

**Draft
5th Update**

Issue	Section(s)	Description
		MEASUREMENT
1.	113.0273(c)	<u>Measurement of Visibility Area</u> Clarify how visibility areas are measured at the intersection of a street and a driveway.
2.	142.0310(c)(2)	<u>Open Fence in Coastal Zone</u> Within the Coastal Overlay Zone, open fence is defined differently than citywide open fences in Ch 11. Explain difference in the Fence section of Ch 14.
3.	142.0740	<u>Outdoor Lighting Regulations</u> Update the Outdoor Lighting Regulations to be consistent with the new energy code in effect October 2005.
4.	131.0448	<u>Accessory Structures</u> Clarify that the size restriction of 525 sq ft applies to all accessory structures that encroach into a setback. When calculating the area, the entire area of the accessory building is calculated and not just the portion that encroaches into the setback.
5.	113.0103 131.0464(d)and(e)	<u>Building Façade</u> Change the definition of building façade to exclude alleys.
6.	131.0522 Table 131-05B 131.0540(c)	<u>Ground Floor Residential Development in Commercial Zones</u> Consolidate all references to ground floor in Section 131.0540.
7.	113.0234 Diagram 113-02K	<u>Underground Parking FAR</u> Modify the underground parking exemption threshold for FAR from 2’6” above grade to 3’-6” above grade for consistency with basements.
8.	144.0504(b)	<u>Vacancy Rate Determination</u> The vacancy rate is used to determine whether relocation payments will be made to individuals impacted by condo conversions for the following year. Section 144.0504 states that each year in March the Planning Department shall determine what the vacancy rate was on July 1 and January 1 of the proceeding year. This determination is based on surveys

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		taken during spring and fall of each year, which is inconsistent with the existing code language that specifies surveys in January and July.
PROCESS/PERMITS		
9.	126.0721	<p><u>Los Penasquitos Watershed Benefit Assessment District Condition</u></p> <p>City attorney sees condition of approval requiring participation in benefit assessment district as potentially unenforceable and unconstitutional under Prop 218 which requires a 2/3 vote before imposing any assessment on land for maintenance purposes.</p>
10.	129.0211 129.0218 129.0219 129.0312 129.0413	<p><u>Permit application and expiration requirements in the building, electrical and plumbing/mechanical regulations</u></p> <p>Proposed modifications to the permit application and expiration requirements in the building, electrical, and plumbing/mechanical regulations to 1) change the closing of a building permit application from 360 days to 1 year, 2) double the application period for public projects to 2 years (due to additional time constraints placed on public projects such as the bid process), 3) modify the length of time a Building Permit may be “utilized” from 2 years to 4 years for projects other than 1-2 units or relocated structures, and 4) require Electrical and Plumbing/Mechanical Permits expire with an associated Building Permit.</p>
11.	143.0410(a)(3)(B)	<p><u>Deviations from FAR for total premises with PDP</u></p> <p>Amend code to permit a deviation from the floor area ratio for the premises in Kearny Mesa for consistency with the Kearny Mesa land use plan.</p>
12.	143.0110 Table 143-01A 143.0151	<p><u>Alternative Compliance for Steep Hillside</u></p> <p>Table 143-01A states that alternative compliance projects shall be processed as Process Three. Section 143.0151 states that alternative compliance projects shall be processed as Process Four. Clarify that Process Four is the correct process.</p>
13.	126.0110	<p><u>Rescinding Development Permits</u></p> <p>The LDC has a section for cancellation of development permits, but it applies only to permits that have not been utilized. There is no specific reference for applicants looking to rescind a permit that has been utilized. Clarify that the process for rescinding a permit is the same as the process for</p>

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Issue	Section(s)	Description
		amending a development permit.
		USES
14.	141.0606	<u>Child Care Facilities</u> The State changed their terminology from “acutely hazardous” to “regulated substances”. Our separately regulated uses section 141.0606 still refers to acutely hazardous. Correct the terminology for consistency with CA Health and Safety Code.
15.	131.0622 141.0615	<u>Outpatient Medical Clinic</u> Clarify that the separately regulated use “outpatient medical clinic” is intended for emergency or urgent care medical clinics and is not meant to be applied to general medical offices with outpatient services. Emphasize that this is an after hours medical office use.
16.	131.0322 Table 131-03B	<u>Agricultural-General Zone (AG-1-1)</u> Modify the use regulations table for the AG-1-1 zone to take into consideration preservation of the rural character of the San Pasqual Valley. Consider relationship between proposed use regulation changes and Prop A which applies to the Future Urbanizing Area.
17.	141.0620(i)(8)	<u>Traffic Study for Recycling facilities</u> Remove the requirement for a traffic study in the recycling facilities code section. This is the only place in the code where a traffic study is specified, but is not the only use where a traffic study is required. The Transportation section determines where a traffic study is required based on ADT’s.
		CEQA
18.	6/9/2	<u>Repeal Chapter 6 Article 9 Division 2 CEQA regulations</u> Ch 6 should have been repealed in 1997 with the implementation of the LDC. All CEQA regulations are currently covered in Ch 12 Art 8. Ch 12 is what has been updated since implementation of the LDC.
19.	128.0313	<u>Date of Final Action for Notice of Determination</u> Modify the language for consistency with the CEQA statutes to clarify who files the Notice of Determination and specify that it is to be filed within 5 days of the date of final action for each project approval.
		PARKING

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Issue	Section(s)	Description
20.	142.0560 (j)(8)	<u>Frontage calculation for number of driveways on corner lots</u> For properties with access to an alley and at least 150 feet of total street frontage, a maximum of one driveway opening for each 150 feet of frontage is permitted.
21.	142.0560(j) Table 142-05L	<u>Driveway size and design for lots 50 feet or less in width</u> Create a new table to regulate driveway design on narrow lots. Allow a 12 foot minimum for access of up to 2 units and a 14 foot wide driveway for access of up to 5 units on narrow lots.
22.	142.0560(b) Table 142-05J	<u>Modify design requirements for tandem parking including driveway space length</u> The Table specifies required tandem space dimensions, however, the length of 35 feet which is from the old code (a 19 foot space plus a 16 foot compact space) is not adequate. Increase the tandem space length dimension from 35 feet to 37 feet total. This is based on a space 18 feet long plus a second space 19 feet long (since one space must be enclosed) for a total length of 37 feet.
23.	142.0530 Table 142-05F	<u>Specified Nonresidential Uses Parking Requirement: Modify Self Storage Parking Requirement</u> The current requirement for all wholesale, distribution and storage uses is 1 space per 1,000 sq ft of floor area. The proposed requirement for self storage facilities is 1 space per 10,000 sq ft plus 3.3 spaces per 1,000 square feet of accessory office space.
24.	142.0545 Table 142-05H	<u>Shared Parking. Correction for Cinemas in Transit Areas</u> The Table currently shows the parking requirement for cinemas is the same during peak parking demand and in a transit area. The proposed requirement is .85 spaces per 3 seats for 1-3 screens and .85 spaces per 3.3 spaces for 4 or more screens. This is based on the same requirement from the old code that appears to have been accidentally omitted.
25.	142.0560(c)	<u>Parking Aisle Minimum Dimension for lots 50 or less in width</u> Decrease the minimum dimension for parking aisles to 22 feet, which takes into account a perpendicular parking layout.
		RECYCLED WATER
26.	113.0103	<u>Recycled Water amendments</u>

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Issue	Section(s)	Description
	129.0402 129.0403 129.0405 129.0406 129.0407 129.0409 129.0415 New Tables 132-15A and B New Diagram 132-15A New 132.1501 New 132.1502 New 132.1503	The City Council approved the Mandatory Reuse Ordinance in 1989 which specified that recycled water shall be used where feasible and consistent with the legal requirements, preservation of public health, safety, and welfare and the environment, but there was no associated code requirement to require implementation. As a result, the existing recycled water facilities have a capacity that is underutilized. In 2002, the Council directed staff to work with the Public Utilities Advisory Commission to develop specific criteria to require recycled water use where feasible. The proposed regulations would require use of recycled water where it is available (property adjacent to recycled water pipeline as defined by Overlay Zone) and where it applies to the type of development proposed (irrigation, dual plumbing-sanitary uses, HVAC-cooling towers, manufacturing processes, and other uses determined by the State Water recycling criteria) and associated land use (residential, institutional, commercial, industrial, parks, cemeteries, or golf courses.)
MINOR CORRECTIONS		
27.	126.0303	Incorrect terminology. Modify term “child care facilities” under <i>When a CUP is Required</i> to read “child care centers”.
28.	Table 131-03B Table 131-04B	Typographical error. Modify the Use Regulations Table of Agricultural Zones for Companion Units to indicate the use is limited with an “L” instead of conditional with a “C”. Modify the Use Regulations Table of Residential Zones. For Companion Units in the RM zones, the use should be limited “L” not unpermitted in the RM zones as specified in the Companion Unit section’s language.
29.	113.0267 Diagram 113-02HH	Spelling Error. Should read “extension” not “extention.”
30.	131.0443(a)(3)(e)	Grammatical error. The setbacks is are based on...
31.	131.0443(b)(1)(A)	Incorrect numerical reference. Should be 10 feet, 15 feet, 20 feet instead of 10 feet, 13 feet, 16 feet. Also, incorrect section reference. Should be 131.0443(b)(1)(A) instead of (e)(2)(A)
32.	143.0140(a)	Incorrect section reference. Change reference to covenants from 143.0151 to 143.0152.
33.	142.0545(b)(2)	Incorrect Table reference. Table 142-05G should be 142-05H

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Issue	Section(s)	Description
34.	142.0545(b)(3)	Incorrect Table reference. Table 142.05H should be 142-05I
35.	Table 142-05D Table 152-02E	Transfer Central Urbanized Parking Requirement to the Parking Section with the other listed PDO's
36.	121.0505(b) 142.1291(c) 142.1291(e)	Capitalization error. Sign should not be capitalized in this context.
37.	124.0106	Capitalization error. Capitalize Development Agreement.
38.	129.0102	Capitalization error. Capitalize public right-of-way.
39.	132.0306(b)(1)	Italicization error.
40.	141.1004(j)(4)(D)	Capitalization error. Capitalization of California Surface Mining and Reclamation Action.
41.	142.0505 Table 142-05A	Capitalization error. Capitalize Planned Development Permit.
42.	142.0820(a)	Incorrect numerical reference. Change reference from 2 ½ to 2.5 cubic feet.
43.	142.1250 Table 142-12I	Capitalization Error. Capitalize public right-of-way.
44.	142.1250 Table 142-12I	Italicization error of "side", an undefined term.
45.	142.1270	Incorrect numerical reference. Change reference from ½ square foot to .5 square feet.
46.	143.0101	Capitalization error. Capitalize Multi-Habitat Planning Area.
47.	Table 142-05E	Where is footnote 6 for Table 142-05E? It doesn't appear to be listed with the other footnotes.
48.	Table 131-03B Footnote 10	Spelling error. Correct the spelling of Tijuana. The section says "Tia Juana".
49.	145.0410	Incorrect Section reference. Revise the reference to Section A110(a) to reflect the updated Building Code. Need to have Ali Fattah clarify what the new reference should be A113.1.2 or just A113.
50.	145.0425	Incorrect section reference. Change all references to the 1998 California Building Code to the 2001 Building Code.