

APPENDIX B ZONING

MONTECITO IMPLEMENTATION

Physical Development Controls/Zoning

On January 1, 2000, the Land Development Code for the City of San Diego became effective. Under the Land Development Code, the R-1-40,000 Zone converts to the RS-1-8 Zone. However, the Montecito project was deemed complete on March 30, 1999. Therefore, development within Montecito will be subject to the development standards contained in the San Diego Municipal Code that existed at the time the project was deemed complete (which preceded the effective date of the Land Development Code), and as established by the Vesting Tentative Map, Planned Residential Development Permit, Resource Protection Ordinance Permit, and Rezone filed for this project.

Pertinent sections of the San Diego Municipal Code by which development within the Sycamore Estates project is to be evaluated are incorporated herein as Appendix B. These sections include:

- Section 101.0407 (et seq.) R-1 Zones (Residential)
- Section 101.0900 (et seq.) Planned Residential Developments

In addition, the following standards shall apply to the development of the single-family homes. Where conflicts may exist, the following standards shall supersede the requirements of the attached Municipal Code provisions:

MONTECITO SINGLE-FAMILY DEVELOPMENT STANDARDS

Front Yard Setback	18 feet from back of sidewalk to garage door, except on side-loaded garage. 15 feet from back of sidewalk to remaining part of structure.
Side Yard Interior Setback	4 feet (5,000-6,000 sq. ft. lots) 5 feet (7,000 and 9,000 sq. ft. lots)
Side Yard Street Setback	10 feet
Rear Yard Setback	10 feet (5,000-7,000 sq. ft. lots) 25 feet (9,000 sq. ft. lots)
Maximum Building Height	35 feet

SYCAMORE ESTATES IMPLEMENTATION

Physical Development Controls/Zoning

On January 1, 2000, the Land Development Code for the City of San Diego became effective. Under the Land Development Code, the A-1-10 Zone converts to the AR-1-1 Zone. However, the Sycamore Estates project was deemed complete on September 13, 1999. Therefore, development within Sycamore Estates will be subject to the development standards contained in the San Diego Municipal Code that existed at the time the project was deemed complete (which preceded the effective date of the Land Development Code), and as established by the Vesting Tentative Map, Planned Residential Development Permits, Resource Protection Ordinance Permit, and Rezone filed for this project.

Pertinent sections of the San Diego Municipal Code by which development within the Sycamore Estates project is to be evaluated are incorporated herein as Appendix B. These sections include:

- Section 101.0404 (et seq.) A-1 Zones (Agricultural)
- Section 101.0307 (et seq.) Affordable Housing Density Bonus
- Section 101.0900 (et seq.) Planned Residential Developments

In addition, the following standards shall apply to the development of the single-family homes. Where conflicts may exist, the following standards shall supersede the requirements of the attached Municipal Code provisions:

SYCAMORE ESTATES SINGLE-FAMILY DEVELOPMENT STANDARDS

Front Yard Setback	15 with side-entry garage, otherwise 20 feet.
Side Yard Interior Setback	5 feet
Side Yard Street Setback	10 feet
Rear Yard Setback	10 feet
Maximum Building Height	35 feet

upon the environment, adversely affect solar access to neighboring property, or violate the relevant regulations of the Municipal Code.

(Amended 11-23-92 by O-17868 N.S.)

DIVISION 4 Zones

§ 101.0401 Zones Established

In order to regulate, restrict and segregate the location of industries, businesses, trades, apartments, dwellings and other specified uses, the zones hereinafter described in this Article are hereby established. The boundaries of said zones, and each of them, are to be determined and defined in the manner and in accordance with the provisions of this Chapter.

It is further declared that any territory which is unsubdivided and is placed in the single-family residence zone, or in an interim zone, will be placed in zones applicable thereto as soon as property is subdivided.

(Amended 4-20-54 by O-6067 N.S.)

§ 101.0402 FC — Flood Channel Zone — Purpose and Intent

The purpose of this zone is to regulate land use and development in a designated floodway in order to protect life, property and the general welfare. Since the flood hazard in a designated floodway is usually very great due to the greater depth and higher velocity of flood flows, it is therefore intended that the uses permitted in the areas zoned FC will be only those uses which would not constitute a threat to life or property or significantly affect the carrying capacity of the designated floodway.

(“FC— Flood Channel Zone— Purpose and Intent” added 9-15-66 by O-9505 N.S.)

§ 101.0402.1 FC Zone (Flood Channel)— Permitted Uses

No building or improvement or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

1. All agricultural uses except the maintaining, raising, feeding, or keeping of swine; provided that any dairy or the maintaining, raising, feeding or keeping of ten (10) or more domesticated animals (as defined in Municipal Code Section 44.0318) is located on premises containing five (5) or more acres.

2. The harvesting, processing, or selling of crops produced on the same premises.

3. One portable stand exclusively of a wood frame construction and not exceeding 300 square feet in gross floor area for the display and sale of agricultural crops produced on the same premises.

4. Public utility electric, gas, or communication lines but not including supporting towers, poles or structures.

5. Public parks, public playgrounds, provided no structures, except portable structures, are erected or maintained on the lot or premises.

6. Nonresidential, portable accessory buildings, and uses customarily incidental to any of the above uses including signs, single-faced or double-faced, unlighted, not over 12 square feet in area for each face nor over 12 feet measured vertically from the base of the sign at ground level to the apex of the sign, shall be permitted on each lot as follows:

a. One sign limited to the name, address and occupation of the occupant, and

b. One sign pertaining only to the sale of products produced on the premises, and

c. One sign offering the premises for sale or lease.

7. Any other use that the Planning Commission determines, in accordance with "Process Four", to be equal or less detrimental in character to the uses enumerated in this section and clearly within the purpose and intent of this zone.

(Amended 11-23-92 by O-17868 N.S.)

§ 101.0402.2 Same — Property Development Regulations

No lot or premise in this zone shall be used for any of the purposes enumerated in Section 101.0402.1 unless the lot and premise shall comply with the following requirements and special provisions:

1. Minimum lot dimensions

a. Area — ten (10) acres

b. Street frontage — 200 feet

c. Width — 200 feet

d. Depth — 200 feet

e. Any lot which as of the effective date of this ordinance does not comply in all respects with the minimum lot area or lot dimensions may be used as otherwise permitted herein.

(Added 9-15-66 by O-9505 N.S.)

§ 101.0403 FW Zone (Floodway)

A. PURPOSE AND INTENT

2) Any other conditions which are determined necessary to find the development consistent with the requirements of the Floodway Zone.
(Amended 7-25-94 by O- 18088 N.S.)

§ 101.0404 A-1 Zones — (Agricultural)

A. PURPOSE AND INTENT

The purpose of the A-1 zones is to provide appropriate zoning for areas that are presently in agricultural or open space use, or which are undeveloped and are either awaiting development or premature for development at urban intensities. It is the intention of the City Council that the A-1 zones allow for reasonable present development opportunities through the use of Planned Residential Development or Rural Cluster Development regulations, while promoting the general maintenance of such areas in open and agricultural uses, but, without foreclosing future development at urban intensities where appropriate.

B. PERMITTED USES

In a zone, designated by the symbol "A1", followed by a number, the number shall determine in acres the minimum area of a lot in that Zone, and on which no building or improvement, or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. Single-family dwellings
2. Churches
3. Private Stable
4. All agricultural uses, except the maintaining, raising, feeding or keeping of swine; provided that any dairy or the maintaining, raising, feeding, or keeping of ten (10) or more domestic animals (as defined in Municipal Code Section 44.0318) is located on premises containing five (5) or more acres.
5. Public utility substations, except in the Future Urbanizing area outside the Coastal Zone, unless no other location is practical and the facility is located as close as possible to existing Urbanized or Planned Urbanizing areas.
6. Killing and dressing of poultry, fowl, or rabbits raised on the premises, provided that any building so used shall be not less than fifty (50) feet from any property line.
7. Commercial riding, training, or boarding horse stable, provided that such stable shall be located on a lot containing not less than five (5) acres.
8. Harvesting, processing, or selling of crops produced on the same premises.
9. One stand exclusively of wood frame construction (except the floor), and not exceeding 300 square feet in gross floor area, for the display and sale of agricultural crops produced on the same premises.
10. Accessory buildings and uses customarily incidental to any of the above uses, including:
 - a. The boarding and lodging of not more than four (4) farm employees;
 - b. Construction and maintenance of living quarters for five (5) or more farm employees with or without their immediate families, provided that not more than one such building shall be located on any parcel of land and further provided that said parcel shall contain a minimum of ten (10) acres;
 - c. Signs, single-faced or double-faced, unlighted, not over 12 square feet in area for each face, nor over 12 feet measured vertically from the base of the sign at ground level to the apex of the sign, shall be permitted on each lot as follows:
 - (1) One sign limited to the name, address and occupation of the occupant, and
 - (2) One sign pertaining only to the sale of products produced on the premises, and
 - (3) One sign offering the premises for sale or lease.
11. Any enterprise or business which the Planning Commission determines, in accordance with "Process Four", to be similar in character to the uses enumerated in this section and consistent with the intent and purpose of this zone. For property located in the Future Urbanizing area outside the Coastal Zone, the City Council shall make this determination in accordance with "Process Five".

C. PERMITTED DENSITY

1. Lot Area per Dwelling Unit.
 - a. In Zone A-1-1, a minimum of one acre for each dwelling unit;
 - b. In Zone A-1-5, a minimum of five acres for each dwelling unit, except in the case of Planned Residential Developments a density of one (1) unit per four (4) acres shall be permitted, and, in the case of Rural Cluster Developments a density of one unit per five (5) acres shall be permitted.
 - c. In Zone A-1-10, a minimum of ten acres for each dwelling unit, except as follows:
 - (1) in the case of Planned Residential Developments, a density of one (1) dwelling unit per four (4) acres may be permitted subject to Municipal Code section 101.0901; and
 - (2) within the boundaries of the Del Mar Mesa Specific Plan area, property designated Estate Residential and zoned A-1-10 shall be permitted a density of one (1) dwelling unit per 2.5 gross acres; and
 - (3) in the case of Rural Cluster Developments, a density of one unit per ten (10) acres shall be permitted subject to the provisions of Municipal Code section 101.0901.
 - d. In zone A-1-20, a minimum of twenty acres for each dwelling unit, except in the case of Planned Resi-

dential Developments and Rural Cluster Developments a density of one unit per twenty (20) acres shall be permitted. This zone is not applicable in the Coastal Zone.

e. In zone A-1-40, a minimum of forty acres for each dwelling unit, except in the case of Planned Residential Developments and Rural Cluster Developments a density of one unit per forty (40) acres shall be permitted. This is not applicable in the Coastal Zone.

2. Minimum Floor Area.

Each dwelling hereafter converted, constructed, erected, or moved in zones A-1 zones shall have a minimum living floor area, including walls, but excluding garage, of 650 square feet.

D. PROPERTY DEVELOPMENT REGULATIONS

No building or portions thereof shall be erected, constructed, converted, established, altered, enlarged, or used on any lot in zones A-1, unless the lot and building shall comply with the following requirements and special provisions:

1. Minimum Lot Dimensions.

a. Area — one acre in Zone A-1-1; five acres in Zone A-1-5; ten acres in Zone A-1-10; except that within the area designated Estate Residential by the Del Mar Mesa Specific Plan zoned A-1-10, the minimum lot area shall be one acre; twenty acres in Zone A-1-20; and forty acres in Zone A-1-40.

b. Street Frontage — 100 feet in zone A-1-1-, except that such frontage may be reduced at the end of a street dedication where no provision is made for its future extension, to a minimum of 60 percent of the required frontage; 200 feet in all other A-1 zones; except that within the boundaries of the Del Mar Mesa Specific Plan area, minimum street frontage shall be 100 feet.

c. Width — 100 feet in Zone A-1-1, except that the front 25 percent of a lot abutting the end of a street dedication where no provision is made for its future extension may be tapered to coincide with the street frontage; 200 feet in all other A-1 zones; except that within the area designated Estate Residential by the Del Mar Mesa Specific Plan zoned A-1-10, the minimum lot width shall be 100 feet.

d. Depth — 200 feet except that within the area designated as Estate Residential by the Del Mar Mesa Specific Plan zoned A-1-10, the minimum lot depth shall be 150 feet.

e. A lot existing upon the effective date of this zone which does not comply with these minimum lot dimensions may be used as permitted herein, subject to all other requirements of this section.

2. Minimum Yard Spaces.

a. Front — 25 feet in depth.

b. Side — each 20 feet in width, except that on any lot of record upon the effective date of this section, which lot is less than the required width, such sideyards may be reduced to a minimum of ten percent of the lot width, or five feet, whichever is the greater.

c. Rear — 25 feet in depth.

3. Height Limit.

The above front, side, and rear yard, including lots of record less than the required width, shall be increased by ten feet for each story that the building exceeds two stories or 30 feet in height.

4. Maximum Lot Coverage — in Zones A-1-1, A-1-5 maximum lot coverage shall be 20 percent of the lot area; and in zones A-1-10, A-1-20, and A-1-40 shall be 10 percent of the lot area, except within the area designated Estate Residential in the Del Mar Mesa Specific Plan zoned A-1-10, maximum lot coverage shall be 20 percent of the lot area. Structures used to provide shade areas for growing crops, such as greenhouses and agricultural shade structures, shall not be included for the purpose of determining lot coverage.

5. Planned Residential Development and Rural Cluster Developments. In lieu of developing pursuant to the property development regulations and special provisions of this section, an owner or developer in the A-1 zones may develop pursuant to the Planned Residential or Rural Cluster Development regulations of Section 101.0900 of the Municipal Code and all applicable developmental standards and requirements contained therein.

E. OFF-STREET PARKING REQUIREMENTS

1. Church

For a church there shall be provided on the same premises one (1) automobile parking space for each five (5) seats, or for each thirty-five (35) square feet of floor area, where seats are not fixed, in the nave of said church. Twenty (20) inches of a bench or pew shall constitute one seat.

2. Size

Each required parking space shall be not less than nine (9) feet in width, and twenty (20) feet in length, exclusive of aisles, driveways, ramps, columns, office or work areas. All aisles, driveways, and parking spaces shall have a clear vertical height of not less than seven (7) feet.

3. Access

Each required parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All required parking facilities shall have convenient access to a public street or alley.

4. Surfacing

Except within the boundaries of the Del Mar Mesa Specific Plan area, all required driveways and parking

areas shall be plainly marked, and improved with not less than two (2) inches of asphaltic concrete or its equivalent. Within the Del Mesa Specific Plan area, residential driveways may be improved with four inches of decomposed granite or suitable alternate material, subject to approval by the City Engineer.

5. Location

Off-street parking spaces which are open to the sky may be located in any yard except required front yards, and except areas lying between a public street and setback line.

6. Off-street parking shall not be required for permitted uses in the A-1- zones within the Future Urbanizing area outside the Coastal Zone.

F. SPECIAL PROVISIONS

1. Setbacks Adjacent to Partial Streets and Alleys

No building or structure shall be erected or maintained on a lot which abuts a street or alley having only a portion of its required width dedicated and where no part of such dedication would normally revert to said lot if the street or alley were vacated, unless the yards provided and maintained in connection with such building or structure have a width or depth of that portion of the lot needed to complete the street or alley width, plus the width or depth of the yards required on the lot by this article, if any. This section applies whether this article required yards or not. The Development Services Director, upon request, shall determine the required street or alley width, in accordance with subdivision standards set forth in Article 2, Chapter X of this Code.

2. Setbacks Adjacent to Major Streets

No building or structures, except fences, shall be erected, constructed, converted, established, altered, and/or enlarged on any premises closer than 76 feet from the centerline of a major street, as shown on the adopted plan for major streets and/or as such plan may be amended or adopted in the future.

G. COASTAL ZONE REGULATIONS

The Coastal Zone is a unique public resource of vital and enduring interest to all present and future residents of the City of San Diego. Existing developed uses, and future development consistent with the City's adopted Local Coastal Program, are essential to the economic and social well-being of the people of the City. To this end, the development of property within the Coastal Zone requires special regulations to protect the unique character of individual coastal communities and neighborhoods, while maintaining the public's right of access to the shoreline.

Within the Coastal Zone, the purpose of the A-1 Zone shall be to provide appropriate zoning for areas that are presently in agricultural or open space use. It is the intent of the City Council that the A-1 Zones allow for agriculturally related uses as an appropriate use for those areas designated as open space in an adopted local coastal program land use plan. In addition, the provisions of Ordinance No. O-17558, adopted December 10, 1990, are not effective in the Coastal Zone and, therefore, the A-1-20 and A-1-40 zones are not applicable within the Coastal Zone.

(Amended 9-9-96 by O-18338 N.S.)

§ 101.0405 Open Space Zone ("OS")

A. PURPOSE AND INTENT

The purpose of the "OS" Zone is to protect open space for the preservation of natural resources, for the managed production of the resources, for outdoor recreation and education, for public health and safety, for controlling urban form and design, and for scenic and visual enjoyment. This zone is intended to be applied to publicly owned parks, and private land where development rights have been transferred.

Within this zone, open space will be provided by limiting development in areas which are located, configured and possessed of physical features that may provide valuable and functional open space for the purposes of shaping urban form. The zone provides open space in the form of parks, historic and cultural resources, and natural resources including but not limited to areas required for the preservation of plant and animal life, areas required for ecologic and other scientific study purposes, rivers, streams, bay and estuaries, and coastal branches, lakeshores, banks of rivers and streams, and watershed lands.

It is the intent of this legislation to apply this zone to public land indicated for open space and park purposes, and to private land where the application for the zone is requested by the property owner as part of a community plan identified density transfer program.

B. SUBDISTRICT CLASSIFICATION APPLICATION

The "OS" Zone may be applied to properties which warrant the protection provided by this zone. The "OS" Zone may be applied to the following types of open space with the appropriate index:

OS-P To be applied to all population-based parks and facilities including both neighborhood parks and facilities and community parks and recreation centers, as defined by the Progress Guide and General Plan.

OS-R To be applied to all resource-based parks as defined by the Progress Guide and General Plan such as sites of distinctive scenic, natural or cultural features intended for City-wide use.

OS-OSP To be applied to all Open Space Parks defined as City-owned land acquired for the purpose of providing such benefits as scenic vistas, preservation of natural resources, and outdoor recreation potential. Lands within this classification are lands included within the City's Open Space inventory.

OS-TDR(OODU) To be applied to private land where all or a portion of the development rights have been

regulations:

1. Any products produced for sale must be hand manufactured or grown on the premises using only tools or mechanical equipment. Business actions, including but not limited to noise from the tools or associated with the business, must comply with the noise regulations for residential zones.

2. All sales of products and the performance of all services or work that requires the presence of a client or employees or partners must take place off the premises including any adjacent area within the residentially zoned area with the exception of telephone, computer or mail communication except as provided for in Section 101.0406(D).

3. There shall be no signs indicating the existence of the home occupation.

4. Only one vehicle for business related purposes, clearly associated with the home occupation, is permitted on the premises or on any adjacent area within the residentially zoned area except as provided for in Section 101.0406(D). This one vehicle may not exceed one ton carrying capacity.

5. Only a resident of the premises may engage in a home occupation on the premises. Nonresident employees, customers and partners may not be on the premises except as provided for in Section 101.0406(D).

6. Outdoor storage of materials or products associated with the home occupation on the premises is not permitted.

7. Indoor storage of materials or products associated with the home occupation shall not exceed one thousand (1,000) cubic feet for the entire premises or any more restrictive limitations imposed by the Building and Housing Codes, or the County Health Department.

8. Home occupations, except for horticultural uses as limited by Section 101.0407 must be conducted within a structure on the premises.

9. The home occupation shall not cause the elimination or the reduction, in any manner, of required off-street parking.

10. The home occupation operation shall be consistent with permitted residential use, and shall not create any conditions that amount to a public nuisance and shall not be detrimental to the residential neighborhood, by causing increased noise, traffic, lighting, odor, or by violating any applicable ordinances or laws.

11. There shall be no illegal discharge of any materials, fluids or gases into the sewer system or any other manner of discharging such items in violation of any applicable ordinances or laws.

12. The resident engaged in the home occupation shall obtain, when applicable, a City of San Diego Zone Use Certificate and business tax certificate.

13. Garage, yard, alley, swap meet and similar sales in residentially zoned areas shall be limited to three (3) per year not to exceed two (2) days each per premises. (Zoning Use Certificate is not required.)

Failure to comply with operational regulations in Section 101.0406 shall constitute a violation of the Municipal Code and be subject to prosecution under Municipal Code Section 12.0201.

D. REVOCATION OF HOME OCCUPATION PERMIT

A home occupation permit may be revoked or modified in accordance with the provisions of Chapter XI, Article 1, Division 6. The permit may be revoked or modified for the following additional reasons:

1. a violation of any requirement of this Code, or of any condition or requirement of any permit granted

2. repeated violations of the requirements of Section 101.0406 or of the conditions of such permit, or

3. the continuation of the home occupation permit will have a detrimental effect upon the surrounding neighborhood.

E. REVOCATION OF HOME OCCUPATION PERMIT

A home occupation permit shall be revoked by the Zoning Administrator upon violation of any requirement of this Code, or of any condition or requirement of any permit granted, unless such violation is corrected within 15 days of notice of such violation, and any such permit may be revoked for repeated violation of the requirements of this section or of the conditions of such permit, or where the Zoning Administrator finds that the continuation of the home occupation permit will have a detrimental effect upon the surrounding neighborhood. The Zoning Administrator may conduct a public hearing on the revocation of a home occupation permit in conformance with the provisions of Paragraph B.2. of Sec. 101.0502.

F. APPEAL

In the event of the approval or the denial of any permit, or the revocation thereof, or of any objection to the limitations or conditions, or the lack of limitations or conditions placed thereon, appeal may be made in writing to the Board of Zoning Appeals in accordance with the provisions of Sections 101.0503 and 101.0204 of this Code.

(Amended 8-10-93 by O-17956 N.S.)

§ 101.0407 R-1 Zones

A. PURPOSE AND INTENT

The R-1 Zones are designed to provide for areas of one-family residential development at varying levels of low and low-medium density consistent with the Progress Guide and General Plan for the City of San Diego or adopted community plans. Further, the provisions of these zones are intended to promote and protect those special amenities associated with a district of one-family homes.

Property development regulations applicable to the R-1 Zone include floor area ratio controls designed to limit mass of buildings constructed on R-1 lots. The regulations also include limitations on the use of substandard lots and a prohibition against the creation of substandard lots.

B. PERMITTED USES

No building or improvement or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

1. One-family dwellings, provided that if the dwelling or any portion thereof is rented, leased or sublet, and the property is located within the area designated on Map C-841 on file in the office of the City Clerk, it must also be maintained and used in accordance with the One-Family Dwelling Rental Regulations of Section 101.0463.

2. Public parks, public playgrounds.

3. Temporary real estate sales offices, model homes and identification signs in new subdivisions under the following conditions:

a. Within the boundaries of a subdivision where lots are offered for sale to the public for the first time, buildings and structures erected in compliance with the provisions of the prevailing zone may be used as follows: one building for a temporary real estate sales office and not more than six dwelling units for temporary demonstration or model home purposes. In addition, a subdivision containing more than 60 lots may use up to ten percent of such lots, but not more than twenty (20) lots in any case for model home purposes. Such temporary uses shall be maintained only in conjunction with the sale or rental of land or buildings within such subdivision, and such uses shall terminate two years after the filing in the office of the County Recorder of the final subdivision map which includes the lots on which the uses are located, or two (2) years after the issuance of the first building permit for a structure within said subdivision.

b. Temporary real estate sales offices and model homes shall be located more than 100 feet from any occupied dwelling unit not in the same subdivision. A sales office or model home may be allowed if located less than 100 feet from said dwelling unit if the location is identified as part of the subdivision sign permit.

c. Each subdivision shall be permitted to have signs, flags and other outdoor advertising if a Subdivision Sign Permit is approved pursuant to Section 101.1120.9.

d. Temporary real estate sales offices and model homes shall display within the sales office, in plain sight, the current adopted Community Plan Land Use Designation and a current adopted Public Facilities Financing Plan, if any, applicable to the area. The Land Use Map shall be at least 2' by 3' in size and the lower right-hand corner of the display should clearly indicate that the map is a representational drawing that is subject to revisions and that further information is available from the City of San Diego Development Services Department. The lower right-hand corner, on the cover of the Facilities Financing Plan should indicate that the document is subject to revisions and that further information is available from the Facilities Financing Division of the City of San Diego Engineering Department.

4. Accessory uses and buildings customarily incidental to any of the foregoing permitted uses including the following:

a. Not more than two lodgers, provided that they reside within a one-family dwelling unit which is located within the R-1-5000 Zone and outside the boundaries of the One-Family Dwelling Rental Regulations of Section 101.0463.

b. The growing of all types of plants, grasses, and trees; provided, however, that all fertilizer, empty containers, and nursery supplies are stored back of the front 70 feet or within the rear 30 percent of the lot, entirely within an enclosing fence impervious to light and debris or entirely within a completely enclosed building. This paragraph does not permit the sale of any product, crop or merchandise on the premises.

5. Signs.

Each primary and companion dwelling shall be permitted to display the following signs:

a. One nameplate with a maximum area of one square foot.

b. One single or double face unlighted sign with a maximum area of four square feet offering the premise for sale, rent or lease. Such sign shall not exceed a height of four feet measured vertically from the base at ground level to the apex of the sign and may be located anywhere on the premises.

c. Premises under special permits issued pursuant to Section 101.0410(E)(1)(c).

C. DENSITY REGULATIONS

1. Lot Area Per Dwelling Unit.

No lot shall be occupied by more than one dwelling unit.

2. Floor Area Per Dwelling Unit.

Each dwelling unit shall have a minimum gross floor area of 650 square feet.

D. PROPERTY DEVELOPMENT REGULATIONS

No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, or used, nor shall any lot or premises be used unless the lot or premises and building or portion thereof shall comply with the following requirements and special regulations:

1. Minimum Lot Dimensions.

a. The minimum lot sizes and dimensions shown on Table I shall apply in the R-1 Zones.

TABLE I OF SECTION 101.0407

ZONE	MINIMUM LOT DIMENSIONS IN LINEAR FEET				
	MINIMUM AREA IN SQ. FT.	STREET FRONTAGE	WIDTH (INTERIOR)	WIDTH (CORNER)	DEPTH
R-1-5	5,000	50	50	55	95
R-1-6	6,000	60	60	65	95
R-1-8	8,000	60	60	65	100
R-1-10	10,000	65	65	70	100
R-1-15	15,000	75	75	80	100
R-1-20	20,000	80	80	85	100
R-1-40	40,000	100	100	110	100

TABLE II OF SECTION 101.0407

ZONE	FRONT YARD	SIDE YARD INTERIOR	SIDE YARD STREET	REAR YARD
R-1-5	15	4	10	4
R-1-6	15	5	10	5
R-1-8	15	5	10	5
R-1-10	20	6	10	6
R-1-15	25	7	15	7
R-1-20	25	8	15	8
R-1-40	25	10	20	10

b. Exception. Any lot or parcel which does not comply with all the minimum lot dimensions set forth herein may nevertheless be used as a single-building site if it is one of the following:

(1) A lot or parcel which appears on a subdivision map, record of survey or parcel map, approved by the Subdivision Review Board, the Development Services Director, the Planning Commission or the City Council subsequent to December 5, 1954.

(2) A lot or parcel which appears on an approved division plat filed with the Development Services Department.

(3) A lot or parcel officially proclaimed as a suitable building site, or site for other particular use, by zone variance or other San Diego Municipal Code procedure.

(4) Any lot or parcel which qualifies as a lot as set forth in this Code which is not joined in ownership to any contiguous lot or parcel in the same zone on or after the effective date of this Section.

(5) Any lot or parcel which qualifies as a lot as set forth in this Code which has an area not less than that specified herein.

c. Special Regulations—Street Frontage. The minimum street frontage required for any lot which fronts principally on a turnaround or curving street having a radius of curvature of less than 100 feet, shall be 60 percent of the street frontage specified for the zone in which the lot is located.

2. Minimum Yard Dimensions.

a. The minimum yard dimensions shown in Table II shall apply in the R-1 Zones.

b. Exceptions to Minimum Yard Dimensions.

(1) Interior Side Yard. An interior side yard of any lot in any R-1 Zone which has a width less than the minimum specified for the zone in which it is located may be reduced to a minimum of ten percent of the width of said lot, provided that in no case shall such side yard be reduced to less than four feet.

(2) Street Side Yard. The street side yard of any corner lot in any R-1 Zone, except R-1-5, which has a width of less than the minimum specified for the zone in which it is located, may be reduced to a minimum of 15 percent of the width of said lot, provided that in no case shall any street side yard be reduced to less than eight feet. No street side yard shall be required for any lot in an R-1-5 Zone which has a width of 50 feet or less, and which has not been re-subdivided.

(3) Front Yard. For that portion of any lot which fronts on a turnaround, the minimum front yard may be reduced five feet below the requirements shown in Table II.

3. Floor Area Ratios.

The maximum floor area ratios shown on Table III shall apply in the R-1 Zones.

TABLE III
FLOOR AREA RATIO

ZONE	FLOOR AREA RATIO
R-1-5	.60
R-1-6	.60
R-1-8	.60
R-1-10	.60
R-1-15	.60
R-1-20	.60
R-1-40	.45

4. Maximum Building Height.

No building or structure shall be erected, constructed, altered, moved or enlarged to a greater height than 30 feet.

5. Prohibition Against Creation of Sub-standard Lots.

No lots or parcels, which are contiguous to each other and joined in ownership on or after the effective date of this section shall be separated in ownership so as to create a lot or parcel which has an area of less than that required by the minimum lot dimensions set forth herein unless the said lot or parcel is shown on a subdivision map, record of survey, division plat or parcel map approved by the City in accordance with the applicable provisions of this Code subsequent to December 5, 1954.

6. Lighting.

Any artificial lighting shall be directed or shaded so as not to fall onto adjacent properties unless mutually agreed upon by the property owners on whose property the lighting falls.

7. Other Applicable Regulations.

Other applicable property development regulations are contained in Division 6 of this Article.

E. PARKING REGULATIONS

1. Every premises shall be provided with a minimum of permanently maintained off-street parking spaces in a parking area or private garage on the same premises as follows:

- For each dwelling unit—two spaces.
- For each two lodgers—one space.

2. Off-street parking spaces shall be constructed, maintained and used in compliance with San Diego Municipal Code Chapter X, Article 1, Division 8, except that the required parking may be provided on a driveway or paved surface within the front or street side yard on premises where required parking was converted to habitable space prior to January 1, 1992, subject to the following standards:

a. Said area complies with the standards for required parking contained in Municipal Code section 101.0813 utilizing a maximum of five (5) feet of the undeveloped public right-of-way. In no case shall the sidewalk be obstructed or encroached upon by a vehicle parked within said area.

b. Said area is perpendicular to the public right-of-way and between the sidewalk adjacent to the property and the building setback.

c. No other on-site alternative placement options are available.

d. Complies with Municipal Code section 101.0407(E)(3).

3. Maximum Driveway Width. No driveway or required off-street parking area shall exceed a width of twenty-five (25) feet within a required front or street side yard, or at any point between a property line and an established setback line. There shall be no less than thirty (30) feet, measured at the property line, between driveways serving the same premises. All driveways shall lead to a legal off-street parking area on the same premises (and/or to legal parking on neighboring property, if permitted by variance, recorded map easement, or other approved mechanism) or shall provide for required parking per Municipal Code section 101.0407(E)(2).

F. OUTDOOR STORAGE AND PLACEMENT

Storage and placement of material and equipment outside a roofed, fully-enclosed, legally-installed structure is permitted as follows, subject to compliance with all applicable fire, health, safety, litter and building codes.

1. The type and quantity of stored and placed items must be clearly incidental to residential use and enjoyment of the premises; those items, except as exempted below, are further prohibited from or restricted within required yard and setback areas by the terms of Municipal Code section 101.0609.

2. Unless otherwise noted in Municipal Code sections 101.0407(F) (4) and (F)(5), all stored or placed items shall be completely screened by legally installed and maintained solid fencing, walls, buildings, landscape features, or a combination thereof. No item shall exceed the height of the solid screening enclosure, except where

City-wide screening requirements are stipulated for specific equipment elsewhere in this Code.

3. Not more than one (1) fully screened outdoor area may be used to store vehicle and/or other equipment parts and/or inoperable vehicles. Such storage may not exceed four hundred (400) square feet in area, may not intrude into any required yard and may not exceed 10'-0" in height except as prescribed in Municipal Code sections 101.0407(F)(4), (5) and (6).

4. The following items may be placed outdoors without screening:

- a. Any item listed in Municipal Code section 101.0609.
- b. Home maintenance or lawn maintenance equipment and supplies during actual use. The Development Services Director shall determine the necessity for extended placement when questions arise.
- c. Game, sport and leisure equipment designed and intended for on-site recreational enjoyment when such equipment is set up and immediately available for such use.
- d. Bicycles, tricycles, children's wagons and other small non-motorized wheeled devices in working condition and used for recreational purposes either on-site or on neighboring streets or properties. A non-motorized wheeled device with any plane dimension of greater than twenty-four (24) square feet is subject to Municipal Code section 101.0407(F)(5). The requirements set forth in this section only apply to parking areas that are located within a required front or side yard setback. To the greatest extent possible, the rear yard setback should be used for vehicle or equipment parking/storage. Otherwise:

5. For lots developed with interior side yards of less than ten (10) feet, no access to the rear yard and no other on-site parking areas located outside of the front or side yard setbacks, one (1) of the following items may be stored outdoors in the required front or side yard setbacks subject to the requirements contained in paragraphs a through c of this subsection 5:

Recreational vehicles, travel trailers, trailers, boats all-terrain vehicles, camper shells, motorcycles and similar equipment, provided that the vehicle or equipment is maintained in an operable condition. (An operable, self-propelled vehicle may be parked in the same manner as any other operable vehicle, pursuant to San Diego Municipal Code Chapter X, Article 1, Division 8.)

a. A listed item shall be placed perpendicular to the front property line when the item is located within the required front yard setback.

b. For equipment that is located within the required front or side yard setbacks, a three (3) foot high solid wall/ fence or landscape material which shall reach a minimum height of three (3) feet within two (2) years of installation, shall be placed along interior property lines adjacent to the above listed item.

c. The provisions of this subsection 5 shall not affect the validity, application or enforcement of any Covenants, Conditions and Restrictions (CC&Rs) or any other agreement relating parking and storage of any of the items listed in this subsection 5 if the CC&Rs or agreements are more restrictive than the provisions of this subsection 5.

(Amended 7-25-94 by O-18088 N.S.)

§ 101.0407.1 Redesignating R-1 Zones

From and after the effective date of this ordinance, those areas heretofore incorporated into various R-1 Zones designated R-1-5, R-1-6, R-1-8, R-1-10, R-1-15, R-1-20 and R-1-40 Zones shall be known as the R1-5000, R1-6000, R1-8000, R1-10000, R1-15000, R1-20000 and R1-40000 Zones, respectively, and all property development regulations and all provisions set forth in this article for the R1-5000, R1-6000, R1-8000, R1-10000, R1-15000, R1-20000 and R1-40000 Zones shall be applicable to those areas previously designated R-1-5, R-1-6, R-1-8, R-1-10, R-1-15, R-1-20 and R-1-40 respectively.

(Amended 6-11-84 by O-16222 N.S.)

§ 101.0408 R-4 Zone

(Renumbered to Sec. 101.0417 on 2-6-58 by O-7751 N.S.)

§ 101.0408.1 R-P Zone — Residential — Professional

(Renumbered to Sec. 101.0419 on 2-6-58 by O-7751 N.S.)

§ 101.0409 Redesignating Multiple Family Residential Zones

From and after the effective date of this ordinance, those areas heretofore incorporated into the various multiple family residential zones designated R-2, R-2A, R-3, R-3A, R-4, and R-4C shall be known as the R-3000, R-1500, R-1000, R-600, R-400, and R-200 zones, respectively; and all property development regulations and all provisions set forth in this article for the R-3000, R-1500, R-1000, R-600, R-400, and R-200 zones shall be applicable to those areas previously designated R-2, R-2A, R-3, R-3A, R-4, and R4C zones, respectively.

(Amended 8-8-83 by O-16019 N.S.)

§ 101.0409.1 SC Zone

(Renumbered to Sec. 101.0427 on 2-6-58 by O-7751 N.S.)

G. ACCESS

1. Where a property is served by an improved alley, at least two-thirds of the required automobile parking shall be accessed from the alley or shall qualify as underground parking with through circulation between the alley and the street.

2. If the alley is located adjacent to the side property line of the subject property, this requirement is in effect.

3. Exceptions:

a. For rear yard alley access, when the existing grade elevation at the rear of the property is at least four feet higher than at the front property line, this requirement is not in effect.

b. For the R-3000 zone only, alley access is required for not less than 50 percent of all required on-site parking.

H. DRIVEWAY WIDTH

1. For street driveway access, there shall be a twelve foot minimum and an eighteen foot maximum permitted driveway width as measured at the front street property line and, if a corner lot, at the street side property line.

2. When redevelopment or rehabilitation occurs, existing driveways shall be modified or eliminated to conform to this Section.

(Amended 7-25-1994 by O-18088 N.S.)

DIVISION 9**Planned Developments**

(Added 7-8-65 by O-9249 N.S.)

(Amended 4-7-70 by O-10268 N.S.)

(Amended 3-31-80 by O-15231 N.S.)

§ 101.0900 Planned Residential Developments

(Renumbered to Sec. 101.0901 on 10-16-89 by O-17363 N.S.)

§ 101.0901 Planned Residential Developments**A. PURPOSE AND INTENT**

The purposes of the Planned Residential Development regulations are to facilitate development of areas designated for residential use (including Mobile Home Parks as defined in Chapter X, Article 1, Division 10 of the San Diego Municipal Code) in adopted community plans with the exception of projects in the R-1 zones or projects combining areas containing R-1 and any other zone permitting residential uses, within the Urbanized Communities as defined in the General Plan; to encourage imaginative and innovative planning of residential neighborhoods offering a wide variety of dwelling unit types and site arrangements with well-integrated community facilities and services; to use for development in areas which include steep slopes, particularly HR zoned properties, in such a manner to achieve minimum disturbance of the natural terrain and vegetation; to permit utilization of this concept in low-density development in agricultural zones; and to permit greater flexibility in design of residential neighborhoods than is possible through strict application of conventional zoning and subdivision regulations.

B. DEFINITION

"Planned Residential Development" means a predominantly residential development improved in accordance with an overall project plan and is characterized by the following:

1. The density of a Planned Residential Development shall not exceed the density as prescribed in an adopted community plan (including criteria for residential density), any other adopted plan, or the underlying zone, whichever is less, and may be applied to the total area of the Planned Residential Development rather than separately to individual lots or building sites, and may include the rural cluster alternative. No streets shall be used in the calculation of density. Ownership may be of lots or condominiums or both. An exception may be granted by a "Hearing Officer" pursuant to Section 101.0307.5, Affordable Housing Density Bonus, in which case the density permitted shall be that provided for by that ordinance.

2. The right to use and enjoy any privately owned common open areas and recreational facilities provided on the site of the Planned Residential Development shall be coupled with the severalty interests of the owners of the dwelling units; provided, however, that if the Planned Residential Development includes land which is shown as open space within any adopted community plan or the General Plan, such open space may be offered to The City of San Diego for public use. The offer shall be considered in conjunction with the application for the Planned Residential Development Permit. A recommendation to accept or reject the offer shall be made by the Development Services Director to the City Council. If the offer is made subsequent to the approval of the Planned Residential Development, the offer shall be considered as an amendment to the Planned Residential Development and processed accordingly. The Development Services Director shall recommend whether to

accept or reject the offered open space and shall recommend whether an open space maintenance district should be established to provide maintenance services for the open space if accepted by the City.

3. A Planned Residential Development may include accessory commercial, office and recreational facilities limited in use, size, and capacity to serve the needs of the occupants of the development and their guests only. However, within the Future Urbanizing Area as defined in the General Plan, golf courses open to the public and their customary incidental, supportive, facilities (exclusive of lodging facilities) need not be restricted with respect to use, size and capacity provided that a permanent and irrevocable open space easement is established covering the area of golf course. A golf course area meeting these criteria may be utilized in the calculation of the total open space and usable open space requirements and the permitted residential density of the project.

"Public golf course" means a facility that lies on public land and/or is owned and/or operated by a government agency, and which is open to all members of the public.

"Private golf course" means a facility that lies on private land and is open to members and their guests, and which may also be open to members of the public.

"Golf course open to the public" means a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or offers memberships to the public.

4. Within the Future Urbanizing area as defined in the General Plan, a Planned Residential Development in underlying A-1 zoning districts may be by "Rural Cluster," which shall be accomplished pursuant to Planned Residential Development procedures as specified herein and pursuant to developmental standards and requirements as specified herein. "Rural Cluster" allows for development at densities specified in the A-1 zoning districts, with the permitted units clustered, while the remainder of the property is preserved in its undeveloped state until and if complete development at urban densities is appropriate. The "Rural Cluster" alternative promotes more efficient land utilization and land conservation; allows development in patterns more consistent with that occurring in adjacent areas; avoids fragmentation of land ownership patterns which would mitigate against future development opportunities; allows for reasonable present development without foreclosing future development choices; and makes annexation of unincorporated lands more attractive where such lands will be brought into the Future Urbanizing area. The retention of future development rights provided by Section 101.0101 shall not supersede the requirements of the Resource Protection Ordinance or other policies for preservation of sensitive lands. The "Rural Cluster" alternative will require the use of covenants, conditions and restrictions to insure that the undeveloped portion of the parcel remains undeveloped until the land is shifted to the Planned Urbanizing area. If such interim period will be for ten (10) years or longer, preferential property tax assessment via the Williamson Act may be available.

5. A Planned Residential Development may include child care facilities subject to the requirements of Section 101.0580, Child Care Facilities, of the San Diego Municipal Code.

C. PLANNED RESIDENTIAL DEVELOPMENT PERMIT

A Planned Residential Development Permit is required for Planned Residential Development projects located in any zone in which residential uses are allowed. However, any project located on land zoned for single-family or combined single-family and multi-family development within any of the urbanized communities of the City, as defined and identified in the General Plan, may require an approved Planned Infill Residential Development Permit.

D. APPLICATION

An application for a permit for a Planned Residential Development shall be made in accordance with Section 111.0202 and with the following additional requirements:

1. An application shall be filed with the Development Services Department upon forms provided by it and shall state fully the circumstances and conditions relied upon as ground for the application and shall be accompanied by adequate plans and a legal description of the property involved and an explanation and description of the proposed use.

2. Under Section 101.0204.1 a deposit equal to that charged for a Conditional Use Permit shall be paid when application for a Planned Residential Development Permit is made.

3. The application shall be accompanied by a tentative map which shall be filed with the Development Services Department in accordance with procedures set forth in Article 2 of this Chapter.

4. The application shall be accompanied by a plot plan showing the following:

a. Location, name and width of existing and proposed streets, alleys, easements and interior pedestrian ways, including all abutting streets and streets proposed to provide primary access to the proposed development from a major street or freeway.

b. Location of existing and proposed buildings, signs, and structures if development is multi-family housing or mobile home;

c. Concept Plan for proposed landscaping.

d. Proposed off-street parking facilities including the location, number and dimensions of private and public parking spaces, aisles and driveways.

If development is to be detached single-family with no tandem parking it only needs statement as to how many 8.5 foot by 20 foot spaces will be furnished in garages and 8-foot by 23 foot spaces provided at curb.

- e. Height, type and location of proposed walls and fences.
 - f. Grading plan showing existing topography and proposed tentative grading.
 - g. A tabulation of the various dwellings types proposed showing the average site area for each type of dwelling and the overall average dwelling site area if the project is multiple-family housing or mobile home.
 - h. A tabulation of all open spaces shown on the plot plan indicating the square footage and the various grades thereof.
5. The application shall be accompanied by drawings in sufficient detail to indicate the location and design of proposed buildings. If project is to be detached single-family only a statement indicating number of total units is required.
6. If the applicant contemplates the construction of a Planned Residential Development in increments, the application shall so state and shall include a proposed construction schedule.
7. If the applicant proposes to provide open areas and recreational facilities to be used by the occupants of two or more dwelling units, the applicant shall so state in the application and the application shall include a plan, acceptable to the City, for the preservation and maintenance of the common elements of the property.
8. Temporary real estate sales offices and model homes shall display a copy of the current adopted Community Plan Land Use Designation Map and a current adopted Public Facilities Financing Plan as provided in Section 101.0407(B) (3) (d).
9. If the applicant proposes a child care facility, it shall be stated so in the application, and the application shall also include a plan, acceptable to the City, illustrating compliance with the requirements of Section 101.0580, Child Care Facilities, of the San Diego Municipal Code.

E. DECISION PROCESS

1. An application for a Planned Residential Development Permit may be approved, conditionally approved or denied by a "Hearing Officer" in accordance with "Process Three". The decision of the "Hearing Officer" may be appealed to the Planning Commission in accordance with Section 111.0506.
2. A "Hearing Officer" may approve a Planned Residential Development Permit if it is found from the evidence presented that all of the following facts exist:
- a. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Community Plan.
 - b. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity; and,
 - c. The proposed use will comply with the relevant regulations in the Municipal Code.
3. In granting a Planned Residential Development Permit, the "Hearing Officer" may impose such conditions as is necessary to protect the public health, safety and general welfare in accordance with the purpose and intent of the zoning regulations. Any regulations of the zone in which the property is situated including, but not limited to, signs, fences, walls, maximum building height, minimum yards, maximum building coverage and off-street parking may be increased or decreased. In the case of Planned Residential Development in the A-1 zoning districts, the "Hearing Officer" shall consider the density of development, the "rural" nature of such development and the permanent nature of such low-density development and shall, wherever possible, given the need to protect the public health, safety and general welfare and to conform with General and applicable community plans, impose regulations and standards that are consistent with the low-density, rural character of development and the needs created by such development. In the case of "rural cluster" development via PRD in the A-1 zoning districts, the "Hearing Officer" may impose conditions and requirements consistent with the density of development in the clustered portion of the parcel and shall require covenants, conditions and restrictions necessary to insure maintenance of the remainder of the parcel in an undeveloped state until the land is shifted to the Planned Urbanizing area or as necessary to ensure consistency with the General Plan, community plan, Council policies, and the Municipal Code.
4. In granting, conditionally granting or denying a Planned Residential Development Permit, the "Hearing Officer" shall make written findings which specify the facts relied upon by the "Hearing Officer" in rendering the decision and shall set forth the facts and circumstances in which the permit fulfills or fails to fulfill the requirements of Section 101.0901.
5. A copy of this written finding of facts shall be filed with the City Clerk and the Development Services Department and shall be mailed to the applicant and to the Community Planning Chairman.
6. Within the Future Urbanizing area, except areas within the Del Mar Mesa Specific Plan, Planned Residential Development Permits shall be approved, conditionally approved or denied by the City Council, in accordance with Process Five. In considering a planned residential development permit within the Future Urbanizing Area, with the exception of areas within the Del Mar Mesa Specific Plan, an increased density not to exceed one dwelling per four acres may be considered and, the City Council may grant the permit if it finds from the evidence presented that all of the following additional facts exist:
- a. The proposed use will assist in accomplishing the goal of permanently preserving lands designated in the General Plan as part of the Environmental Tier through the provision of public and private open space easements and/or dedications, where appropriate.

b. The proposed use is consistent with the Progress Guide and General Plan Transportation Element and will not foreclose future decisions regarding the size of major or primary arterial streets, expressways, or freeways which may traverse the property.

c. The proposed use will be adjacent to areas presently served by water and sewer lines, thereby avoiding leapfrog development.

d. The proposed use will be at least fiscally neutral, thereby not imposing a burden upon the City's capital and operating budgets.

e. The proposed use will provide housing on-site, affordable to lower income families, as certified by the San Diego Housing Commission. This affordable housing obligation may be fulfilled by: (1) a set aside of no less than 20 percent of the units for occupancy by, and at rates affordable to, families earning no more than 65 percent of median area income, adjusted for family size, or (2) a dedication of developable land of equivalent value. Affordable housing shall be appropriately designed and integrated into the overall development plan. Affordable rates are those that do not exceed 30 percent of designated household income, including a utility allowance. Development incentives available through government programs, including a density bonus where appropriate, may be utilized to meet all, or a portion, of this obligation. Units restricted under this requirement shall remain affordable for the remaining life of the housing unit which is presumed to be a minimum of 55 years. The San Diego Housing Commission will monitor developments for compliance with affordable housing requirements over time. If the City of San Diego adopts a City-wide inclusionary housing program, the City-wide program shall take precedence over this section.

f. The proposed use comprehensively addresses framework planning issues including, but not limited to, land use, character and scale of development, environmental resources, and public facilities.

g. Within the North City Future Urbanizing Area, as defined by the Progress Guide and General Plan, a Subarea Plan shall be prepared pursuant to the General Plan. The subarea plan shall be developed consistent with the North City Future Urbanizing Area Framework Plan, as approved by the California Coastal Commission on May 14, 1993. Alternatively, the applicant must demonstrate that, at a minimum, all public facilities within the Subarea (as designated by the Progress Guide and General Plan) have been sited; a Purchase Agreement for the public facility sites has been completed; mixed use centers within the Subarea have been sited; the street system to access the mixed use centers and public facilities has been aligned; a financing plan for the project area, Subarea, or larger planning area has been completed; and open space boundaries have been refined if the project deviates from the Environmental Tier boundaries shown in the General Plan.

This Section 101.0901 (E) (6) (g) shall not apply to any project which has an application which has been deemed complete on or before December 10, 1990, which includes a golf course open to the public; provided, however, that any such project shall fully participate in the Public Facilities Financing Plan, Interim Fees, and the School Facilities Master Plan, and that a development agreement shall be executed for such project.

h. The applicant and property owner have agreed that in return for the present increase in density granted by the City Council, no future development rights shall remain on the property.

F. EXPIRATION OF PLANNED RESIDENTIAL DEVELOPMENT PERMITS

A Planned Residential Development Permit shall expire and become void thirty-six (36) months after the "Date of Final Action" of the permit if the permit is not utilized in the manner set forth in Section 111.1119; or unless otherwise provided within a phasing program contained in: 1) a development agreement entered into between the City and owners of land located within the PRD, 2) a specific plan applicable to the subject property, or 3) the terms of the permit.

G. EXTENSION OF TIME TO A PLANNED RESIDENTIAL DEVELOPMENT PERMIT

The expiration date of a valid Planned Residential Development Permit may be extended in accordance with Section 111.1122. To initiate a request for an extension of time, a written application shall be filed with the Development Services Department.

H. CANCELLATION OF A PLANNED RESIDENTIAL DEVELOPMENT PERMIT

A valid Planned Residential Development Permit may be canceled at any time during the 36-month period referred to in Section 101.0901(F). Cancellation may be initiated by the owner of the property covered by the permit by means of a communication directed to the Development Services Director in the office of the Development Services Department. The permit becomes void 120 calendar days after receipt of the communication in the office of the Development Services Department.

I. DESIGN CRITERIA

The Planned Residential Development shall observe the following design criteria:

1. For all developments which are multiple-family housing or mobile home, the overall plan shall be comprehensive, embracing land, buildings, landscaping and their interrelationships and shall conform in all respects to all adopted plans of all governmental agencies for the area in which the proposed development is located.

2. The plan shall provide for adequate open space, circulation, off-street parking and pertinent amenities. Buildings, structures and facilities in the parcel should be well integrated, oriented and related to the topographic and natural landscape features of the site.

3. The proposed development shall be compatible with existing and planned land use and with circulation

patterns on adjoining properties. It shall not constitute a disruptive element to the neighborhood and community.

4. The internal street system shall not be a dominant feature in the overall design; rather it should be designed for the efficient and safe flow of vehicles without creating a disruptive influence on the activity and function of any common areas and facilities.

5. Common areas and recreational facilities shall be located so as to be readily accessible to the occupants of the dwelling units and shall be well related to any common open spaces provided.

6. Architectural harmony within the development and within the neighborhood and community shall be obtained so far as practicable.

J. MINIMUM DEVELOPMENTAL STANDARDS

A Planned Residential Development shall comply with all the following developmental standards:

1. Density. The number of dwelling units to be built on the property shall not exceed that set forth in either the following table or the adopted community plan (including criteria for residential density), or any other adopted plan, whichever is less. No streets shall be used in the calculation of density. A deviation may be granted by a "Hearing Officer" pursuant to Section 101.0307.5, Affordable Housing Density Bonus. In the event the proposed Planned Residential Development includes property which is shown as part of an open space system on an adopted community plan or general plan, and is accepted by The City of San Diego as dedicated open space, this property may be included in the calculation of density consistent with underlying zone or community plan, whichever is less. Such property shall be contiguous to an existing open space system and shall be in a natural state and remain undisturbed. If such property is dedicated as open space, it shall remain such in perpetuity.

TABLE I OF SECTION 101.0901

ZONE	MAXIMUM PERMITTED DWELLING UNITS
A-1-40	Sq. Ft. of Land Area 1,742,400 sq. ft.
A-1-20	Sq. Ft. of Land Area 871,200 sq. ft.
A-1-10	Sq. Ft. of Land Area 435,600 sq. ft. except that in the Future Urbanizing area, the number of permissible dwelling units shall not exceed one per 174,240 sq. ft. provided that no future development rights shall remain on the property.
A-1-5	Sq. Ft. of Land Area 217,800 sq. ft. except that the Future Urbanizing area, the number of permissible dwelling units shall not exceed one per 174,240 sq. ft. provided that no future development rights shall remain on the property.
A-1-1	Sq. Ft. of Land Area 43,560 sq. ft.
R1-40,000	Sq. Ft. of Land Area 40,000 sq. ft.
R1-20,000	Sq. Ft. of Land Area 20,000 sq. ft.
R1-15,000	Sq. Ft. of Land Area 15,000 sq. ft.
R1-10,000	Sq. Ft. of Land Area 10,000 sq. ft.
R1-8,000	Sq. Ft. of Land Area 8,000 sq. ft.

TABLE I OF SECTION 101.0901 (Continued)

R1-6,000	Sq. Ft. of Land Area 6,000 sq. ft.
R1-5,000	Sq. Ft. of Land Area 5,000 sq. ft.
R-3,000	Sq. Ft. of Land Area 3,000 sq. ft.
R-2,500	Sq. Ft. of Land Area 2,500 sq. ft.
R-2,000	Sq. Ft. of Land Area 2,000 sq. ft.
R-1,750	Sq. Ft. of Land Area 1,750 sq. ft.
R-1,500	Sq. Ft. of Land Area 1,500 sq. ft.
RV (Coastal Zone)	Sq. Ft. of Land Area 1,500 sq. ft.
R-1,250	Sq. Ft. of Land Area 1,250 sq. ft.
R-1,000	Sq. Ft. of Land Area 1,000 sq. ft.
RV	Sq. Ft. of Land Area 1,000 sq. ft.
R-800	Sq. Ft. of Land Area 800 sq. ft.
R-600	Sq. Ft. of Land Area 600 sq. ft.
R-400	Sq. Ft. of Land Area 400 sq. ft.
R-200	Sq. Ft. of Land Area 200 sq. ft.

If the property involved is composed of land falling in two or more residential zones, the number of dwelling units permitted in the development shall be the sum of the dwelling units permitted in each of the residential zones. Within the Planned Residential Development, the permitted number of dwelling units may be distributed without regard to the underlying zoning.

2. Open Space. Except within the boundaries of the Del Mar Mesa Specific Plan, where no minimum open space requirement shall apply, the open space provided on the property shall not be less than that shown in the following table:

TABLE II OF SECTION 101.0901

ZONE	TOTAL REQUIRED OPEN SPACE PER D.U. (sq.ft.)	REQUIRED OPEN SPACE PER D.U. (sq.ft.)
A-1-1, A-1-5, A-1-10, A-1-20, A-1-40 A-1-40, A-1-20, A-1-10, A-1-5	28,000	14,000
Rural Cluster	3,000	1,500
R1-40000	28,000	14,000
R1-20000	12,000	6,000

TABLE II OF SECTION 101.0901 (Continued)

R1-15000	9,000	4,500
R1-10000	6,000	3,000
R1-8000	4,800	2,400
R1-6000	3,600	1,800
R1-5000	3,000	1,500
R-3000	1,800	900
R-2500	1,500	750
R-2000	1,200	600
R-1750	1,050	525
R-1500	900	450
R-1250	700	350
R-1000	500	250
R-800	400	200
R-600	300	150
R-400	200	100
R-200	100	50
RV	500	250
RV (Coastal Zone)	900	450

If the property involved is composed of land falling in two or more residential zones, the amount of open space required in the development shall be the sum of the open space required in each of the residential zones. Within the Planned Residential Development, the required open space may be distributed without regard to the underlying zoning. The usable open space as determined from the above table shall be composed of moderately level land having an overall grade not exceeding ten percent and shall not include land occupied by buildings, structures, streets, driveways or parking areas or any land proposed to be dedicated to the City as open space. The land provided shall be determined by the Development Services Director to be functional usable open space which provides for reasonable use by the residents and, when applicable, the general public. Functional open space should include a minimum area of 100 square feet with a minimum dimension of six feet on one side. The usable open space may, however, be occupied by recreational facilities, excluding buildings, which, with the exception of golf courses open to the public within the Future Urbanizing Area as defined by the General Plan, are limited in use, size, and capacity to serve the needs and convenience of the occupants of the development and their guests only, including the following: swimming pools, golf courses, tennis, basketball, volleyball and badminton courts, open handball courts, children's play areas and accompanying equipment, baseball diamonds, shuffleboard courts, croquet and lawn bowling facilities, walks and riding trails, picnic and barbecue facilities and any other use which the Development Services Director may find to be similar in character to the uses enumerated in this paragraph and consistent with the purpose and intent of Section 101.0901. That portion of the required total open space may be occupied by any improvement, except buildings, which, with the exception of golf courses open to the public within the Future Urbanizing Area as defined by the General Plan, is limited in use, size, and capacity to serve the needs and convenience of the occupants of the development and their guests only, except buildings. Areas not occupied by improvements may be landscaped or left in their natural state. Areas left in a natural state shall be kept free of litter and debris and shall at no time constitute a health, safety or fire hazard.

All or any part of the required open space may be owned in common by the occupants of the development. If open space is to be owned in common, provisions acceptable to the City shall be made for its preservation and maintenance.

If an Affordable Housing Density Bonus Agreement or a Density Bonus and Affordable Housing Deviation has been approved, the open space shall be the total of the following:

- a. Open space based on the zone in which the property is located times the number of dwelling units permitted in that zone; plus
- b. Open space based on the next less restrictive zone times the number of dwelling units in excess of the number permitted in the zones in which the property is located.

When the property is developed under the rural cluster concept, the total required open space and the required usable open space shall be contained in the area of the cluster development rather than the total site which is used for calculating density.

3. Utilities. Public utility systems and service facilities shall be located underground within the boundaries of the development as provided for in Sec. 102.0221 of this Code.

4. Antennas. Only television and radio antennas which are located indoors or which are designed to serve all the occupants of the development shall be permitted.

5. Landscaping. All usable open space not occupied by recreational facilities shall be landscaped and pro-

vided with a permanent underground watering system. All landscaping shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. Section 101.0901(J)(5) shall not apply within the boundaries of the Del Mar Mesa Specific Plan.

6. Private Streets, Alleys, Walkways and Parking Areas. All streets, alleys, walkways and parking areas within the development which are not dedicated to public use shall be improved in accordance with standards established by the City Engineer. Provision acceptable to the City shall be made for the preservation and maintenance of all such streets, alleys, walkways and parking areas.

K. DEVIATIONS FROM MINIMUM STANDARDS

Deviations from the requirements of Section 101.0901 may be approved, conditionally approved or denied by a "Hearing Officer" in accordance with "Process Three" and as follows:

1. Deviations from any of the design criteria in Section 101.0901(I) and standards set forth in Section 101.0901(J), except the minimum standards regarding density and total required open space, may be approved upon a written finding of facts as set forth in Section 101.0901(K)(2). Deviations from the minimum standards for density and total required open space may be granted for projects for which an Affordable Housing Density Bonus Agreement or a Density Bonus and Affordable Housing Deviation has been approved.

2. A "Hearing Officer" may approve or conditionally approve a deviation only when it shall appear from the applicant's statement and the evidence presented at the hearing that all the following facts exist:

a. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the requirements deprives such property of privileges enjoyed by other property in the vicinity under identical zone classification.

b. Any deviation granted will assure that the adjustment thereby authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which property is situated because of the conditions imposed.

c. That the granting of the deviation does not adversely affect the Progress Guide and General Plan for the City of San Diego or the adopted plan of any governmental agency.

3. No deviation from the requirements that utilities be located underground shall be granted except as provided in Section 102.0221 of this Code.

4. The "Hearing Officer's" decision on the deviation may be appealed to the Planning Commission, in accordance with Section 111.0506.

L. TENTATIVE MAP TO SHOW RESERVATION FOR OPEN SPACE

The tentative map submitted with the application for a Planned Residential Development Permit shall show land reserved as an open space easement if such open space is to be provided for the common use of the occupants of the Planned Residential Development.

M. SUBDIVISION—TENTATIVE MAP—CONDITIONS TO WAIVER OF SUBDIVISION REGULATIONS

The Planning Commission may approve a tentative map which provides for a division of the parcel into two or more lots though the map may not comply with the provisions of Chapter X, Article 2 of this Code pertaining to minimum requirements for streets, lots and block design and the provisions of this Code requiring that each lot be connected directly to the City sewer system. If common open spaces are reserved in accordance with the provisions of Section 101.0901(L), approval of the tentative map shall be conditioned upon The City of San Diego being granted an easement in a form acceptable to the City, limiting the future use of common open spaces and preserving them as open spaces.

N. FINAL MAP

Building permits shall not be issued for any construction within the proposed Planned Residential Development unless a final approved map has been recorded or waiver of such recordation has been granted. A final map which deviates from the conditions imposed by the Permit issued for the Planned Residential Development shall not be approved.

A final map which provides for open space shall not be approved unless the special requirements of Section 101.0901(M) have been fulfilled and the provisions of Chapter X, Article 2 of this Code, which are consistent with the provisions of Section 101.0901, have been satisfied.

O. CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall not be issued for any structure in a Planned Residential Development until all improvements required by the permit have been completed to the satisfaction of the City Engineer and the Department of Building Inspection and the Planning Department or a phasing plan has been approved by the Planning Director.

P. FAILURE TO MAINTAIN

1. All commonly owned land, improvements and facilities shall be preserved and maintained in a safe condition and in a state of good repair. Any failure to so maintain shall be, and the same is hereby declared to be, unlawful and a public nuisance endangering the health, safety and general welfare of the public and a detriment to the surrounding community.

2. In addition to any other remedy provided by law for the abatement, removal and injunction of such public nuisance, the City Engineer may, after giving notice, cause the necessary work of maintenance or repair to

be done, and the costs thereof shall be assessed against the owner or owners of the project.

3. The notice shall be in writing and mailed to all persons whose names appear on the last equalized assessment roll as owners of real property within the project, at the address shown on said assessment roll. Notice shall also be sent to any person known to the City Engineer to be responsible for the maintenance or repair of the common areas and facilities of the project under an indenture or agreement. The City Engineer shall also cause at least one copy of such notice to be posted in a conspicuous place on the premises. No assessment shall be held invalid for failure to post or mail or correctly address any notice.

4. The notice shall particularly specify the work required to be done and shall state that if said work is not commenced within five days after receipt of such notice and diligently and without interruption prosecuted to completion, The City of San Diego shall cause such work to be done, in which case the cost and expense of such work, including incidental expenses incurred by the City, will be assessed against the property or against each separate lot and become a lien upon such property.

5. If upon the expiration of the five-day period provided for in Section 101.0901(P) (4), the work has not been done, or having been commenced, is not being prosecuted with diligence, the City Engineer shall proceed to do such work or cause such work to be done. Upon completion of such work, the City Engineer shall file a written report with the Council setting forth the fact that the work has been completed and the cost thereof, together with a legal description of the property against which the cost is to be assessed. The Council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work. The City Engineer or the City Clerk, if so directed by the Council, shall thereafter give notice in writing to the owners of the project in the manner provided in Section 101.0901(P) (3), of the hour and place that the Council will pass upon said City Engineer's report and will hear protests against said assessments. Such notice shall also set forth the amount of the proposed assessment.

6. Upon the date and hour set for the hearing of protests the Council shall hear and consider the City Engineer's report and all protests, if there be any, and then proceed to confirm, modify or reject the assessments.

7. A list of assessments as finally confirmed by the Council shall be sent to the City Treasurer for collection. If any assessment is not paid within ten days after its confirmation by the Council, the City Clerk shall cause to be filed in the office of the County Recorder of the County of San Diego a Notice of Lien, substantially in the following form:

NOTICE OF LIEN

Pursuant to Chapter X, Article 1, Division 9, of the San Diego Municipal Code, (Ordinance No _____, New Series, as amended) The City of San Diego did on the day of _____, 19____, cause maintenance and repair work to be done in the Planned Residential Development project known as _____, which was constructed under Planned Residential Development Permit No. _____, for the purpose of abating a public nuisance and enforcing compliance with the terms of said Permit and the Council of The City of San Diego, did, on the day of _____, 19____, by its Resolution No. _____ assess the cost or portion of the cost thereof upon the real property hereinafter described, and the same has not been paid nor any part thereof, and The City of San Diego does hereby claim a lien upon said real property until the said sum with interest thereon at the rate of six percent (6%) per annum from the date of the recordation of this instrument has been paid in full and discharged of record. The real property hereinbefore mentioned and upon which a lien is hereby claimed is that certain parcel of land in The City of San Diego, County of San Diego, State of California, particularly described as follows:

(Description of property)

Dated this _____ day of _____, 19____.

City Clerk, The City of San Diego

8. From and after the date of the recordation of such Notice of Lien, the amount of the unpaid assessment shall be a lien on the property against which the assessment is made, and such assessment shall bear interest at the rate of six percent per annum until paid in full. Said lien shall continue until the amount of the assessment and all interest thereon shall have been paid. The lien shall be subordinate to tax liens and all fixed special assessment items previously imposed upon the same property, but shall have priority over all contractual liens and all fixed special assessment liens which may thereafter be created against the property. From and after the date of recordation of such Notice of Lien, all persons shall be deemed to have a notice of the contents thereof.

(Amended 9-9-96 by O-18338 N.S.)

§ 101.0902 Reserved for future use

(Reserved for future use 10-16-89 by O-17363 N.S.)

§ 101.0903 Reserved for future use

(Reserved for future use 10-16-89 by O-17363 N.S.)

Article 3: Supplemental Development Regulations

Division 7: Affordable Housing Density Bonus Regulations (Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§143.0710 Purpose of Affordable Housing Density Bonus Regulations

The purpose of these regulations is to provide increased residential densities to developers who guarantee that a portion of their residential *development* will be available to *low income*, *very low-income*, or senior households. The regulations are intended to materially assist the housing industry in providing adequate and affordable shelter for all economic segments of the community and to provide a balance of housing opportunities for *low income*, *very low-income*, and senior households throughout the City. It is intended that the affordable housing *density* bonus and any additional development incentive be available for use in all residential developments, using criteria and standards provided in the Progress Guide and General Plan, as defined by the San Diego Housing Commission. It is also intended that these regulations implement the provisions of California Government Code Sections 65915 through 65918.

(Added 12-9-1997 by O-18451 N.S.; amended 6-21-1999 by O-18654 N.S.; effective 1-1-2000.)

[Editors Note: This section only applies outside of the Coastal Overlay Zone. For the corresponding regulations (Purpose of Affordable Housing Density Bonus Regulations) within the Coastal Overlay Zone, refer to Land Development Code Section 143.0710, added by City Council on December 9, 1997 by O-18451.]

§143.0715 When Affordable Housing Density Bonus Regulations Applies

- (a) This division applies to any residential *development* of five or more dwelling units where an *applicant* proposes *density* beyond that permitted by the applicable zone in exchange for a portion of the total dwelling units in the development being reserved for *low* or *very low-income* households or for senior citizens or qualified residents through a written agreement.
- (b) An *applicant* proposing *development* as provided in Section 143.0715(a) shall be entitled to a *density* bonus as provided in Sections 143.0720 and 143.0730 and may be granted an additional development incentive as provided in Section 143.0740.

(Added 12-9-1997 by O-18451 N.S.; amended 6-21-1999 by O-18654 N.S.; effective 1-1-2000.)

[Editors Note: This section only applies outside of the Coastal Overlay Zone. For the corresponding regulations (When Affordable Housing Density Bonus Regulations Applies) within the Coastal Overlay Zone, refer to Land Development Code Section 143.0715, added by City Council on December 9, 1997 by O-18451.]

§143.0720 Affordable Housing Density Bonus Agreement

- (a) An *applicant* shall be entitled to a *density* bonus for any residential *development* for which an agreement is entered into by the *applicant* and the Chief Executive Officer of the San Diego Housing Commission as provided in Section 143.0720(b).
- (b) The *density* bonus agreement shall include the following provisions:
 - (1) With respect to rental housing affordable units:
 - (A) At least 20 percent of the pre-bonus units in the *development* will be affordable, including an allowance for utilities, to *low-income* households at a rent that does not exceed 30 percent of 60 percent of area median income, as adjusted for assumed household size; or
 - (B) At least 10 percent of the pre-bonus units in the *development* will be affordable, including an allowance for utilities, to *very low-income* households at a rent that does not exceed 30 percent of 50 percent of the area median income, as adjusted for assumed household size; or
 - (C) At least 50 percent of the total units will be available to senior citizens or qualifying residents as defined under California Civil Code Section 51.3.
 - (2) With respect to “for sale” housing affordability shall be determined based on prevailing underwriting standards of mortgage financing available for the *development*, which shall include a forgivable second, silent mortgage, as administered by the Housing Commission. At least 20 percent of the pre-bonus units in the development shall be available to *low-income* purchasers or 10 percent of the pre-bonus units shall be available to *very low-income* purchasers or at least 50 percent of the pre-bonus units in the *development* shall be available to senior citizens

or qualifying residents as defined under California Civil Code Section 51.3.

- (3) The affordable units will remain available and affordable as provided in Section 143.0720 for a period of at least 30 years if an additional development incentive is granted to the *applicant* as provided in Section 143.0740 or 10 years if an additional development incentive is not granted. If an *applicant* does not request an additional development incentive, the *applicant* shall submit a pro forma analysis for the Chief Executive Officer of the Housing Commission to document project feasibility.
- (4) The affordable units shall be designated units which are comparable in bedroom mix and amenities to the market-rate units in the *development* and are dispersed throughout the *development*.
- (5) Provision shall be made for certification of eligible tenants and purchasers, annual certification of property owner compliance, and payment of a monitoring fee, as adjusted from time to time, for monitoring of affordable unit requirements.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

[Editors Note: This section only applies outside of the Coastal Overlay Zone. For the corresponding regulations (Affordable Housing Density Bonus Agreement) within the Coastal Overlay Zone, refer to Land Development Code Section 143.0720, added by City Council on December 9, 1997 by O-18451.]

§143.0730 Density Bonus Provisions

A residential *development* proposal requesting an affordable housing *density* bonus is subject to the following:

- (a) The *development* shall be permitted a *density* bonus of the amount of units requested by the *applicant*, up to a total project dwelling unit count of 125 percent of the units permitted by the *density* regulations of the applicable base zone.
- (b) Where the applicable zone requires that each *lot* be occupied by no more than one dwelling unit, the *development* requires a Site Development Permit. If any deviation from the development regulations of the applicable zone is proposed, a Planned Development Permit is required.

- (c) If the *premises* is located in two or more zones, the number of dwelling units permitted in the *development* is the sum of the dwelling units permitted in each of the zones. Within the *development*, the permitted number of dwelling units may be distributed without regard to the zone boundaries.
- (d) Where the *development* consists of two or more specifically identified parcels, whether contiguous or noncontiguous, the maximum number of dwelling units permitted on each parcel property is calculated based on the area of that property. Within the *development*, if any portion of the *density* is to be transferred between two or more separate parcels, the regulations of Section 143.0750 apply.
- (e) Where the *development* consists of two or more noncontiguous parcels lying within two or more community planning areas, the dwelling units reserved at levels affordable by *low-income* or *very low-income* households shall be distributed among community planning areas in the same proportion as the total number of dwelling units constructed within the *development*.

(Added 12-9-1997 by O-18451 N.S.; amended 6-21-1999 by O-18654 N.S.; effective 1-1-2000.)

[Editors Note: This section only applies outside of the Coastal Overlay Zone. For the corresponding regulations (Density Bonus Provisions) within the Coastal Overlay Zone, refer to Land Development Code Section 143.0730, added by City Council on December 9, 1997 by O-18451.]

§143.0740 Additional Development Incentive for Affordable Housing

In accordance with the provisions of Government Code Section 65915, the City may grant a development incentive in addition to the 25 percent density bonus. The additional development incentive may consist of the following:

- (a) A density bonus of more than 25 percent;
- (b) A financial incentive consisting of:
 - (1) Fee reductions or deferrals as authorized for affordable housing in the Municipal Code; or
 - (2) Direct financing assistance from the Housing Commission, Redevelopment Agency, or other public funds, if authorized by the applicable agency on a case-by-case basis, or

- (c) A deviation from applicable *development* regulations of the underlying zone pursuant to Section 143.0750.

("Affordable Housing Provisions" added 12-9-1997 by O-18451 N.S.; repealed and "Additional Development Incentive for Affordable Housing" added 6-21-1999 by O-18654 N.S.; effective 1-1-2000.)

[Editors Note: This section only applies outside of the Coastal Overlay Zone. For the corresponding regulations (Affordable Housing Provisions) within the Coastal Overlay Zone, refer to Land Development Code Section 143.0740, added by City Council on December 9, 1997 by O-18451.]

§143.0750 Deviation to Allow for Additional Development Incentive

An applicant may request a deviation from the applicable development regulations as an additional development incentive for affordable housing pursuant to a Site Development Permit decided in accordance with Process Four provided that the *findings* in Section 126.0504(a) and the supplemental *findings* in Section 126.0504(1) are made.

("Transfer of Bonus Density Units" added 12-9-1997 by O-18451 N.S.; repealed and "Deviation to Allow for Additional Development Incentive" added 6-21-1999 by O-18654 N.S.; effective 1-1-2000.)

[Editors Note: This section only applies outside of the Coastal Overlay Zone. For the corresponding regulations (Transfer of Bonus Density) within the Coastal Overlay Zone, refer to Land Development Code Section 143.0750, added by City Council on December 9, 1997 by O-18451.]

§143.0760 Deviations from Density Bonus and Affordable Housing Provisions

- (a) A deviation from the provisions of either Section 143.0730 or Section 143.0740 may be requested in accordance with a Site Development Permit and shall require that the *findings* in Section 126.0504(m) be made.

- (b) Deviations may only be considered as follows:

- (1) An increase in the affordable housing density bonus provisions of Section 143.0730(a) and/or decrease in the affordable housing provisions of Section 143.0740(a), may be granted where the *development* provides for the inclusion of dwelling units affordable by persons of *very low income*. The total *density* bonus shall not result in a *development* containing more than 150 percent of the units permitted by the *density* regulations of the base zone nor shall the affordable

housing requirement provide that less than 10 percent of the total *development* be affordable by persons and *families* of *very low income*.

- (2) An increase in the affordable housing density bonus provisions of Section 143.0730(a), and/or decrease in the affordable housing provisions of Section 143.0740(a), may be granted where the *development* is located within a census tract where the median household income exceeds 120 percent of the citywide median household income as measured by the most recent U.S. Bureau of Census survey and the *development* provides for the inclusion of dwelling units affordable by persons of *low income*. The total *density* bonus shall not result in a *development* containing more than 150 percent of the units permitted by the *density* regulations of the applicable zone nor shall the affordable housing requirement provide that less than 10 percent of the total *development* be affordable by persons and *families* of *low income*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)