum permitted residential density and other residential regulations);~~
- (2) ~~if the premises is located within Use limitations applicable to the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15); or~~
- (3) ~~if Presence of environmentally sensitive lands are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations); or~~
- (4) ~~Any other provision of the San Diego Municipal Code.~~

~~(a)(b)~~ Within the commercial zones, no *structure* or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-05B. It is unlawful to establish, maintain, or use any *premises* for any purpose or activity not listed in this section or Section 131.0522.

~~(b)(c)~~ All uses or activities permitted in the commercial zones shall be conducted entirely within an enclosed building unless the use or activity is traditionally conducted outdoors.

~~(e)(d)~~ *Accessory uses* in the commercial zones may be permitted in accordance with Section 131.0125.

~~(d)(e)~~ Temporary uses may be permitted in the commercial zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4.

~~(e)(f)~~ For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

§131.0540 Maximum Permitted Residential Density and Other Residential Regulations

The following regulations apply to all residential *development* within commercial zones where indicated in Table 131-04B:

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

§131.0620 Use Regulations of Industrial Zones

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The regulations of Section 131.0622 apply in the industrial zones ~~unless otherwise specifically provided by footnotes where~~ indicated in Table 131-06B.

- (a) The uses permitted in any industrial zone may be further limited by the following:
- (1) Section 131.0623 (Additional Use Regulations of Industrial Zones);
 - (2) ~~if the premises is located within~~ Use limitations applicable to the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15);₂
 - (3) Use limitations applicable to Prime Industrial Lands identified in an adopted *land use plan*; or
 - (4) ~~if Presence of environmentally sensitive lands are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations); or~~
 - (5) Any other provision of the San Diego Municipal Code.
- (a)(b) Within the industrial zones, no *structure* or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-06B. It is unlawful to establish, maintain, or use any *premises* for any purpose or activity not listed in this section and Section 131.0622.
- (b)(c) All uses or activities permitted in the industrial zones shall be conducted entirely within an enclosed building unless the use or activity is traditionally conducted outdoors.
- (e)(d) *Accessory uses* in the industrial zones may be permitted in accordance with Section 131.0125.
- (d)(e) Temporary uses may be permitted in the industrial zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4.
- (e)(f) For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

§131.0623 Additional Use Regulations of Industrial Zones

The uses additional use regulations identified in this section are applicable to uses permitted in the industrial zones where indicated in Table 131-06B ~~subject to the following regulations.~~

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

Issue #20: Assembly Uses

Comment [a3j2]: PDO use tables may also need clean up with respect to differential regulations for church and similar assembly uses.

§131.0222 Use Regulations Table for Open Space Zones

Table 131-02B
Use Regulations Table of Open Space Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones				
	1st & 2nd >>		OP-		OC-	OR ⁽¹⁾ -	OF ⁽¹⁾ -
	3rd >>		1-	2-	1-	1-	1-
	4th >>		1	1	1	1 2	1
Institutional							
Separately Regulated Institutional Uses							
<i>Churches & Places of Religious Assembly</i>	- p ⁽²⁾	-	-	-	E -	-	
Commercial Services							
Assembly & Entertainment	p ⁽²⁾	-	-	-	-	-	
Separately Regulated Commercial Services Uses							
Private Clubs, Lodges and Fraternal Organizations	-	-	-	-	-	-	
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size ⁽³⁾	C ⁽²⁾	-	-	-	-	-	

Comment [a3j3]: Add use category for Churches above separately regulated use category for all base zone use tables.

Comment [a3j4]: Reclassify as a non-separately regulated institutional use since amendments would make it "permitted" or "not permitted". Reorder in all use tables.

Footnotes for Table 131-02B

1 [No change]

2 This use is permitted only if consistent with an approved park general development plan or master plan and is subject to any requirements identified in the plan.

3 through 11 [No change]

§131.0422 Use Regulations Table for Residential Zones

Table 131-04B

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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	
Institutional														
Separately Regulated Institutional Uses														
<i>Churches & Places of Religious Assembly</i>		P				P				P			P	- <u>P</u>
Commercial Services														
Instructional Studios		P				P				P			P	P
Assembly & Entertainment		-				-				-			-	- <u>P</u>
Separately Regulated Commercial Services Uses														
Private Clubs, Lodges and Fraternal Organizations		-				-				-			-	P
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size ⁽⁴⁾		-				-				-			-	-

Footnotes for Table 131-04B [No change]

§131.0522 Use Regulations Table of Commercial Zones

Table 131-05B
Use Regulations Table for Commercial Zones

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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	
Institutional												
Separately Regulated Institutional Uses												
<i>Churches & Places of Religious Assembly</i>												
	E ⁽⁴⁰⁾ P ⁽¹⁰⁾			E _P	E _P	E _P	E _P	E ⁽⁴⁰⁾ P ⁽¹⁰⁾	-			
Commercial Services												
Assembly & Entertainment												
	- P ⁽¹⁰⁾			P	P	- P	P ⁽¹⁰⁾	-				
Separately Regulated Commercial Services Uses												
Private Clubs, Lodges and Fraternal Organizations												
	E P ⁽¹⁰⁾			E _P	P	P	P ⁽¹⁰⁾	←				
Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size ⁽⁹⁾												
	-			E _P	E _P	- C	C	←				

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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
Institutional																		
Separately Regulated Institutional Uses																		
<i>Churches & Places of Religious Assembly</i>																		
	E _P			E _P			E _P			E _P			E _P					
Commercial Services																		
Assembly & Entertainment																		
	P			P			P			P			P					

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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	5
Separately Regulated Commercial Services Uses																			
Private Clubs, Lodges and Fraternal Organizations		P	E P			P	P			P			P						
Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size ⁽⁹⁾		C	C			- C	C			C			C						

Footnotes to Table 131-05B [No change]

§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	
Institutional										
Separately Regulated Institutional Uses										
<i>Churches & Places of Religious Assembly</i>		-	E	-	E	L	-	-	E	
					P ⁽¹¹⁾ P ⁽¹⁶⁾	P ⁽¹⁶⁾			P ⁽¹²⁾ P ⁽¹⁶⁾	
Commercial Services										

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Use Categories/ Subcategories	Zone Designator	Zones								
		IP-		IL-			IH-		IS-	
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >									
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-	
	4th >>	1	1	1	1	1	1	1	1	1
Assembly & Entertainment		-	-	-	P ⁽¹¹⁾ ₁₆	P ⁽¹⁶⁾	-	-	P ⁽¹²⁾ ₁₆	
Separately Regulated Commercial Services Uses										
Private Clubs, Lodges and Fraternal Organizations		-	C	C	C	C	C	C	C	C
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size ⁽¹³⁾		C	C	C	C	C	C	C	C	C

Footnotes for Table 131-06B

1 through 15 [No change]

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

~~§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;~~

Comment [a3]5: Reflect strikeout of 141.0404 “Churches and Places of Religious Assembly” in the following sections:
 141.0502(b)(1)(D) – alcohol
 141.0601(b)(1)(C), and (b)(2) – adult entertainment
 141.0702(a)(1)(A) – sex offender facilities
 1510.0303(e) – SF zone

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- ~~(B) — within *floodplains* located in the Coastal Overlay Zone; or~~
 - ~~(C) — on a *premises* that is identified as Prime Industrial Land in a *land use plan*.~~
- ~~(2) — *Churches* and places of religious assembly are permitted as a limited use in existing buildings only.~~
- ~~(3) — The *gross floor area* of the *church* or place of religious assembly shall not exceed 50 percent of the maximum *gross floor area* permitted for the *premises*.~~
- ~~(4) — The *church* or place of religious assembly shall not be the only use on the *premises*.~~
- (b) — Conditional Use Permit Regulations
 - ~~(1) — *Churches* and places of religious assembly are not permitted:
 - ~~(A) — within the *MHPA*;~~
 - ~~(B) — within *floodplains* located in the Coastal Overlay Zone; or~~
 - ~~(C) — on a *premises* that is identified as Prime Industrial Land in a *land use plan*.~~~~
 - ~~(2) — The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.~~
 - ~~(3) — *Structures* shall be placed on the site so that larger or high-activity buildings are placed away from adjacent property with smaller *structures* and lower levels of activity.~~
 - ~~(4) — Off-street parking shall be located away from adjacent residential property.~~
 - ~~(5) — Conditions addressing the following issues may be imposed by the decision maker:
 - ~~(A) — Limitations on the intensity of additional uses, such as *schools* and *child care facilities*, as well as the facilities~~~~

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housing these activities, to a level that is commensurate with the size of the site, the levels of intensity of surrounding *development*, and the capacity of *streets* serving the facility; and

(B) Limitations on the number of on-premises fund-raising or social activities to a specific number of occurrences each year.

Issue #21: Child Care Facilities in the Agricultural Zone/Coastal Overlay

§131.0322 Use Regulations Table for Agricultural Zones

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
Commercial Services					
Separately Regulated Commercial Services Uses					
<i>Child Care Facilities:</i>					
Child Care Centers		-		C ⁽⁹⁾	
Large Family Child Care Homes		-		L ⁽⁹⁾	
Small Family Child Care Homes		-		L	

Comment [a3j6]: Remove Footnote 9 for these use categories. Footnote 9 states: This use is not allowed within the Coastal Overlay Zone.

Footnotes for Table 131-03B [No change.]

§141.0606 Child Care Facilities

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

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(c) Child Care Centers

Child care centers are permitted as a limited use in the zones indicated with an “L” and may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

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

~~(4)~~(9) Child care centers proposed to be located on public or private *school* sites are permitted as follows:

~~(4)~~(A) Child care centers proposed as an *accessory use* on the *premises* of a *school* are exempt from the provisions of this section. The child care center may be either school-operated or privately operated.

~~(2)~~(B) Child care centers proposed for location on private *school premises* in a zone where *schools* are a permitted use, are permitted as a limited use subject to the regulations of Section 141.0606(c).

~~(3)~~(C) Child care centers proposed for location on private *school premises* in a zone where *schools* are required to obtain a Conditional Use Permit shall also be required to obtain a Conditional Use Permit subject to the regulations in Section 141.0606(c).

(10) Within the Coastal Overlay Zone, a child care center shall be permitted only on previously developed sites that are not developed with open space or agricultural uses as identified in Section 131.0112.

Issue #22: Educational Facilities: K-12, Colleges/Universities, Vocational/Trade Schools

§131.0622 Use Regulations Table for Industrial Zones

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

Table 131-06B
Use Regulations Table for Industrial Zones

Use Categories/ Subcategories	Zone	Zones			
	Designator	IP-	IL-	IH-	IS-
[See Section 131.0112 for an explanation and	1st & 2nd >				

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descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	3rd >>			1-			2-		
	1	1	1	1	1	1	1	1	
Open Space through Residential [No change]									
Institutional									
Separately Regulated Institutional Uses									
Airports through Correctional Placement Centers [No change]									
Educational Facilities:									
Kindergarten through Grade 12	-	C	-	C	C	-	-	C	
Colleges / Universities	C	C	-	C	C	-	C	C	
Vocational / Trade School	-	-	-	P-L	P-L	-	P-L	P-L	
Energy Generation & Distribution Facilities through Wireless Communication [No change]									
Retail Sales through Signs [No change]									

Footnotes for Table 131-06B

1 through 15 [No change.]

16 See Issue #21 Public Assembly Uses §141.0407 Educational Facilities--Schools for Kindergarten to Grade 12, and Colleges/Universities, and Vocational/Trade Schools

Educational facilities are facilities that are designed or used to provide specialized training or education. This section distinguishes between kindergarten to grade 12 schools, colleges and universities, and vocational schools and trade schools. Educational facilities are permitted by right in zones indicated with a "P", as a limited use in the zones indicated with a "L", and 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 in a land-use plan. Permanent development associated with educational facilities is not permitted in agricultural zones

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in *Proposition A Lands* or within *floodplains* located in the Coastal Overlay Zone.

(b) Schools for Kindergarten to Grade 12

(1) This use category applies to schools that provide instruction to children enrolled in any grade kindergarten to grade 12.

(2) Schools for kindergarten to grade 12 are not permitted on a premises that is identified as Prime Industrial Land in a *land use plan*.

(3) Conditional use regulations. Schools for kindergarten to grade 12 are permitted as conditional uses in zones indicated by a “C” subject to the following:

(A) The *applicant* shall provide a master development plan that includes the following;

- (1)(i) The student capacity of the campus;
- (2)(ii) The size, number, and location of all proposed facilities;
- (3)(iii) The pedestrian and traffic circulation systems proposed for the site;
- (4)(iv) A transportation and parking development program; and
- (5)(v) A *development* phasing schedule.

(B) The design of the *structures* shall incorporate architectural elements that help to diminish building bulk.

(C) Larger *structures*, areas with high levels of activity, and parking areas shall be located on the site away from surrounding *development* that is smaller in scale or less intense.

(D) Off-street parking shall be provided in accordance with Table 142-05G.

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(c) Colleges/Universities

- (1) Colleges and universities are facilities that provide post secondary education or higher in a campus setting where the campus typically has at least one of the following accessory activities or facilities: intercollegiate athletics, fraternities and sororities, student clubs, student unions, student dormitories, a campus library, or other campus facilities to accommodate a large assemblage of people.
- (2) Conditional use regulations. Colleges and universities are permitted as conditional uses in zones indicated by a "C" subject to the following:
 - (A) Colleges and universities are not permitted on a premises that is identified as Prime Industrial Lands in a land use plan, unless the primary emphasis of the college or university is the instruction of adults in subjects incidental to manufacturing and industrial uses.
 - (B) Colleges and universities are subject to the conditional use criteria applicable to schools for kindergarten to grade 12 in Section 141.0407(b)(3).
 - (C) Access to colleges and universities shall be as direct as possible from freeways and primary arterials and shall avoid residential streets.
- (3) Private colleges and universities that provide training and education in a traditional office building without any extracurricular facilities of a traditional post secondary educational facility are permitted by right where business and professional offices are permitted uses in zones indicated with a "P". However, this type of educational facility is not permitted on a premises that is identified as Prime Industrial Lands in a land use plan, unless the primary emphasis of the college or university is the instruction of adults in subjects incidental to manufacturing and industrial uses.

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- (e) ~~Access to colleges and universities shall be as direct as possible from *freeways* and primary arterials and shall avoid residential *streets*.~~
- (f) ~~Off-street parking requirements for kindergarten through grade 12 are provided in Table 142-05F. Off-street parking for colleges and universities shall be provided to adequately serve the facility without causing parking impacts on surrounding property.~~
- (d) Vocational and Trade Schools
 - (1) Vocational schools are facilities that offer instruction and practical introductory experience in skilled trades such as mechanics, carpentry, plumbing, or construction with training that emphasizes the skills and knowledge needed for a particular job. Trade schools are facilities organized by an industry or a large corporation to provide training, apprentice education, and similar courses.
 - (2) Limited use regulations. Vocational schools and trade schools are permitted as limited uses in zones indicated by an "L" subject to the following:
 - (A) Vocational schools and trade schools are not permitted on a *premises* that is identified as Prime Industrial Lands in a *land use plan*, unless the primary emphasis of the school is the instruction of adults in subjects incidental to manufacturing and industrial uses.
 - (B) Off-street parking shall be provided in accordance with Table 142-05G.

Issue #23: Adult Entertainment Business License Transfers

§141.0601 Adult Entertainment Businesses

- (a) [No change.]

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- (b) Adult entertainment businesses 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.
 - (1) Adult entertainment businesses shall not be established, ~~or enlarged, or undergo a transfer of ownership or control~~ if the *structure* housing the business would be located within 1,000 feet of any of the following:
 - (A) Another *structure* housing an adult entertainment business;
 - (B) The *property line* of a residentially zoned property; or
 - (C) The *property line* of a *church* ~~except those established in accordance with Section 141.0404(a), a school, a public park, or a social service institution.~~
 - ~~(2) — If a church other than one established in accordance with Section 141.0404(a), a school, a public park, a social service institution, or a residential zone is established within 1,000 feet of an adult entertainment business, the person possessing ownership or control of the adult entertainment business is permitted to transfer ownership or control within 2 years of the date on which the school begins a course of instruction for students, the church or social service institution is opened for use, the public park is dedicated, or the ordinance establishing the residential zone becomes effective. The person acquiring the ownership or control, however, shall be required to discontinue the adult entertainment business within 5 years from the date of the transfer of ownership or control if the business continues to be within 1,000 feet of the uses or properties listed in Section 141.0601(b)(1).~~
 - ~~(3)(2) [No change.]~~

Issue #24: Recycling Businesses

§141.0620 Recycling Facilities

- (d) Small Collection Facilities
 - (1) through (5) [No change.]
 - (6) Facilities that are not within a fully enclosed building shall be set back at least 10 feet from any building ~~or~~ and from any public right-of-way, and shall not obstruct pedestrian or vehicular circulation.

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Issue #25: Brush Management

§142.0412 Brush Management

(a) through (h) [No change]

- (i) In consideration of the topography, existing and potential fuel load, and other characteristics of the site related to fire protection, the Fire Chief may modify the requirements of this Section, and where applicable with the approval of the Building Official, may require building features for fire protection in addition to those required in accordance with Chapter 14, Article 5, Division 7 (Chapter 7A of the California Building Code as adopted and amended) if the following conditions exist An applicant may request approval of alternative compliance for brush management in accordance with Process One if all of the following conditions exist:
 - (1) In the written opinion of the Fire Chief, based upon a fire fuel load model report conducted by a certified fire behavior analyst, the requirements of Section 142.0412 fail to achieve the level of fire protection intended by the application of Zones One and Two; and The proposed alternative compliance provides sufficient defensible space between all structures on the premises and contiguous areas of native or naturalized vegetation as demonstrated to the satisfaction of the Fire Chief based on documentation that addresses the topography of the site, existing and potential fuel load, and other characteristics related to fire protection and the context of the proposed development.
 - (2) The modification to the requirements achieves an equivalent level of fire protection as provided by Section 142.0412, other regulations of the Land Development Code, and the minimum standards contained in the Land Development Manual; and The proposed alternative compliance minimizes impacts to undisturbed native or naturalized vegetation where possible while still meeting the purpose and intent of Section 142.0412 to reduce fire hazards around structures and provide an effective fire break.

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- (3) ~~The modification to the requirements~~ proposed alternative compliance is not detrimental to the public health, safety, and welfare of persons residing or working in the area.

- (j) If the Fire Chief approves a ~~modified plan~~ alternative compliance in accordance with this section as ~~part of the City's approval of a development permit,~~ the modifications shall be recorded with the approved permit conditions if approved as part of a development permit, or noted in the permit file if approved as part of a construction permit.

Issue #26: Historic Resources: Site Survey Exemption for Roof Replacement In Kind

§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.
 - (1) 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 not include ~~ne~~ a change to the exterior of existing *structures*.
 - (2) In kind roof repair and replacement shall be exempt from the requirement to obtain a site specific survey prior to approval of the applicable *construction permit*.

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

Issue #27: Historic Resources: Archaeological Resource Buffer

§143.0220 Development Exempted from the Requirement to Obtain a Development Permit for Historical Resources

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The following *development* activities are exempt from the requirement to obtain a Neighborhood Development Permit or Site Development Permit. However, in all cases a *construction permit* is required.

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

(d) Any *development* on a parcel that has an *important archaeological site* and will not result in substantial alteration, demolition, destruction, removal, relocation, or *encroachment* into such resources during or after construction, subject to the following requirements.

(1) All feasible measures to protect and preserve the resource shall be included in the *development*.

~~(2) A 100-foot buffer measured from the edge of the *important archaeological site* shall be provided.~~

~~(3)~~(2) All documentation necessary to verify consistency with this subsection shall be provided by the *applicant* consistent with the Historical Resources Guidelines of the Land Development Manual.

~~(4)~~(3) The property owner shall sign an acknowledgment that no further *development* can occur on the property unless the *development* is reviewed and approved in accordance with this division.

Issue #28: Lot Tie Agreements

§113.0237 Determining a Lot

(a) A *lot* is legal for purposes of *development* if it meets any one of the following criteria:

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

(4) The ~~lot~~ *lot* was created before March 4, 1972, held as a separate parcel by a subsequent purchaser, and has at least 15 feet of street frontage or other legal access to a dedicated street as approved by the City Engineer; or

(5) The *lot* was held as a separate legal parcel upon annexation to the City of San Diego; ~~or~~

~~(6) The *lot* consists of two or more parcels held by a single *record owner* that otherwise meet the requirements of Section 113.0237(a)(1), that are tied together~~

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through a recorded lot tie agreement between the record owner and the City in accordance with Section 129.0120.

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

§129.0120 Lot Tie Agreements

(a) If a lot consists of two or more parcels held by a single record owner as set forth in Section 113.0237(a)(6), construction permits shall not be issued unless a Lot Tie Agreement is entered into to the satisfaction of the Building Official and the City Engineer and recorded against the applicable properties in the Office of the San Diego County Recorder. The Lot Tie Agreement shall require the record owner to hold the applicable parcels as one and to maintain common ownership and control. The Lot Tie Agreement shall be binding upon, and the benefits of the agreement shall inure to the parties and all successors in interest to the parties to the Lot Tie Agreement.

(b) Cancellation of a recorded Lot Tie Agreement shall be reviewed and approved by the City Engineer and Building Official in accordance with Process One if the need to hold the property as one parcel no longer exists. If approved, the City shall forward a written declaration of the cancellation of the Lot Tie Agreement to the County Recorder.

Issue #29: Variable Setbacks

§131.0431 Development Regulations Table of Residential Zones

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

(a) [See Issue #48 Minor Correction: Resubdivided Corner Lots.]

(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-

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	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
Max permitted density (DU per lot)		1	1	1	1	1	1	1
Min lot area (sf)		40,000	20,000	15,000	10,000	8,000	6,000	5,000
Min lot dimensions								
Lot width (ft)		100	80	75	65	60	60	50
Street frontage (ft) [See Section 131.0442(a)]		100	80	75	65	60	60	50
Lot width (corner) (ft)		110	85	80	70	65	65	55
Lot depth (ft)		100	100	100	100	100	95	95
Setback requirements								
Min Front setback (ft)		25 ⁽¹⁾	25 ⁽¹⁾	20 ⁽¹⁾	20 ⁽¹⁾	20 ⁽¹⁾	15 ⁽¹⁾	15 ⁽¹⁾
Min Side setback (ft) [Multiply number in table by actual lot width to calculate setback]		.08 ⁽²⁾	.08 ⁽²⁾	.08 ⁽²⁾	.08 ⁽²⁾	.08 ⁽²⁾	.08 ⁽²⁾	.08 ⁽²⁾
Min Street side setback (ft) [Multiply number in table by actual lot width to calculate setback]		.10 ⁽²⁾	.10 ⁽²⁾	.10 ⁽²⁾	.10 ⁽²⁾	.10 ⁽²⁾	.10 ⁽²⁾	.10 ⁽²⁾
Min Rear setback (ft)		25 ⁽³⁾	25 ⁽³⁾	20 ⁽³⁾	20 ⁽³⁾	20 ⁽³⁾	15 ⁽³⁾	13 ⁽³⁾

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
Lot coverage for sloping lots [See Section 131.0445(a)]		applies	applies	applies	applies	applies	applies	applies
Max floor area ratio		0.45	varies ⁽⁵⁾	varies ⁽⁵⁾	varies ⁽⁵⁾	varies ⁽⁵⁾	varies ⁽⁵⁾	varies ⁽⁵⁾
Max paving/ hardscape [See Section 131.0447]		applies	applies	applies	applies	applies	applies	applies
Accessory uses and structures [See Sections 131.0448 and 141.0306]]		applies	applies	applies	applies	applies	applies	applies

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Garage regulations [See Section 131.0449(a)]	applies	applies	applies	applies	applies	applies	applies
Building spacing [See Section 131.0450]	applies	applies	applies	applies	applies	applies	applies
Max third story dimensions [See Section 131.0460]	--	applies	applies	applies	applies	applies	applies
Architectural projections and encroachments [See Section 131.0461(a)]	applies	applies	applies	applies	applies	applies	applies
Supplemental requirements [See Section 131.0464(a)]	applies	applies	applies	applies	applies	applies	applies
Bedroom regulation	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾
Refuse and Recyclable Material Storage [See Section 142.0805]	applies	applies	applies	applies	applies	applies	Applies

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
Max permitted density (DU per lot)		1	1	1	1	1	1	1
Min lot area (sf)		40,000	20,000	15,000	10,000	8,000	6,000	5,000
Min lot dimensions								
Lot width (ft)		100	80	75	65	60	60	50
<i>street frontage</i> (ft) [See Section 131.0442(a)]		100	80	75	65	60	60	50
Lot width (corner) (ft)		110	85	80	70	65	65	55
Lot depth (ft)		100	100	100	100	100	95	95
Setback requirements								
Min Front <i>setback</i> (ft)		25 ⁽¹⁾	25 ⁽¹⁾	25 ⁽¹⁾	20 ⁽¹⁾	15 ⁽¹⁾	15 ⁽¹⁾	15 ⁽¹⁾
Min Side <i>setback</i> (ft)		10	8	7	6	5	5	4
Min <i>Street</i> side <i>setback</i> (ft)		20	15	15	10	10	10	10
Min Rear <i>setback</i> (ft)		10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾
Setback requirements for resubdivided corner lots [See Section 131.0443(i)]		applies	applies	applies	applies	applies	applies	Applies

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Max structure height (ft)	35	35	35	35	35	35	35
Lot coverage for sloping lots [See Section 131.0445(a)]	-	-	-	-	-	-	-
Max floor area ratio [See Section 131.0446(b)]	0.45	0.60	0.60	0.60	0.60	0.60	0.60
Max paving/ hardscape [See Section 131.0447]	applies	applies	applies	applies	applies	applies	applies
Accessory uses and structures [See Sections 131.0448 and 141.0306]	applies	applies	applies	applies	applies	applies	applies
Garage regulations [See Section 131.0449(a)]	applies	applies	applies	applies	applies	applies	applies
Building spacing [See Section 131.0450]	applies	applies	applies	applies	applies	applies	applies
Max third story dimensions	-	-	-	-	-	-	-
Architectural projections and encroachments [See Section 131.0461(a)]	applies	applies	applies	applies	applies	applies	applies
Supplemental requirements [See Section 131.0464(a)]	applies	applies	applies	applies	applies	applies	applies
Diagonal plan dimension							
Bedroom regulation	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾
Refuse and Recyclable Material Storage [See Section 142.0805]	applies	applies	applies	applies	applies	applies	Applies

Footnotes for Table 131-04D

- 1 [No change.]
- 2 The For lots greater than 50 feet in width, 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. A in which case side setbacks shall not be reduced to less than 4 feet, and street side setbacks shall not be reduced to less than 10 feet. Once a side setback is reallocated and established at a dimension less than the percentage indicated in Table 131-04D, all additions to the primary *structure* thereafter shall maintain the established side *setback*.
- 3 through 7 [No change.]

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

Issue #30: Architectural Projections and Encroachments

§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

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permitted in the required yards within view corridors that are designated by *land use plans* in the Coastal Overlay Zone and may not be located in a required *visibility area* or a required turning radius or vehicle back-up area except where development regulations may allow.

(1) through (11) [No change.]

(12) ~~Detached garages~~ Garages or non-habitable *accessory buildings* may encroach into a required side or rear yard as follows:

(A) [No change.]

(B) The encroaching *accessory building* shall be limited to *one-story* and a maximum *structure height* height of 15 feet within the setback. Any development attached to the accessory building above one story shall comply with the setback; and

(C) [No change.]

(D) ~~The cumulative area of all~~ An encroaching *accessory buildings* shall not exceed 525 square feet in *gross floor area*.

(b) [No change.]

(c) In the RM-2-4, RM-2-5, RM-2-6, RM-3-7, RM-3-8, RM-3-9, RM-4-10, RM-4-11, and RM-5-12 zones, ~~architectural~~ architectural projections and encroachments listed in Section 131.0461(a) are permitted with the following limitations. No permitted projection or *encroachment* may be located in required yards within view corridors that are designated by land use plans in the Coastal Overlay Zone or in a required *visibility area* or a required turning radius or vehicle back-up area except where development regulations may allow.

(1) For front and rear *yards*, one *encroachment* is permitted per 50 feet of *building facade* length, with a minimum of 10 feet between *encroachments*.

(2) For side *yards*, two *encroachments* are permitted per 50 feet of *building facade* length, with a minimum of 10 feet between *encroachments*.

(3) A minimum of 3 feet must be provided between the *encroachment* and the *property line*.

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(4) Garages or non-habitable *accessory buildings* that meet the requirements in Section 131.0461(a)(12)(A) - (D) may only encroach into a required side or rear *yard* only if they are detached.

(4)(5) *Dormers* may project into the angled *building envelope* plane as follows:
(A) through (B) [No change.]

§141.0306 Guest Quarters or Habitable Accessory Buildings

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

(g) ~~For detached guest quarters or habitable *accessory buildings*, the maximum *structure height* is 15 feet without a chimney or flue, or 17 feet with a chimney or flue.~~

(h)(g) Decks and staircases of not more than 3 feet in height may encroach into required *yards*.

(i)(h) *Roof decks*, including railings, shall not exceed the height limits in Section 141.0306(f) and (g).

(j)(i) Occupancy of a *premises* containing guest quarters or habitable *accessory buildings* shall be subject to the following:
(1) through (3) [No change.]

Issue #31: Setbacks for Commercial-Neighborhood Zones Abutting Residential

§131.0543 Setback Requirements for Commercial Zones

Setback requirements are specified in Tables 131-05C, 131-05D, and 131-05E and are subject to the following exceptions and additional regulations:

(a) [No change.]

(b) Minimum Side and Rear *Setback*

(1) In zones that require a 10-foot minimum side or rear *setback* and provide the option for no side or rear *setbacks* as shown in Tables 131-05C, 131-05D, and 131-05E, the *structure* shall either be placed at the *property line* or shall be set back at least 10 feet.

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(2) The optional side or rear setback is not applicable to commercial development abutting low density residentially zoned properties as further described in Section 131.0543(c).

(c) Commercial Development Abutting Residentially Zoned Properties

(1) Commercial development abutting low density residentially zoned properties with a permitted density of less than 15 dwelling units per acre shall provide a 10-foot minimum setback for any side or rear yard that abuts low density residential zoned property. The structure shall comply with additional step back requirements in accordance with Section 131.0543(c)(3).

(2) Commercial development abutting medium to high density residentially zoned properties with a permitted density of 15 dwelling units or more per acre that provide no side or rear setback and locate the structure at the property line as provided for by Section 131.0543(b) shall comply with the following:

(A) The minimum side-setback Minimum step back for structures placed at the side property line is as follows:

- (i) Any portion of the structure exceeding 15 feet in height shall be stepped back from the side property line 10 feet, or 10 percent of the lot width but not less than 5 feet, whichever is less.
- (ii) Each 15 feet in height above 30 feet shall be stepped back at least 3 feet from the minimum setback of that portion of the structure immediately below.

(2) (B) Minimum rear-setback step back for structures placed at the rear property line is as follows:

- (i) Any portion of the structure exceeding 15 feet in height shall be stepped back from the rear property line 10 feet, or 10 percent of the lot depth but not less than 5 feet, whichever is less.
- (ii) Each 15 feet in height above 30 feet shall be stepped back at least 3 feet from the minimum setback of that portion of the structure immediately below.

(3) For side and rear yards, if the structure is set back 10 feet or more from the property line, each 15 feet in height above 30 feet shall be stepped back at least 3 feet from the minimum setback of that portion of the structure immediately below.

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Issue #32: Residential Tandem Parking Overlay Zone/Transit Area Overlay Zone

§126.0402 When a Neighborhood Development Permit Is Required

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

(m) [See Issue #14 Lower Process for Wireless Communication Facility Equipment Enclosures]

(n) A Neighborhood Development Permit is required for *development* proposing to count tandem parking spaces as two parking spaces towards the off-street parking requirement as described in Section 132.0905(a)(5).

§132.0902 Where the Residential Tandem Parking Overlay Zone Applies

(a) ~~This overlay zone applies to property located outside the boundaries shown on Map No. C-908 (Coastal Overlay Zone) and within the boundaries shown on Map No. C-922 filed in the office of the City Clerk under Document No. OO-19288. These areas are shown generally on Diagrams 132-04A and 132-09A and should be viewed together.~~

(b) ~~This overlay zone applies to property located within the boundaries shown on Map No. C-908 (Coastal Overlay Zone) and Map No. C-903 filed in the office of the City Clerk under Document No's. OO-18872 and OO-18911-1 respectively. These areas are shown generally on Diagrams 132-04A and 132-09B and should be viewed together.~~

(b) Table 132-09A shows the sections that contain the supplemental regulations for specific types of *development* proposals in this overlay zone.

Table 132-09A Residential Tandem Parking Overlay Zone Applicability [No change.]

Diagram 132-09A [Relocate from Section 132.0905 to follow Table 132-09A.]

§132.0905 Supplemental Development Regulations of the Residential Tandem Parking Overlay Zone

(a) Tandem parking may be counted as two parking spaces toward the off-street parking required by Chapter 14, Article 2, Division 5 (Parking Regulations) only in the following locations and circumstances:

- (1) In the Golden Hill Community Plan area, the La Jolla Community Plan area, the Mission Beach Precise Plan area, the Mission Valley Community Plan area, the Uptown Community Plan area, ~~and all community plan areas in Council District 5.~~ the Mira Mesa Community Plan area, the Scripps Miramar Ranch Community

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Plan area, the Miramar Ranch North Community Plan area, the Sabre Springs Community Plan area, the Carmel Mountain Ranch Community Plan area, the Rancho Bernardo Community Plan area, and the San Pasqual Community Plan area.

- (2) In the City Heights neighborhood of the Mid-City Community Plan Area only for *structures* with one or two dwelling units.

~~Diagram 132-09A [Relocate Diagram 132-09A to Section 132.0902 to follow Table 132-09A.]~~

~~Delete Diagram 132-09B~~

- (3) If at least 25 percent of the project area is located within the Transit Area Overlay Zone as shown in Diagram 132-10A and the project area is not located in the Greater North Park Community Plan area, the Pacific Beach Community Plan area, the Southeast San Diego Community Plan area, the Skyline/Paradise Hills Community Plan Area, or the Mid-City Communities Plan area other than the City Heights neighborhood.
- (4) Within the beach impact area of the Parking Impact Area Overlay Zone where access is provided to the tandem space from an abutting *alley*.
- (5) If a Neighborhood Development Permit is granted in accordance with Section 126.0402 to count tandem parking as two parking spaces toward the off-street parking requirement in any location not provided for in Section 132.0905(a) (1)-(4).
- (b) At least one of the two parking spaces shall be within a completely enclosed *structure*.
- (c) Both of the tandem spaces shall be assigned to the same dwelling unit.
- (d) The tandem parking spaces shall be assigned, and the use restrictions shall be enforced, by the owner of the *premises* or the owner's assigned representative.

§132.1002 Where the Transit Area Overlay Zone Applies

- (a) This overlay zone applies to property ~~located outside the boundaries shown on Map No. C-908 (Coastal Overlay Zone) and within the boundaries shown on Map No. C-921, filed in the office of the City Clerk as Document No. OO-19287-2. These areas are is~~ shown generally on Diagrams ~~132-04A and 132-10A and should be viewed together.~~
- ~~(b) This overlay zone applies to property located within both the boundaries shown on Map No. C-908 (Coastal Overlay Zone) and Map No. C-900, filed in the office of the City~~

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~~Clerk under Document Nos. OO-18872 and OO-18911-2, respectively. These areas are shown generally on Diagrams 132-04A and 132-10B and should be viewed together.~~

- (b) Table 132-10A shows the sections that contain the supplemental regulations for specific types of *development* proposals in this overlay zone.

Table 132-10A Transit Area Overlay Zone Applicability [No change.]

Diagram 132-10A [No change.]

Delete Diagram 132-10B

Issue #33: Parking Impact Overlay Zone

§132.0801 Purpose of the Parking Impact Overlay Zone

The purpose of the Parking Impact Overlay Zone is to provide supplemental parking regulations for specified coastal, beach, and campus areas that have parking impacts. The intent of this overlay zone is to identify areas of high parking demand and increase the off-street parking requirements accordingly.

§132.0802 Where the Parking Impact Overlay Zone Applies

- (a) This overlay zone applies to property located within the beach impact area, and the campus impact area, ~~and the coastal impact area~~ as shown on Map Nos. C-731 and C-795, filed in the office of the City Clerk. These areas are shown generally on Diagram 132-08A.
- (b) [No change.]

Table 132-08A [No change.]

Modify Diagram 132-08A to correct the existing reference to “coastal impact area boundary” to instead indicate “approximate coastal zone boundary- for reference only”

Issue #34: Modify Parking Exception for Commercial Uses on Small Lots

§142.0540 Exceptions to Parking Regulations for Nonresidential Uses

- (a) Commercial Uses on Small Lots. Outside the beach impact area of the Parking Impact Overlay Zone, for *lots* that are ~~7,000~~ 10,000 square feet or less, that existed before January 1, 2000, ~~including abutting lots under~~

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~~common-ownership~~, the parking requirements set forth in Table 142-05H may be applied to all commercial uses at the option of the *applicant* as an alternative to the requirements set forth in Section 142.0530. The type of access listed in Table 142-05G determines the minimum number of required *off-street parking spaces*.

Table 142-05H
Alternative Parking Requirement for
Commercial Uses on Small Lots

Type of Access	Minimum Number of Parking Spaces
With <i>Alley</i> Access ⁽¹⁾	1 space per 10 feet of <i>alley</i> frontage, minus one space
Without <i>Alley</i> Access	none required

Footnote to Table 142-05G

¹ The City Engineer will determine whether a *lot* has adequate *alley* access according to accepted engineering practices.

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

Issue #35: Lower Process for Shared Parking based on Alternative Studies

§142.0545 Shared Parking Requirements

- (a) Approval Criteria. In all zones except single unit residential zones, *shared parking* may be approved through a Building Permit subject to the following requirements.
 - (1) *Shared parking* requests shall be for two or more different land uses located adjacent or near to one another, subject to the standards in this section.
 - (2) All *shared parking* facilities shall be located within a 600-foot horizontal distance of the uses served.

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- (3) Parties involved in the shared use of a parking facility shall provide an agreement for the shared use in a form that is acceptable to the City Attorney.
 - (4) *Shared parking* facilities shall provide *signs* on the *premises* indicating the availability of the facility for patrons of the participating uses.
 - (5) Modifications to the *structure* in which the uses are located or changes in tenant occupancy require review by the City Manager for compliance with this section.
- (b) Shared Parking Formula. *Shared parking* is based upon the variations in the number of parking spaces needed (parking demand) over the course of the day for each of the proposed uses. The hour in which the highest number of parking spaces is needed (peak parking demand) for the proposed *development*, based upon the standards in this section, determines the minimum number of required *off-street parking spaces* for the proposed *development*.
- (1) through (6) [No change in text.]
- (7) ~~Uses for which standards are not~~ The applicant may request approval of *shared parking* based on the latest Urban Land Institute Parking Study or equivalent study as an alternative to the parking demand rates provided in Tables 142-05I and 142-05J, may nevertheless provide *shared parking* with the approval of a Neighborhood Development Permit, provided that if the applicant shows provides evidence to the satisfaction of the City Engineer that the standards used for the proposed *development* result in an accurate representation of alternative parking demand rates more accurately represent the parking demand and peak parking demand for the *development*.
- (c) through (d) [No change.]

Issue #36: Irrigation Controllers for Non-Residential Development

§142.0402 When Landscape Regulations Apply

Add row to Table 142-04A to identify that commercial development with at least 1000 square feet of landscape area is subject to Section 142.0413

§142.0413 Water Conservation

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(a) Landscape Area. For the purposes of Section 142.0413, landscape area means the entire *premises*, less the area of building footprints, non-irrigated portions of parking lots, driveways, *hardscapes*, and areas designated for habitat preservation or brush management Zone Two.

(b) through (e) [No change]

~~(f)~~ (f) Irrigation Controllers. New commercial development, including additions to existing commercial development, that involves a landscape area of 1,000 to 2,500 square feet shall install irrigation controllers that are weather or soil moisture based if potable water is being used for the irrigation.

~~(g)~~ (g) Irrigation Audit. An applicant subject to the requirement for a water budget in Table 142-04I is required to conduct and submit to the City an irrigation audit consistent with Section 2.7 of the Landscape Standards of the Land Development Manual.

(1) through (2) [No change]

~~(h)~~ (h) Reclaimed water. New development in areas where reclaimed water is available and suitable for irrigation shall provide for a dual water distribution system for all landscaped areas. Only reclaimed water shall be used for irrigation purposes where it is available.

Issue #37: Parking for Zero Emissions Vehicles, Carpools, and Bicycles

§142.0530 Nonresidential Uses — Parking Ratios

(a) through (c) [No change except in Table 142-05F the title of the carpool space column should be changed to "Zero Emissions Vehicles/Carpool Spaces"]

(d) Zero Emissions Vehicles and Carpool Spaces

(1) ~~Required carpool parking spaces for certified zero emissions vehicles (100 percent battery electric and hydrogen fuel cell) and carpool vehicles (vehicles containing two or more persons) are to~~ shall be provided at the ratio set forth in Table 142-05G for specified non-residential uses and shall be included within the overall minimum parking requirement, not in addition to it.

(2) ~~Carpool~~ Required spaces for certified zero emissions vehicles and carpool vehicles shall be clearly labeled as designated for any combination of certified zero emissions vehicles or carpool vehicles, and shall be conveniently located close to employee entrances.

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- (3) If there is a charge for parking, carpool spaces for certified zero emissions vehicles and carpool vehicles shall be offered at a discount ~~for vehicles containing two or more persons.~~

(e) Bicycle Facilities

- (1) Required bicycle parking spaces shall be provided at the ratio set forth in Tables 142-05C, 142-05D, 142-05E, and 142-05F. The minimum number of required bicycle parking spaces is two. ~~(2) The maximum number of required bicycle parking spaces is 25. These spaces can be accommodated with racks for 25 bicycle spaces or racks for 12 spaces and 12 bicycle lockers if lockers are also required.~~
- (2) Where bicycle parking is required for non-residential development, bicycle racks shall be conveniently located.
- (3) Where long term parking and shower facilities are required for non-residential development, at least one secure bicycle space shall be provided.
- ~~(3)~~(4) The following uses are exempt from the bicycle facilities requirement:
- Cemeteries, mausoleums, crematories;
 - Maintenance and repair uses;
 - Boarding kennels;
 - Pet grooming services;
 - Veterinary clinics and hospitals;
 - Vehicle and vehicular equipment sales and service uses; and
 - Mining and extractive industries

(f) through (h) [No change]

Issue #38: Southeastern San Diego PDO- Companion Units and Guest Quarters

Article 19: Southeastern San Diego Planned District
Appendix A: Uses

Legend: P = Permitted

- = Not Permitted

L = subject to Limitations

SP = Special Permit

Special Permit for Alcohol Sales and Distribution - See Appendix C

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Permitted Uses	Residential Zones		Commercial Zones			Industrial Zones	
	SF	MF	1	2	3	I-1	I-2
Residential							
Single Family Dwelling	P	P	-	-	-	-	-
Two-Family Dwelling	-	P	-	-	-	-	-
Apartment Houses (No Temporary Residence)	-	P	-	-	-	-	-
Boarding and Lodging Houses (Not a Residential-Care Facility)	-	P	-	-	-	-	-
Child Day Care Center	SP	SP	SP	SP	-	-	-
Churches, Temples or Buildings of a Permanent Nature Used for Religious Purposes	SP	SP	SP	SP	SP	-	-
Companion Units	<u>SP</u> <u>L⁽⁸⁾</u>	<u>PL⁽⁸⁾</u>	-	-	-	-	-
Elderly or Handicapped Housing	-	SP	-	-	-	-	-
Fraternalities, Sororities	-	SP	-	-	-	-	-
Guest Quarters	<u>SP</u> <u>L⁽⁹⁾</u>	<u>PL⁽⁹⁾</u>	-	-	-	-	-
[No change to remainder of Appendix A: Uses Table.]							

Footnotes for Appendix A: Uses

1 through 7 [No change.]

8 Companion units shall be permitted in accordance with Land Development Code Section 141.0302.

9 Guest quarters shall be permitted in accordance with Land Development Code Section 141.0306.

Issue #39: References to the Chapter 14 Building, Electrical, Plumbing, Mechanical, Residential Building, and Green Building Regulations

§111.0101 Title

- (a) [No change in text.]
- (b) Chapter 14, Article 5 (Building Regulations), Article 6 (Electrical Regulations), and Article 7 (Plumbing and Mechanical Regulations), Article 8 (Mechanical Regulations), Article 9 (Residential Building Regulations), and Article 10 (Green Building Regulations), shall be known as the Building Regulations, the Electrical Regulations, and the Plumbing and Mechanical Regulations, the Mechanical Regulations, the Residential Building Regulations and the Green Building Regulations respectively and may be referred to collectively as the Building, Electrical, Plumbing, ~~and Mechanical,~~ Residential Building and Green Building Regulations.

§121.0202 General Enforcement Authority Regarding the Land Development Code

- (a) In addition to the enforcement authority provided in Municipal Code Section 12.0102, the City Manager or designated Code Enforcement Official shall have the authority to promulgate policies and regulations reasonably necessary to implement the intent and provisions of the Land Development Code including all provisions of the Building, Electrical, Plumbing, ~~and Mechanical,~~ Residential Building, and Green Building Regulations. The City Manager or designated Code Enforcement Official shall coordinate and develop programs and policies for the consistent and uniform enforcement of the Land Development Code.

§121.0308 No Permission to Violate Codes

- (a) The issuance or granting of any *development permit* or *construction permit* or any plan, specifications, computations, or inspection approval does not constitute a permit for, or an approval of, any violation of any of the provisions of the Land Development Code, including the Building, Electrical, Plumbing, or Mechanical Regulations or any other ordinance of the City. *Development permits, construction permits, or inspections* presuming to give authority to violate or cancel the provisions of the Land Development Code, Building, Electrical, Plumbing, ~~or Mechanical,~~ Residential Building, or Green Building Regulations or other ordinances of the City are not valid.
- (b) [No change in text.]

Issue #40: Definition of Business Day

§113.0103 Definitions

Issue #39: References to the Chapter 14 Building, Electrical, Plumbing, Mechanical, Residential Building, and Green Building Regulations

§111.0101 Title

- (a) [No change in text.]
- (b) Chapter 14, Article 5 (Building Regulations), Article 6 (Electrical Regulations), and Article 7 (Plumbing and Mechanical Regulations), Article 8 (Mechanical Regulations), Article 9 (Residential Building Regulations), and Article 10 (Green Building Regulations), shall be known as the Building Regulations, the Electrical Regulations, and the Plumbing and Mechanical Regulations, the Mechanical Regulations, the Residential Building Regulations and the Green Building Regulations respectively and may be referred to collectively as the Building, Electrical, Plumbing, and Mechanical, Residential Building and Green Building Regulations.

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- (b) [No change in text.]

Issue #40: Definition of Business Day

§113.0103 Definitions

Abutting property through Building façade [No change.]

Business day means any day except a Saturday, Sunday, or holiday listed in Municipal Code Section ~~21.04~~ 21.0104, unless otherwise specified.

Certificate of Correction through Yard [See Issue #41 Definition of Land Use Plan and #42 Definition of Parking Structure.]

Issue #41: Definition of Land Use Plan

§113.0103 Definitions

Abutting property through Kitchen [See Issue #40 Definition of Business Day.]

Land use plans means the ~~Progress Guide and~~ General Plan and adopted community plans, specific plans, precise plans, and sub-area plans.

Large retail establishment through Yard [See Issue #42 Definition of Parking Structure.]

§153.0101 Purpose and Intent

The public health, safety, and welfare necessitate distinctive development controls and requirements for capital improvements and public facilities in order to systematically implement the phased growth of Carmel Valley. The regulations contained herein are in keeping with the objectives and proposals of the ~~Progress Guide and~~ General Plan for the City of San Diego, of the Carmel Valley Planned District, and of precise plans adopted in accordance with the community plan. All development plans and subdivisions shall conform to the adopted precise plan. The regulations contained herein shall apply to any development, building or construction; but shall not apply to subdivision or parcel maps which provide solely for financing and, in themselves, authorize no development, construction or building.

§158.0101 Purpose and Intent

The purpose of the Golden Hill Planned District is to ensure that the development and redevelopment of multi-family and commercial neighborhoods in Golden Hill will be accomplished in a manner that will preserve and enhance the community's diverse architectural, historical and cultural characteristics, as well as the overall quality of life in the community. It is also intended to preserve and complement the historically and architecturally significant structures located throughout the district. In addition, the purpose of the Golden Hill Planned District is to implement the goals and objectives of the adopted Golden Hill Community Plan (1988) and the ~~Progress Guide and~~ General Plan of the City of San Diego.

§159.0101 Purpose and Intent

(a) It is the purpose of the La Jolla Planned District to require that development and redevelopment of land in the central core area, outlying neighborhood commercial centers, and the cultural and multi-family areas west and north of the village commercial core of La Jolla will be accomplished in a manner that retains and enhances the economic, historical, architectural, educational, civic, social, cultural, and aesthetic values, and the overall quality of life within the community. The intent is to implement the goals and objectives of the adopted La Jolla Community Plan (1976), the La Jolla - La Jolla Shores Local Coastal Program Addendum (1983), and the ~~Progress Guide and~~ General Plan of the City of San Diego.

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

§1510.0101 Purpose and Intent

(a) [No change.]

(b) The development of land in La Jolla Shores should be controlled so as to protect and enhance the area's unique ocean-oriented setting, architectural character and natural terrain and enable the area to maintain its distinctive identity as part of one of the outstanding residential areas of the Pacific Coast. The proper development of La Jolla Shores is in keeping with the objectives and proposals of the ~~Progress Guide and~~ General Plan for the City of San Diego, of the La Jolla Community Plan, and of the La Jolla Shores Precise Plan.

§1512.0101 Purpose and Intent

The purpose of the Mid-City Communities Planned District is to assist in implementing the goals and objectives of the adopted community plans for older, developed communities generally located east of Interstate 5 and south of Interstate 8 and to assist in implementation of the ~~Progress Guide and~~ General Plan of The City of San Diego. These adopted community plans include the Greater North Park Community Plan and the Uptown Community Plan.

[No change paragraphs 2 through 4.]

§1515.0101 Purpose and Intent

The purpose of the Mount Hope Planned District Ordinance is to aid in the principles of neighborhood revitalization by: 1) Allowing for the integration of residences, commerce, industry and recreation, 2) Preserving and upgrading residential neighborhoods, and 3) Encouraging the development of new retail and commercial uses. The intent of the Mount Hope Planned District Ordinance is to implement the Mount Hope Redevelopment Project. The proper development and redevelopment of Mount Hope is in keeping with the objectives and proposals of the ~~Progress Guide and~~ General Plan for the City of San Diego and of the Southeast San Diego Community Plan.

§1516.0101 Purpose and Intent

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

(c) The Old Town San Diego Planned District Ordinance is in keeping with the objectives and proposals of the Old Town San Diego Community Plan and the City of San Diego ~~Progress Guide and General Plan.~~

§1519.0302 Single-Family (SF) Residential Zoning Regulations SF-40,000, SF-20,000, SF-15,000, SF-10,000 SF-8,000, SF-6,000, SF-5,000

(a) Purpose and Intent

The single-family (SF) zones are designed to provide for areas of one-family residential development at varying levels of low density, consistent with the ~~Progress Guide and General Plan~~ or adopted community plans within the Southeastern San Diego Planned District. Further, the provisions of these standards are intended to promote and protect those special amenities associated with a district of single-family homes.

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

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

(a) Purpose and Intent

The multiple-family (MF) zones are primarily intended to provide for multiple-family residential development at varying densities ranging up to 45 dwelling units per net residential acre. The multiple-family zones are applied consistent with the ~~Progress Guide and General Plan~~ and adopted Southeastern San Diego Community Plan.

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

Issue #42: Definition of Parking Structure

§113.0103 Definitions

Abutting property through Parking space, off-street [See Issue #40 Definition of Business Day and #41 Definition of Land Use Plan.]

Parking structure, underground (See *underground parking structure*)

Parkway through Yard [No change.]

Issue #43: Existing Grade

§113.0202 When Rules for Calculation and Measurement Apply

[No change to paragraph.]

**Table 113-02A
Rules for Calculation and Measurement**

Land Development Term or Concept	Section
<i>Attic</i> through Distance Between Uses [No change.]	
<i>Existing Grade:</i>	113.0228
Existing Grade	113.0231
Proposed Grade	
<i>Gross floor area</i> through Yards [No change.]	

Issue #44: Fence and Wall Height

§113.0270 Measuring Structure Height

- (a) [No change in text]
- (b) *Structure Height of Fences, Walls, and Retaining Walls*
 - (1) *Fence and Wall Height*
 - (A) ~~No~~ The height of any portion of a *fence* or wall is measured from the lowest *grade* abutting the *fence* or wall to the top of the *fence* or wall, except that the height of a *fence* or wall on top of a *retaining wall* is measured from *grade* on the higher side of the *retaining wall*, as shown in Diagram 113-02QQ.

Diagram 113-02QQ [No change]
 - (B) [No change in text]
 - (2) [No change in text.]
- (c) [No change in text.]

Issue #45: Commencement of a Zoning or Rezoning Action

§123.0103 Commencement of a Zoning or Rezoning Action

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

- (a) [No change.]
- (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~~ 123.0105.

Issue #46: Site Development Permit Findings for Historical Resources

§126.0504 Findings for Site Development Permit Approval

[No change in text first paragraph]

(a) through (h) [No change]

- (i) Supplemental Findings--Historical Resources Deviation for ~~in~~ Substantial Alteration of a Designated Historical Resource or Within a Historical District

[No change in text first paragraph or 1 through 3]

(j) through (o) [No change]

Issue #47: Comprehensive Sign Plans

§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 of Open Space Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	OP-	OC-	OR ⁽¹⁾ -	OF ⁽¹¹⁾ -

	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1	2
Open Space through Industrial [See Issues #13 through 18]						
Signs						
Allowable Signs through Neighborhood Identification <i>Signs</i> [No change]						
<u>Reallocation of <i>Sign</i> Area Allowance-Comprehensive Sign Program</u>		-	-	-	-	-
Revolving Projecting Signs through Theater Marquees [No change]						

Footnotes for Table 131-02B [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 Industrial [See Issues #13 through 18]					
Signs					
Allowable Signs through Neighborhood Identification <i>Signs</i> [No change]					
<u>Reallocation of <i>Sign</i> Area Allowance-Comprehensive Sign Program</u>		N		N	
Revolving Projecting Signs through Theater Marquees [No change]					

Footnotes for Table 131-03B [No change.]

§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 [See Issues #13 through 18]																							
Signs																							
Allowable Signs through Neighborhood Identification <i>Signs</i> [No change]																							
Reallocation of <i>Sign</i> Area Allowance Comprehensive Sign Program																							
Revolving Projecting Signs through Theater Marquees [No change]																							
Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories,	Zone Designator	Zones																					
	1st & 2nd >>	RM-																					
	3rd >>	1-	2-	3-	4-	5-																	

Subcategories, and Separately Regulated Uses]	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Industrial [See Issues #13 through 18]													
Signs													
Allowable Signs through Neighborhood Identification <i>Signs</i> [No change]													
Reallocation of <i>Sign Area Allowance-Comprehensive Sign Program</i>													
Revolving Projecting Signs through Theater Marquees [No change]													

Footnotes for Table 131-04B [No change]

§131.0522 Use Regulations Table of Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

Legend for Table 131-05B [No change.]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CN ⁽¹⁾ -			CR-		CO-		CV-		CP-
	3rd >>	1-			1-	2-	1-		1-		1-
	4th >>	1	2	3	1	1	1	2	1	2	1
Open Space through Industrial [See Issues #13 through 18]											
Signs											
Allowable Signs through Neighborhood Identification <i>Signs</i> [No change]											
Reallocation of <i>Sign Area Allowance-Comprehensive Sign Program</i>											
Revolving Projecting Signs through Theater Marquees [No change]											

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	5
	Open Space through Residential [See Issues #13 through 18]																		
Signs																			
Allowable Signs through Neighborhood Identification <i>Signs</i> [No change]																			
Reallocation of Sign Area Allowance-Comprehensive Sign Program																			
Revolving Projecting Signs through Theater Marquees [No change]																			

Footnotes to Table 131-05B [No change]

§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 Industrial [See Issues #14 and #15]										

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-	
3rd >>	1-		2-	1-	2-	3-	1-	2-	1-	
4th >>	1		1	1	1	1	1	1	1	
Signs										
Allowable Signs through Neighborhood Identification <i>Signs</i> [No change]										
Reallocation of Sign Area Allowance Comprehensive Sign Program										
Revolving <i>Projecting Signs</i> through Theater <i>Marquees</i> [No change]										

Footnotes for Table 131-06B [No change.]

Issue #48: Resubdivided Corner Lots

§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, 131-04F and 131-04G.

(a) RE Zones

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

Development Regulations	Zone Designator	Zones		
	[See Section 131.0430 for Development Regulations of Residential Zones]	1st & 2nd >>	RE-	
3rd >>		1-	1-	1-
4th >>		1	2	3
Max permitted <i>density</i> (DU per lot) through <i>Setback</i> requirements [No change.]				
<i>Setback</i> requirements for resubdivided corner lots [See Section 131.0443(i) 113.0246(f)]				
Max <i>structure height</i> through Refuse and Recyclable Material Storage [No change.]				

(b) RS Zones

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

Development Regulations	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
Max permitted density (DU per lot) through Setback requirements [No change.]								
Setback requirements for resubdivided corner lots [See Section 131.0443(i) 113.0246(f)]								
Max structure height through Refuse and Recyclable Material Storage [No change.]								

Development Regulations	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	8	9	10	11	12	13	14
Max permitted density (DU per lot) through Setback requirements [No change.]								
Setback requirements for resubdivided corner lots [See Section 131.0443(i) 113.0246(f)]								
Max structure height through Refuse and Recyclable Material Storage [No change.]								

Footnotes for Table 131-04D [See Issue #29 Variable Setbacks.]

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

Issue #49: Street Wall Requirements in Industrial Zones

§131.0631 Development Regulations Table for Industrial Zones

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

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

Development Regulations [See Section 131.0630 for Development	Zone Designator	Zones
--	-----------------	-------

Regulations of Industrial Zones]	1st & 2nd >>	IP-		IL-			IH-		IS-
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1
	4th >>	1		1			1		1
Lot Area through Max <i>Floor Area Ratio</i> [No change.]									
<i>Street Wall Requirements</i> [See Section 131.0660 142.1030]									
Outdoor Amenities through Loading Dock and Overhead Door Screening [No change]									

Footnotes for Table 131-06C [No change.]

Issue #50: College Area Community Plan Implementation Overlay Zone

§132.1402 Where the Community Plan Implementation Overlay Zone Applies

Delete College Area from Table 132-14A “Community Plans with Property in the Community Plan Implementation Overlay Zone”

Issue #51: Boarding Kennels

§141.0604 Boarding Kennels/Pet Day Care Facilities

Intro paragraph through (a) [No change.]

(b) Limited Use Regulations

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

(5) Deviations from Section 146.0604 141.0604(b) may be permitted with a Neighborhood Use Permit decided in accordance with Process Two, with the exception of outdoor facilities in CN zones which are not permitted.

(c) [No change.]

Issue #52: Pushcarts

§141.0619 Pushcarts

Intro paragraph through (a) [No change.]

(b) Pushcarts in the *Public Right-of-Way*

Pushcarts may be permitted in the *public right-of-way* with a Neighborhood Use Permit in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) through (3) [No change.]
- (4) The *applicant* shall obtain and submit with the permit application a ~~notorized~~ notarized authorization from the owner or proprietor of the adjacent *street* level business for the *applicant* to install and operate the pushcart.
- (5) through (18) [No change.]

Issue #53: Veterinary Clinics

§141.0625 Veterinary Clinics and Animal Hospitals

Intro paragraph through (a) [No change.]

(b) Limited Use Regulations

- (1) through (3) [No change.]
- (4) Deviations from Section ~~146.0625~~ 141.0625(a) may be permitted with a Neighborhood Use Permit decided in accordance with Process Two.

(c) [No change.]

Issue #54: When Sign Regulations Apply

§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 <i>Sign</i> or <i>Development</i> 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 <i>Signs</i> required by law to be visible from the <i>public right-of-way</i> , other than <i>public utility</i> and safety <i>signs</i> , that do not have specified minimum dimensions [No change]		
Clocks or banners in the <i>public right-of-way</i>	142.1210	Publie <u>Public</u> Right-of-Way Permit/Process One
Real estate <i>signs</i> through Any proposal to erect a <i>sign</i> in an open space zone [No change.]		

Issue #55: La Jolla Sign Control District Abatement and Severability Sections

§142.1290 La Jolla Commercial and Industrial Sign Control District

(a) through (d) [No change]

(e) On-Premises *Sign* Regulations for Subdistrict B

(1) through (4) [No change]

~~(5)~~(f) Abatement

[No change in text.]

~~(6)~~(g) Severability

[No change in text.]