

Community Planners Committee

City Planning Department • City of San Diego
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CPC APPROVED MINUTES FOR MEETING OF TUESDAY, FEBRUARY 27, 2024

MEMBERS PRESENT:

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| Representative, Carmel Valley (CV) | Paul Coogan, Normal Heights (NH) |
| Mary Young, Chollas Valley-Encanto (CVE) | Lynn Elliot, North Park (NP) |
| Marcellus Anderson, City Heights (CH) | Andrea Schlageter, Chair, Ocean Beach (OB) |
| Nick Reed, Clairemont Mesa (CM) | Korla Equinta, Peninsula (PEN) |
| Tom Silva, College Area (CA) | Vicki Touchstone, Rancho Bernardo (RB) |
| Laura Riebau, Eastern Area (EA) | Jon Becker, Rancho Peñasquitos (RPQ) |
| David Moty, Kensington-Talmadge (KT) | Victoria LaBruzzo, Scripps Ranch (SR) |
| Harry Bubbins, La Jolla (LJ) | Guy Preuss, Skyline-Paradise Hills (SPH) |
| Felicity Senoski, Linda Vista (LV) | Representative, Torrey Pines (TP) |
| Bill Crooks, Miramar Ranch North (MRN) | Chris Nielsen, University (UNIV) |
| Bob Semenson, Mission Beach (MB) | Matt Wahlstrom, Uptown (UP) |
| Brian Giles Navajo (NAV) | |

VOTING INELIGIBILITY/RECUSALS:

The following planning group have single absences:
BL, CMR/SS, DMM, DT, GGH, KM, MPH, MM, MV, OTSD, OM, OMN, PB, SY, SM, SE, TS and TH.

AGENDA ITEMS:

1. CALL TO ORDER/INTRODUCTIONS/MODIFICATIONS TO THE AGENDA:

Chair called the meeting to order at 6:12 p.m. upon reaching quorum and roll call was conducted.

2. NON-AGENDA PUBLIC COMMENT:

Non-agenda public comment included:

- A request for the CPC to discuss upcoming code changes by the City and its impacts on transparency, the public review process, and liability.
- A request from the San Diego Canyonlands organization to have the CPC discuss impacts on natural habitat protection due to modifications on public review and CEQA implementation by the City of San Diego.

- Suggestion by Linda Vista to have all the planning groups also fill out the worksheet provided by City staff for the Equity Forward Inclusive Public Engagement Guide, and for the City to also be transparent in the responses received.
- Request by Power San Diego to have CPC discuss an ongoing effort to introduce a municipal non-profit utility company in the region.
- Comment on Development Impact Fees (DIF) obtained during development projects should be reinvested into the communities where they were incurred.
- An inquiry by Uptown Planning Group as to why letters from the CPC to the City regarding DIF and complaints were not on the agenda, and a reiteration on their urgency.

3. APPROVAL OF MINUTES OF November 28, 2023 & January 23rd, 2024 and ROLL CALL:

Approval of the November 28, 2023 minutes as revised:

Yea: CA, EA, KT, LJ, LV, MRN, NH, NP, OB, RB, RPQ, SR, TP, UNIV

Nay: None.

Abstain: CV, CVE, CM, MB, NAV, PEN, SPH, UP

Minutes approved as revised: 14-0-8

Approval of the January 23, 2024 minutes as revised:

Yea: CM, CA, EA, KT, LV, MRN, NH, NP, OB, PEN, RB, SPH, SR, TP, UNIV, UP

Nay: None.

Abstain: CV, CVE, LJ, MB, NAV, RPQ,

Minutes approved as revised: 16-0-6

4. LAND DEVELOPMENT CODE UPDATE:

City Planning staff provided an update on the upcoming 2024 Land Development Code Update (LDC). This update will introduce a variety of amendments to the LDC both Citywide and in Downtown. A few of the Citywide proposed amendments were presented to the CPC, with elaboration provided by City staff.

The CPC subcommittee had the opportunity to review all the LDC amendments in greater detail prior to this meeting. Through this review process the subcommittee provided a series of recommendations to City staff beforehand on the LDC updates, with the presentation provided during this CPC meeting being modified to reflect some of the recommendations provided.

The following public comments were provided regarding the LDC update:

- Clarification on where these amendments originated and who proposes them was requested.

- The terminology presented and discussed needs to be more accessible. Understanding of what each amendment will do is otherwise limited as there were too many technical terms used with no accompanying explanation of their meaning.
- Having all amendments available in a presentation format was requested.
- Amendments should also include an example of what that amendment will do or in which kinds of scenarios it would apply.

The following comments and questions were expressed by CPC members regarding the LDC update:

- Greater publicity of upcoming workshops pertaining to the LDC Update is necessary. Flyers, news, and emails regarding upcoming workshops should be utilized more to ensure the public is aware of these events.
- CPC members wanted to inquire as to why the City had removed other meeting formats used to gather public input for LDC updates in previous years.
- Concerns over potential density imbalances in residential zones was expressed by members of the CPC such as in the case of Item 67 of the Citywide amendments (provides building density incentives for sites which include childcare facilities).
- Concerns over green/natural space requirements were also raised with respect to the LDC Update's modifications on qualifying spaces for the City's objective on implementing promenades citywide. City staff clarified that new amendments would modify geometric requirements, permitting urban plazas to also qualify for the City's objective.
- Several members of the CPC felt that they would not be able to provide an informed vote on a motion regarding the LDC update. Timing and perceived lack of opportunity for non-subcommittee CPC members to discuss the topic with their own planning groups were raised as reasons for this opinion.
- Despite these concerns regarding timing and information, CPC voted on a motion to approve all proposed LDC Update recommendations from the subcommittee except for Item 67.

Motion by CM and seconded by CA to approve the Land Development Code, with the exception of Item 67,

Yea: CM, CA, KT, LV, MRN, NH, NAV, PEN, RPQ, SPH and UNIV

Nay: EA, MB, OB, SR, UP

Abstain: CH, CV, CVE, LJ, NP, RB and TP

Motion passed by a vote of 11-5-7.

5. APPROVAL OF NON-ELECTED CPG BOARDS:

The CPC continued discussion on writing a letter to the City regarding non-elected CPG members in communities with competing planning group applications. Two questions were presented to City staff in order to support the letter's writing process.

The first question presented during this meeting asked how the City will avoid potential conflicts of interest or bias when choosing a competing planning group during the recognition process. City staff provided clarification on this question, stating that City staff will not be making decisions on planning group recognition for competing communities. Recognition of a group in the case of competing applications will be voted on by City Council.

The second question asked was on the election timeframe of competing groups. Existing policy surrounding transfer of power in the case that a new planning group is chosen during recognition prompted concerns from the CPC. As a result, the CPC held discussion on recommendations they would make to the City on amendments to the recognition process.

As part of this topic, City staff have stated that they are in the process of proposing amendment to Council Policy 600-24 due to previously raised concerns by the public and the CPC on this topic.

Discussion and concerns from the public included the following:

- The current direction of policy amendments could provide newly recognized groups a 60-day grace period. Upon recognition, individuals on the application would be a temporarily recognized planning group for 60 days. Elections would need to be held within this time period so that the group is composed exclusively of elected members once the grace period ends.
- Clarification on when elections could occur would also be added into the amendments, as the CPC found that existing policy did not sufficiently specify when groups can run elections, and if they could do so prior to recognition.

Discussion and concerns from the board included the following:

- The exact number of days in this grace period need to be finalized—60 days was deemed to be potentially too lengthy.
- Due to the ongoing amendment process, some CPC members felt confused on how this process would apply to existing planning groups without competing applications. City staff provided guidance on this manner, stating that the bylaws for existing planning groups would remain in effect. Upon recognition by City Council, these groups' new operating procedures would take effect and provide new direction on future election processes.

- CPC members expressed wanting to better understand how elections would work in the case of a merging planning group.
- Concern over the exact powers that a recognized group would have during the grace period was raised by CPC. Per discussion, permitting a group to hold full powers during this period go against fair practices regarding planning groups.
- In the case of a new group gaining recognition, one proposal would allow the previous to make community-based decisions during this grace period while the new group conducts elections.
- One other proposal could incentivize elections for new planning groups by preventing any members on an application from taking an official position on a planning group until they are recognized through an election.
- A third proposal raised by the CPC could have the newly recognized group consider elections their first and only order of business, with no other business being conducted by the new group until elections are held.
- The timeframe for the grace period was discussed in greater detail. Through discussion it was determined that the period could be extended to 90 days as long as the new planning group is not empowered to make community decisions before elections are held.

A motion to send the letter to the City with proposed amendments implemented was raised by CM and seconded by NP.

Yea: CVE, CH, CM, CA, EA, KT, LV, MRN, MB, NAV, NH, NP, OB, PEN, RB, RPQ, SR, SPH, TP, UNIV, UP

Nay:

Abstain: CV, LJ

Motion was approved 21-0-2

6. REPORTS TO CPC:

- **City Staff Report:** City staff provided an update on the worksheets for the Inclusive Public Engagement Guide, with a renewed invitation to have planning groups participate in the worksheet process.

As well, the City also will offer interpretation services for certain items such like meeting agendas as a courtesy to planning groups.

An update on the timeline for planning group recognition was provided, with Land Use and Housing now occurring on March 21, 2024. Planning group recognition will still be heard before City Council on May 14, 2024.

- **Chair Report:** Chair Schlageter provided a brief summary of the planned agenda for the next planned CPC in March. Anticipated topics include revisiting the LDC update, a visit from Community Engagement City staff, a presentation from the Environmental Justice aspect, and discussion on a short-term rental ordinance amendment. A reminder to the CPC about the Canyon Oversight Committee was also provided, as well as an invitation to provide public comment on the Coastal Resilience Plan.
- **CPC Member Comments:** CPC members wanted an update on a possible response to a letter sent to the City regarding DIFs, and on how the City will engage with CPGs. Chair Schlageter stated that the City has not provided a response on the DIFs letter, though there was a reply to the CPGs engagement letter.

An additional update was provided on the DIFs letter, with plans to have it sent to the Grand Jury being mentioned.

ADJOURNMENT TO NEXT REGULAR MEETING: March 26, 2024

Meeting was adjourned at 8:27 P.M. to next regular meeting on March 26, 2024.

Type of Amendment	Item Number	Name of Item	Why is this amendment needed?	What would this amendment do?	Code Section(s)
Align the Code	1	Sports Arenas and Stadiums	The current development regulations for sports arenas and stadiums do not include adequate requirements for multi-modal transportation amenities to allow for walking, biking, and transit access and need to be amended to align with the Climate Action Plan. Sports arenas and stadiums must also obtain a separate Conditional Use Permit, even if permitted as part of a specific plan.	Proposes additional development regulations for sports arenas and stadiums to align with the Climate Action Plan's goals and policies to focus more on active transportation. It includes new parameters for design elements for buildings and parking structures. It specifies that sports arenas and stadiums included in a specific plan will be exempt from the requirement to obtain a Conditional Use Permit.	141.0622
Clarifications	2	Notice of Right to Appeal (NORA) Environmental Determination - Environmental Documents	A posted NORA Environmental Determination is required for activities subject to the California Environmental Quality Act. This includes a decision to adopt or certify an environmental document without a public hearing. To improve transparency, the specific environmental documents subject to this action need to be referenced in this section.	Replaces the term environmental documents with negative declarations, mitigated negative declarations, and environmental impact reports to provide transparency regarding when a NORA Environmental Determination posting is required when these documents are adopted or certified without a public hearing.	112.0310(a)
	3	Rules for Calculation and Measurement - Property Lines	Property lines define the perimeter of a lot and are used to determine the maximum permitted density, maximum gross floor area and applicable setbacks. A clarification needs to be made that when a development includes dedications for streets or alleys, the property lines used are those in place before the dedication.	Clarifies that when a development includes dedications for streets or alleys, the property lines used to calculate maximum permitted density, maximum gross floor area, and applicable setbacks are those in place before the dedication.	113.0246
	4	Calculating Gross Floor Area - Parking Structures	There is an inconsistency regarding what uses are allowed to exclude parking structures from gross floor area calculations, as only multiple family homes and commercial developments are the only specific uses listed. This exclusion should be applied to other uses (e.g., industrial and mixed-use development) that build a parking structure with specific design standards.	Clarifies the applicability of an exemption for parking structures from gross floor area calculations if the parking structure contains certain design guidelines. The gross floor area of garages or carports that serve single family homes or duplex developments will continue to apply to a development's gross floor area, and changes are not being proposed to this provision.	113.0234(d)
	5	Specific Plan and Community Plan Implementation Overlay Zone (CPIOZ) Supplemental Development Regulations	The purpose of CPIOZs are to provide supplemental development regulations that are tailored to specific sites within community plan areas of the City. However, these supplemental development regulations can conflict with a base zone. To improve application, guidance is needed when a base zone development regulation differs from a supplemental development regulation for an approved specific plan or a CPIOZ specified in Chapter 13, Article 2, Division 14.	Specifies that when there is a conflict between the development regulation of an applicable base zone and the supplemental development regulations for an approved specific plan or a CPIOZ in Chapter 13, Article 2, Division 14, the supplemental development regulations for an approved specific plan or a CPIOZ applies.	122.0107 132.1405

Type of Amendment	Item Number	Name of Item	Why is this amendment needed?	What would this amendment do?	Code Section(s)	
Clarifications	6		This item has been removed.			
	7	Utilized Development Permits - Complete Communities Housing Solutions Regulations	A project with a utilized development permit can alter its scope and remain a Process One, if it adheres to the development regulations of the base zone and overlay zone. This is also applicable to developments that use an incentive or waiver granted through the Affordable Housing Regulations to deviate from a development regulation, but is not applied to developments that use an incentive or waiver given through the Complete Communities Housing Solutions Regulations.	Extends the Process One allowance currently granted to projects that comply with the Affordable Housing Regulations to projects that comply with Complete Communities Housing Solutions Regulations. To ensure that Complete Communities Housing Solutions projects, with a utilized development permit, can remain a Process One ministerial building permit when altering the scope of a utilized development permit if the project adheres to the development regulations of the base zone and overlay zone.	126.0113(a)(2)	
	8	Public Right-of-Way Permits - Traffic Control Permits	An applicant must obtain a traffic control permit and a Public Right-of-Way permit before any work can occur in the public right-of-way or within a public service easement. The order of obtaining the permits is not specified.	This clarifies that a traffic control permit must be obtained concurrently with a public right-of-way permit before work in the public right-of-way can begin to ensure public safety.	129.0742	
	9	Visitor Accommodations	Visitor accommodations are a commercial use to support visitors and tourism and the code does not limit the length of stay allowed for visitor accommodations. This proposed amendment clarifies that visitor accommodations shall not be used for a length of stay longer than 30 consecutive days. Single room occupancy (SRO) hotels and SRO hotel rooms may be permitted as visitor accommodations and are exempt from this stay limitation.	Clarifies that visitor accommodations shall not be used for more than 30 consecutive days and exempts SRO hotels and SRO hotel rooms from this stay limitation. Visitor accommodations or development with a deemed complete application submitted for visitor accommodations prior to the effective date of the 2024 LDC Update shall not be subject to the length of stay limitations	131.0422- Table 131-04B 131.0522- Table 131-05B 131.0707- Table 131-07A	
	10	Commercial Zones - Commercial Neighborhood Zone Use Hours	Uses within the Commercial-Neighborhood zones are prohibited from operating before 6 a.m. and after midnight due to a footnote applying to the entire zone. This footnote was incorporated when this zone was established and was not updated when additional uses were added over time.	Clarifies which uses within the Commercial-Neighborhood zones are prohibited from operating before to 6 a.m. and after midnight. Allows uses such as vehicle charging stations to operate at all times.	131.0522 - Table 131-05B	

Type of Amendment	Item Number	Name of Item	Why is this amendment needed?	What would this amendment do?	Code Section(s)
Clarifications	11	Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) - Street Tree Requirements	The street tree requirement for lots that contain two or more ADUs and any JADU is calculated based on the lot area. This calculation does not consider undeveloped areas such as open space and environmentally sensitive lands.	Clarifies that a lot, with a combination of two or more ADUs and any JADU located in the Open Space-Residential zone or on a parcel that contains environmentally sensitive lands, can calculate the required number of street trees based on the allowable developable area.	141.0302(b)(2)(E)
	12	Density Calculation Exclusions - Live/Work Quarters and Watchkeeper's Quarters	Live/work quarters and watchkeeper's units are allowed in commercial zones and provide opportunities for business owners to live and work in the same area. The code is unclear whether the square footage from live/work quarters and watchkeeper's quarters count toward the maximum allowable density of the underlying base zone or land use plan. Please note that these uses are not allowed in residential zones.	Provides clarification that the square footage from live/work quarters and watchkeeper's quarters do not count toward the maximum allowable density of the underlying base zone or land use plan.	141.0311 141.0314(f)
	13	Sign Regulations - Signs with More than Two Faces	The development standard language for signs with more than two faces is different for projecting signs, roof signs and ground signs in commercial and industrial zones.	Simplifies the development regulations for signs with two or more faces by stating that signs may have more than two faces but cannot exceed twice the permitted sign area for projecting signs, roof signs, and ground signs in commercial and industrial zones.	142.1230 - Table 142-12D 142.1235 - Table 142-12F 142.1240 - Table 142-12H
	14	Affordable Housing Regulations - Floor Area Ratio (FAR) Exemption	The Affordable Housing Regulations are unclear regarding the applicability of the FAR exemption to affordable housing density bonus projects.	Adds language specifying that affordable housing density bonus projects that use the land use plan density to calculate a bonus are eligible for an FAR exemption.	143.0720(l)(13)
	15	Transit Priority Area (TPA) Clarifications	The code was amended to require that projects must be located within a Sustainable Development Area (SDA) to be eligible for specific programs. In addition, state-mandated programs would still be eligible if they were located with a TPA.	Specifies that state-mandated density bonus programs and the Multi-Dwelling Unit and Urban Lot Split Regulations apply to projects within the SDA or TPA. This proposal does not expand the use of either of these programs.	143.0720(i) 143.0720(l)(7) 143.0740(e) 143.1310(a)(3)
	16	Complete Communities Housing Solutions - Airport Land Use Compatibility Zone	The Complete Communities Housing Solutions regulations are silent on whether a waiver can be granted if a project is inconsistent with the Airport Land Use Compatibility Zone regulations.	Clarifies that waivers granted to Complete Communities Housing Solutions projects must also be consistent with Airport Land Use Compatibility Zone regulations.	143.1010(i)(2)(E)

Type of Amendment	Item Number	Name of Item	Why is this amendment needed?	What would this amendment do?	Code Section(s)
Clarifications	17	Complete Communities Housing Solutions - Pedestrian Circulation Space	Complete Communities Housing Solutions includes supplemental development requirements for pedestrian circulation improvements, including width requirements for a clear path of travel and the inclusion of a buffer area for tree plantings. These requirements may be different than the requirements in the Street Design Manual. This proposed amendment clarifies the pedestrian circulation space improvement requirements for Complete Communities Housing Solutions projects.	Clarifies the pedestrian circulation space requirements for Complete Communities Housing Solutions projects and requires an urban parkway of at least 14 feet in width, with a clear path of travel of at least 8 feet in width and a buffer area of at least 6 feet in width. If there is a conflict between these regulations and the Street Design Manual, the greater applies. Premises less than 25,000 square feet may continue to provide an infrastructure amenity instead of the urban parkway.	143.1025(a)(1)
	18	Complete Communities Housing Solutions - Transition Planes	Complete Communities Housing Solutions projects must incorporate a transition plane if they are adjacent to RS (Residential-Single Unit) zones to ensure properties are adequately spaced. The existing regulations need to be expanded to include lots that are irregularly shaped.	Clarifies that for Complete Communities Housing Solutions Projects adjacent to RS (Residential-Single Unit) zones, the transition plane is measured from the existing grade of the shared property line and extends 1/3 of the lot depth or width, or 25 feet, whichever is less. Lot depth is used when the shared property line is a rear property line and lot width is used when the shared property line is a side property line. Buildings, architectural projects or encroachments are not allowed to extend into the transition plane.	143.1025(e)(2)
	19	Climate Action Plan - Consistency Regulation Applicability	The Climate Action Plan Regulations apply to development that results in three or more dwelling units, however the regulations are unclear if they apply to existing or new dwelling units.	Clarifies that the Climate Action Plan Regulations apply to new developments that bring the total number of dwelling units to three or more dwelling units on a premises.	143.1403(a)(1)
	20	La Jolla Shores Planned District - Minor in Scope Development Criteria	The La Jolla Shores Planned District needs to be amended to codify Information Bulletin 621, which clarifies protocols to determine whether an addition and/or alternation is minor in scope.	Clarifies that the following types of development in La Jolla Shores Planned District may be determined to be minor in scope and can be approved or denied in accordance with a Process One Building Permit: applications for improvements, additions, or alterations that increase the existing floor area by 10 percent or less or applications for improvements to patio covers, decks, fences, retaining walls, uncovered swimming pools, unlighted tennis courts, or single family residences.	1510.0201(d)

Type of Amendment	Item Number	Name of Item	Why is this amendment needed?	What would this amendment do?	Code Section(s)
Clarifications	21	Mission Beach Planned District - Minimum Interior Yards Exceptions	The Mission Beach Planned District allows minimum interior yard setback exceptions for specific structures. Additional language is needed to clarify the setback exception applicability.	Clarifies that a structure with a height of 20 feet or less above the existing or proposed grade, whichever is lower, may observe a 3 foot setback and be placed anywhere between the standard 5 foot setback or the 3 foot reduced setback exception. In addition, if any portion of the structure's facade exceeds 20 feet, it shall not exceed a vertical plane established by a 45-degree angle sloping inward from the 3 foot reduced setback to the maximum permitted 30 foot height limit.	1513.0304(c)(3)(B)
	22	Mission Beach Planned District - Landscaping	The Mission Beach Planned District landscaping guidelines require that 100% of all required yards be landscaped. Additional clarification is needed regarding where the planting locations can be located, their height, and the type of plants and site amenities that can be used to meet the requirements.	Provides additional details regarding the planting area requirements in rear yards, including that ground cover must be living, the planting areas should be at grade, plants must be drought-tolerant and native or non-invasive plant species and amenities are limited to a height of 3 feet.	1513.0402(a)(1)
Compliance with State Law	23	Calculating Maximum Permitted Density	AB 1287 (Alvarez - 2023) specifies that if an inconsistency exists between the applicable land use plan density and base zone density, the greatest number of units allowed shall be used when calculating the density bonus for a development.	Clarifies that the greatest number of units allowed shall be used when calculating the density bonus for a development if the applicable land use plan and the base zone density are inconsistent.	113.0222(c)
	24	Child Care Facilities	SB 234 (Skinner - 2019) requires that small and large family child care homes be permitted in any zone that allows for residential.	Streamlines the limited use regulations for small and large family child care homes to ensure they align with the CA Health and Safety Code and allows small and large child care homes as a limited use in the RM-5-12 (Residential-Multi Unit).	131.0422 - Table 131-04B 141.0606(b)(1) 141.0606(b)(2)(B)
	25	Accessory Dwelling Units (ADUs) - Front Setback Development Regulations	AB 2221 (Quirk-Silva - 2022) includes that a front setback requirement cannot be used to prohibit the construction of an ADU home that is 800 feet or less.	States that a front yard setback can not be used to prohibit the construction of an ADU home that is 800 square feet or less on a premises with an existing or proposed dwelling unit.	141.0302(c)(2)(D)
	26	Junior Accessory Dwelling Unit (JADU) - Kitchen Requirements	The JADU kitchen requirements must be amended to ensure the City complies with Government Code Section 65862.22.	Amends JADU kitchen requirements to state they must include a cooking facility with appliances and storage cabinets and a food preparation counter that are reasonably sized to the JADU.	141.0302(d)(2)(C)-(D)

Type of Amendment	Item Number	Name of Item	Why is this amendment needed?	What would this amendment do?	Code Section(s)
Compliance with State Law	27	Affordable Housing Regulations - 100% Affordable Projects	AB 2334 (Wicks - 2022) expanded State Density Bonus Law to projects in very low vehicle travel areas, where the driving is less than 85% of the regional or city average.	Expands the applicability of State Density Bonus Law provisions within the Affordable Housing Regulations to projects located in Mobility Zone 3. Mobility Zone 3 is defined as a community planning area boundary with a Vehicle Miles Traveled (VMT) efficiency of 85% or less of the regional average.	143.0720(i) 143.0720(l)(7) 143.0740(e)
	28	Affordable Housing Regulations - Density Bonus in Exchange for For-Sale and For-Rent Affordable Units	SB 290 (Skinner—2021) clarified that affordable units may include for-sale units or rental units to qualify for a State Density Bonus.	Expands incentives and bonuses available to projects containing for-sale units to ensure consistent application of State Density Bonus Law	143.0720(l)(2) 143.0720(l)(3) 143.0720(l)(4) 143.0720(l)(8)
	29	Affordable Housing Regulations - Density Bonus and Incentives	State Density Bonus Law prohibits a local agency from requiring the preparation of an additional report or study to grant a density bonus. In addition, granting an incentive can not trigger a land use plan amendment, zoning change, a study or other discretionary approval to grant an incentive.	Updates the State Density Bonus Law provisions in the Affordable Housing Regulations to include that granting a density bonus will not trigger a study and that granting an incentive will not trigger a land use plan amendment, zoning change, study or other discretionary approval.	143.0720(q) 143.0740(c)(3)
	30	Affordable Housing Regulations and Complete Communities Housing Solutions - Incentives and Waivers Denial	SB 290 (Skinner - 2021) eliminated adverse impacts on the physical environment as a reason a City or County can deny an incentive, concession, or waiver for a density bonus project.	Updates the Affordable Housing Regulations and Complete Communities Housing Solutions by removing physical environment as a reason to deny an incentive, concession, or waiver and ensures the language is consistent.	143.0740(c)(1)(B) 143.0743(b)(1) 143.1010(i)(2)(A)
	31	Affordable Housing Regulations - Density Bonus and Incentives for Commercial Development	AB 1551 (Santiago - 2022) expanded State Density Bonus Law to commercial development that constructs affordable housing, donates land for affordable housing, or financially contributes to the development of affordable housing units.	Adds the Density Bonus and Incentives for Commercial Development program to the Affordable Housing Regulations. This program currently expires on January 1, 2028.	143.0742(c) 143.0748
Corrections	32	City Planning Department Name Change	As part of the Fiscal Year 2024 Budget, the Planning Department's name was changed to the City Planning Department. This change is not reflected in the Municipal Code.	Updates the San Diego Municipal Code to correctly reference the City Planning Department.	22.1801(b) Ch. 2, Article 2, Div 24 22.2402(a) 22.2402(c) 86.2102 98.0607 Ch. 15, Article 9, Appendix C- Building Color Guide

Type of Amendment	Item Number	Name of Item	Why is this amendment needed?	What would this amendment do?	Code Section(s)
Corrections	33	Airport Approach Overlay Zone and Airport Environs Overlay Zone - Reference Removals	The Airport Approach Overlay Zone and Airport Environs Overlay Zone are no longer applicable and were previously deleted from the code and several references need to be removed.	Removes references to the Airport Approach Overlay Zone and Airport Environs Overlay Zone under Site Development Permits and deviations for the mixed-use zones in the code as they are no longer applicable.	126.0502(e) 131.0710(c)
	34	Coastal Overlay Zone - Coastal Map References	The Coastal Overlay Zone Development Regulations need to be updated to reflect recent mapping updates.	Amends references to Map No. C-730.1 (Official Coastal Development Permit Jurisdiction Map) and Map No. C-908 (Coastal Overlay Zone) in the Coastal Overlay Zone Regulations to reflect recent mapping updates. In addition, updates the Diagram 132-04A (Coastal Overlay Zone), which is a reproduction of the Coastal Overlay Zone Boundary.	126.0702(b) 132.0402(a) 132.0402 - Diagram 132-04A
	35	RE (Residential-Estate) Zones - Deletion	The City does not currently contain any parcels zoned RE.	Deletes the RE zones and any associated references	129.0203(a)(12) 131.0402 131.0422 - Table 131-04B 131.0431 131.0431 - Table 131-04C 131.0442(a) 131.0443(a) 131.0445(a) 131.0449(a) 131.0464(a) 132.1202- Table 132-12A 132.1205 142.0510(g) 142.0910(a) 143.0350(c) 143.0420- Table 143-04B 143.1303(a) 143.1310
	36	RS (Residential-Single Unit) Zones - Bedroom Regulations	The RS zone development regulations, listed in Table 131-04D, include a reference to Bedroom Regulations, which no longer apply to this zone.	Deletes the reference to Bedroom Regulations in the RS zone development regulations.	131.0431 - Table 131-04D
	37	RM (Residential Multi- Unit) Zones - Maximum Lot Coverage	The maximum lot coverage requirement for the RM-3-7 through RM-4-11 zones is incorrect. The applicable setback and floor area ratio should regulate the development intensity, consistent with the maximum lot coverage requirement for the RM-1-1 through RM-2-6 zones.	Corrects the development regulations for the RM zones to specify that the RM-3-7 through RM-4-11 zones do not have a maximum lot coverage consistent with the RM-1-1 through RM-2-6 zones.	131.0431 - Table 131-04G

Type of Amendment	Item Number	Name of Item	Why is this amendment needed?	What would this amendment do?	Code Section(s)
Corrections	38	Commercial Zones - Maximum Setback Requirements	There is an inconsistency between the maximum setback requirements and the corresponding diagram for Commercial-Community, Commercial-Neighborhood, Commercial-Office, and Commercial-Visitor zones. The maximum setback of the base zone should only apply to 70 percent of the street frontage. The remaining 30 percent of the street frontage is not required to observe the maximum setback and may be located farther from the property line.	Edits Diagram 131-05B (Maximum Setback Requirement) to align it with the setback requirements currently in Section 131.0543(a)(2) to clarify that the maximum setback of the base zone applies to only 70 percent of the street frontage. The remaining 30 percent is not required to observe the maximum setback, and it can be located farther from the property line for the Commercial-Community, Commercial-Neighborhood, Commercial-Office, and Commercial-Visitor zones.	131.0543 - Diagram 131-05B
	39	Mixed Use Base Zones - Terminology related to Cannabis	The Mixed Use Base Zones Use Table uses the term "marijuana," which has been replaced with the term "cannabis" to align with State Law.	Replaces Marijuana Production Facilities and Marijuana Outlets with Cannabis Production Facilities and Cannabis Outlets in the Mixed Use Base Zone Use Table.	131.0707 - Table 131-07A
	40	Community Plan Implementation Overlay Zone (CPIOZ) - Barrio Logan	The illustration for the Barrio Logan CPIOZ needs to be updated to reflect modifications that the City Council approved to the Barrio Logan Community Plan to depict the buffer zone.	Updates Diagram 132-14T (Barrio Logan Community Plan Implementation Overlay Zone) with a revised illustration of the Barrio Logan CPIOZ, which depicts the buffer zone.	132.1403- Diagram 132-14T
	41	Airport Land Use Compatibility Plan (ALUCP) - Safety Criteria	In Table 132-15I (Safety Compatibility Criteria for San Diego International Airport – Uptown, Balboa Park, and Centre City Neighborhoods), the people per acre figure of 240 for Safety Zone 4E was erroneously repeated for the maximum dwelling units allowed. This is incorrect since the Airport Land Use Compatibility Plan states that new dwelling units are prohibited within Safety Zone 4E.	Corrects Table 132-15I to reflect that new dwelling units are prohibited in Safety Zone 4E.	132.1515 - Table 132-15I
	42	Airport Land Use Compatibility Plan (ALUCP) - Visitor Accommodations	The footnotes for Table 132-15I (Safety Compatibility Criteria for San Diego International Airport – Uptown, Balboa Park, and Centre City Neighborhoods) and Table 132-15J (Safety Compatibility Criteria for the San Diego International Airport – Ocean Beach, Peninsula, Midway-Pacific Highway Neighborhoods) states that visitor accommodations shall have at most 56 rooms. This is an error that should instead state 56 rooms per acre.	Corrects the footnotes for Table 132-15I and Table 132-15J to state that the allowable density for visitor accommodations is 56 rooms per acre in the ALUCP.	132.1515 - Table 132-15I and Table 132-15J

Type of Amendment	Item Number	Name of Item	Why is this amendment needed?	What would this amendment do?	Code Section(s)
Corrections	43	Sustainable Development Area (SDA) Additions	Placemaking on private property and outdoor dining regulations need to be amended to apply to the SDA instead of the Transit Priority Area (TPA).	Amends Placemaking on private property and outdoor dining regulations to ensure specific provisions apply to the SDA in place of the TPA.	113.0103 141.0421(f) 141.0421(h) 141.0628(a)(5)
	44	Affordable Housing Regulations - Parking Ratio for Affordable Housing	AB 2097 implementation removed parking minimums within half a mile of transit and deleted references to the Parking Standards Transit Priority Areas (PSTPA). Any remaining PSTPA references must be deleted from the code.	Deletes a reference to the PSTPA in Table 143-07D (Parking Ratios for Affordable Housing).	143.0744 - Table 143-07D
	45	Affordable Housing Regulations - Affordable Housing For All Incentives and Waivers References	Several sections of the code reference that "development consistent with the criteria in this section shall be entitled to incentives and waivers in accordance with Sections 143.0740 through 143.0743." This is incorrect and should instead say Sections 143.0740 <u>and</u> 143.0743.	Replaces the word "through" with "and" in this code section.	143.0746(a)(5) 143.0746(b)(7)
	46	Complete Communities Mobility Choices - Mobility Zone 4 Definition	The definition of Mobility Zone 4 needs to be corrected as some areas qualify as being in both Mobility Zone 3 and Mobility Zone 4 as currently written.	Corrects the definition of Mobility Zone 4 to state it applies to areas where both the resident and employee Vehicle Miles Traveled (VMT) efficiency is greater than 85% of the regional average.	143.1103(a)(4)
	47	Central Urbanized Planned District - Floor Area Ratio (FAR) Exemptions	A previous code update implemented SB 478 (Weiner), creating maximum FAR standards for housing development projects greater than two units in multifamily zones. As part of this update, an error was recorded in Table 155-02A (Floor Area Ratio Exceptions), where the FAR for the RM-1-1 (Residential Multifamily) zone was changed to 0.1 instead of 1.0 in the Central Urbanized Planned District.	Amends the FAR for the RM-1-1 zone in the Central Urbanized Planned district to reflect the correct maximum FAR of 1.0.	155.0231 - Table 155-02A

Type of Amendment	Item Number	Name of Item	Why is this amendment needed?	What would this amendment do?	Code Section(s)
Regulatory Reforms	48	Consolidating of Processing	When an applicant needs multiple approvals for a single development, the applications are automatically consolidated and subject to the highest level of decision-making authority. This can cause delays in approving a project that would otherwise be approved ministerially but would require discretionary approval due to the public right-of-way vacation or public service easement.	Allows flexibility by not consolidating public right-of-way vacations and public service easements with other development applications unless the applicant requests it. In addition, the amendment requires the public right-of-way vacation or public service easement approvals that are not consolidated to be recorded before any other associated construction or building permits are approved.	112.0103 125.0950 125.1050
	49	Calculating Gross Floor Area - At Grade Unenclosed Spaces	The square footage of an at grade unenclosed space, such as a carport beneath a home, is included when calculating the floor area ratio for residential development. Including this square footage reduces the development potential to expand the square footage of a home or build another home.	Removes the requirement to include the square footage of at grade unenclosed spaces, located beneath a structure, when calculating the floor area ratio for a residential development.	113.0234(b) 113.0234- Diagram 113-02P
	50	Determining Property Lines - Resubdivided Corner Lots in Residential Zones	When a corner lot in a residential zone is subdivided into two or more smaller lots, the applicable rear setback is applied to the existing interior side setback, which could limit the developable area for new homes on the newly created lots.	Determines the property lines for corner lots in residential zones by applying the interior side setback to the newly created side setback and amends Diagram 113-02DD (Setbacks for Resubdivided Corner Lots) to reflect this change.	113.0246(f) 113.0246 - Diagram 113-02DD
	51	Exemptions from a Building Permit - Sidewalk Cafes	Sidewalk cafes with a barrier are required to obtain a building permit in addition to other required approvals. This requirement should only apply if the barrier impacts egress.	Streamlines the development of sidewalk cafes with barriers that do not impact egress by exempting them from the building permit requirement. A building permit will still be required for any sidewalk cafe that impacts egress under Section 129.0203(a)(24)(A).	129.0203(a)(24)(B)-(C)

Type of Amendment	Item Number	Name of Item	Why is this amendment needed?	What would this amendment do?	Code Section(s)
Regulatory Reforms	52	Behavioral Health Facilities	<p>To provide services for those in need, a streamlined process for developing behavioral health facilities, classified as Residential Care Facilities in the code, needs to be created to help people with mental illness and substance use disorders.. In addition, Continuing Care Retirement Communities, Residential Care Facilities, Transitional Housing, and Intermediate Care Facilities & Nursing Facilities need to be permitted in a similar process to ensure compliance with The Federal Fair Housing Amendments Act of 1998 (FHAA), which prohibits discrimination in housing regulation and preempts all state laws to the extent that they are less protective.</p>	<p>Streamlines the permitting process for Residential Care Facilities and strengthens the City's commitment to fair housing by permitting Continuing Care Retirement Communities, Transitional Housing, and Intermediate Care Facilities & Nursing Facilities in a similar process. Appropriate regulations for these facilities based on the location and zone of the facility are included to ensure compatibility with surrounding land uses. No changes are being proposed to residential care facilities in single family zones. Residential care facilities for seven or more people in multifamily and commercial zones within 500 feet of a school, playground or childcare will continue to require a conditional use permit. In addition, this item separates Hospitals, Intermediate Care Facilities, & Nursing Facilities into two separate uses.</p>	<p>131.0222 - Table 131-02B 131.0322 - Table 131-03B 131.0422 - Table 131-04B 131.0522 - Table 131-05B 131.0622 - Table 131-06B 131.0707 - Table 131-07A 132.1510 - Tables 132-15D and 132-15E 132.1515 - Tables 132-15G, 132-15H, 132-15I and 132-15J 141.0312 141.0413 141.0423 141.0702(a)(1) 142.0525 - Table 142-05C 155.0238 - Table 155-02C 1516.0112 - Table 1516-01B 1516.0117 - Table 1516-01D 1516.0122 - Table 1516-01F</p>
	53	Residential Zones - Commercial Use Regulations	<p>A footnote should have been included in a previous code update to apply commercial use regulations in the RM (Residential-Multiple Unit) zones to the following uses: Wearing Apparel & Accessories and Instructional Studios. In addition, additional guidance is needed regarding the size limitations for commercial use within a residential zone.</p>	<p>Modifies the Commercial Use Regulations for residential zones to include that the commercial use may only be on the ground floor of a mixed-use development only and take up 10% of the gross floor area of the building. These regulations are also applied to Wearing Apparel & Accessories and Instructional Studios. In addition, it adds Eating and Drinking Establishments as a permitted use but limits this use to a maximum of 2,000 square feet.</p>	<p>131.0420(a)(1) 131.0422 - Table 131-04B 131.0423(c)-(e)</p>

Type of Amendment	Item Number	Name of Item	Why is this amendment needed?	What would this amendment do?	Code Section(s)
Regulatory Reforms	54	RS (Residential-Single Unit) Zones - Side and Street Setbacks	The side and street side setbacks for the RS-1-1 through RS-1-7 zones are determined using a percentage of the lot width. This can lead to variances for similarly situated properties and confusion for applicants and reviews.	Streamlines project reviews by replacing the percentage of lot width with a static number for minimum side and street side setbacks in the RS-1-1 through RS-1-7 zones. In addition, it specifies minimums for reallocated side and street side setbacks.	131.0431(b) - Table 131-04D 131.0443(a)(4)
	55	Urgent Care Facilities	Urgent Care Facilities in the commercial zones are required to obtain a Neighborhood Development Permit. This is inconsistent with the mixed use zones, which allow them as a permitted use.	Reduces the process level for Urgent Care Facilities in all commercial zones from a Neighborhood Use Permit to a Limited Use. This will ensure that regulations are applied consistently to Urgent Care Facilities.	131.0522 - Table 131-05B 141.0624
	56	Mixed Use Base Zones - EMX (Employment Mixed-Use) Zones	The EMX zones only allow residential uses as a secondary use. This limits the development potential for more homes on premises with existing large commercial properties.	Allows the primary use to be new residential in an EMX zone if the development is located on a premises or adjacent premises where the total gross floor area is occupied by retail sales or eating and drinking establishment uses, or both, of at least 500,000 square feet.	131.0702 131.0703 131.0704
	57	Community Plan Implementation Overlay Zone (CPIOZ) - Exception Filing Process Change	CPIOZ exemptions are currently filed with the City Clerk. This differs from the standard processes for development approvals and creates an unnecessary implementation step.	Requires that the recording of a CPIOZ exemption with a project's development permit. This improves efficiency by deleting the requirement for a separate filing process.	132.1403
	58	Community Plan Implementation Overlay Zone (CPIOZ) - Supplemental Development Regulation Alternative Compliance	Project permitting and implementation delays occur when a development cannot comply with CPIOZ supplemental development regulations for public right-of-way improvements due to the constraints of implementing individual developments along a corridor.	Amends the CPIOZ regulations in Chapter 13, Article 2, Division 14 to allow for alternative compliance through the payment into a citywide infrastructure fund if the City Engineer determines the installation of a supplemental development regulation for a public right-of-way improvement would create undesirable drainage, traffic or pedestrian circulation conditions.	132.1404
	59	Airport Land Use Compatibility Plan (ALUCP) - Airport Land Use Commission Review	A clearly outlined process does not exist for Airport Land Use Commission review for rezones and amendments to land use plans that do not have an associated development project in Review Area 1 of the applicable Airport Land Use Compatibility Plan.	Requires applicants within Review Area 1 of the ALUCP to submit rezones and land use plan amendments that do not have an associated development project to the Airport Land Use Commission to obtain a consistency determination.	132.1550(f)-(g)

Type of Amendment	Item Number	Name of Item	Why is this amendment needed?	What would this amendment do?	Code Section(s)
Regulatory Reforms	60	Accessory Dwelling Units (ADUs) - Interior Side and Rear Yard Setback Requirements	ADU structures over 16 feet in height must include a 4 foot interior side or rear yard setback if that property line abuts a residential use. This requirement can be more restrictive than the side and rear setback requirements in certain residential zones. When this occurs, the base zone setbacks should apply.	Aligns the setbacks for ADU structures over 16 feet in height that abut a residential use by allowing the ADU to follow the base zone side setback or the standard ADU 4 foot setback, whichever is less, for the interior side yard and rear yard setbacks.	141.0302(c)(2)(G)
	61	Monitored Perimeter Security Fence Systems	Monitored Perimeter Security Fence Systems are electrically charged security systems installed behind a perimeter fence. The existing fence regulations in the code do not allow for these types of fences.	Adds design and general regulations for Monitored Perimeter Security Fence Systems. These fence systems would only be permitted in industrial zones.	142.0305 - Table 142-03A 142.0360 142.0390
	62	Off-Street Loading Spaces - Research and Development Uses	Research and Development uses may need fewer off-street loading areas than other Industrial Uses, such as manufacturing, and align more with the off-street loading space requirements for the Commercial Use Subcategory.	Reduces the required number of off-street loading spaces for Research and Development Uses and aligns the requirements with the Commercial Use Subcategory. In addition, other clarifying changes were made to Table 142-10B (Required Off-Street Loading Spaces).	142.1010 - Table 142-10B
	63	Complete Communities Housing Solutions - Public Space Alternative	Implementing the promenade requirement for Complete Communities Housing Solutions projects is challenging in certain circumstances. Additional flexibility is needed to encourage greater use of the program and the inclusion of more on-site amenities.	Amends the Infrastructure Amenities section of Complete Communities Housing Solutions to allow for a public space alternative that can be used to meet the former promenade requirement to encourage the construction of more public spaces.	143.1010(c)(6) 143.1020(b) 143.1025(c)(4)(A)
	64	Complete Communities Housing Solutions - Building Standard Exemption for Centre City Planned District	Complete Communities Housing Solutions includes specific design standards for buildings over 95 feet. The Centre City Planned District requires design guidelines that are more detailed than the supplemental design standards contained in Complete Communities Housing Solutions.	Exempts projects within the Centre City Planned District from the Complete Communities Housing Solutions supplemental design for buildings over 95 feet, which is already addressed in the Centre City Planned District.	143.1025(c)

Type of Amendment	Item Number	Name of Item	Why is this amendment needed?	What would this amendment do?	Code Section(s)
Regulatory Reforms	65	Old Town San Diego Planned District - Design Review Board Removal	The Old Town San Diego Planned District Design Review Board was established to provide additional review to projects proposed in Old Town San Diego. The Design Review Board has not met or been able to obtain a quorum in the past few years. To ensure projects are reviewed promptly, it is necessary to remove the Design Review Board and its review oversight within the Old Town Planned District.	Deletes references to the Design Review Board as it would no longer exist. Additional review oversight will no longer be required for projects within the Old Town San Diego Planned District.	1516.0103 1516.0106(a) 1516.0112 - Table 1516-01B 1516.0117 - Table 1516-01D 1516.0121(b) 1516.0122 - Table 1516-01F 1516.0139 1516.0139 - Table 1516-01H 1516.0140 - Table 1516-01K
	66	Indemnification	Indemnification language is required on development permits to ensure that applicants agree to defend, indemnify, protect, and hold harmless the City in any action arising from their development application. It is a department standard procedure for the Development Services Department to include indemnification language on development permits.	Codifies standard indemnification language for development permits to provide greater transparency to applicants and extends its application to construction permits to ensure consistent application.	126.0109 129.0122
Regulatory Reforms	67	Child Care Facilities - Floor Area Ratio (FAR) Bonus	There is a growing need for child care facilities citywide. The existing child care FAR Bonus incentive only applies to specific commercial zones and needs to be expanded to additional zones that allow this use.	Expands the child care FAR bonus to more zones that allow child care facilities. The child care FAR bonus allows for 10 square feet of additional gross floor area for each 1 square foot of gross floor area developed for a child care facility. The area designated for the child care facility must maintain an 'E' occupancy permit for at least ten years and comply with the additional separately regulated use requirements. No changes to setbacks or height regulations are included	131.0431 - Table 131-04G 131.0446(e)-(f) 131.0531 - Table 131-05C 131.0531 - Table 131-05E 131.0546(b) 131.0631 - Table 131-06C 131.0632 131.0709 - Table 131-07B 131.0719 155.0242 - Table 155-02D 155.0243
	68	Tentative Map and Parcel Map Requirements	The Subdivision Map Act allows cities and counties to create ordinances to divide land into smaller lots for development or sale. The code implements the Subdivision Map Act, however it is currently more restrictive than what is allowed.	Implements the Subdivision Map Act to require a tentative map when a proposed subdivision creates 5 or more lots under certain circumstances and makes changes to reflect when a parcel is required. For any subdivision, the City Engineer may require dedications and public improvements.	125.0410

Type of Amendment	Item Number	Name of Item	Why is this amendment needed?	What would this amendment do?	Code Section(s)
Regulatory Reforms	69	Driveway and Access Regulations - Industrial Uses	All nonresidential uses on lots greater than 50 feet must comply with the same maximum driveway widths. If a project exceeds this maximum driveway width, an otherwise ministerial building permit may now be considered discretionary, causing permitting delays. An exemption must be made for industrial uses within industrial zones that must exceed the maximum driveway width to accommodate freight-carrying vehicles to reduce review and process approvals.	Allows industrial uses within industrial zones to exceed the maximum driveway widths on lots greater than 50 feet in width if they submit technical documentation that the increase in driveway width is necessary for freight-carrying vehicles and that the proposed driveway would not result in adverse impacts.	142.0560 - Table 142.05M 142.0560(j)
Corrections	70	Typographic and Formatting Corrections	Formatting and typographic errors can occur when code sections are reconciled through the code amendment process.	Corrects various typographic and formatting errors.	112.0103(a) 131.0522 - Legend for Table 131-05B 131.0546 142.1305 Chapter 14, Article 3, Division 14 Title
	71	Fraternities and Sororities and Student Dormitories Cleanup	Fraternities and Sororities and Student Dormitories were split into two separate uses as part of a previous code update. This change needs to be reflected consistently throughout the code.	Amends various use tables to ensure that Fraternities and Sororities and Student Housing are correctly referenced as two separate uses.	131.0222 - Table 131-02B 131-0322 - Table 131-03B 131-0422 - Table 131-04B 131-0622 - Table 131-06B 132.1510 - Tables 132-15D and 132-15E 132.1515 - Tables 132-15G, 132-15H, 132-15I and 132-15J 155.0238 - Table 155-02C 1516.0112 - Table 1516-01B 1516.0117 - Table 1516-01D 1516.0122 - Table 1516-01F
	72	Single Dwelling Unit Residential Uses - Parking Ratios	There is conflicting information in Table 142-05B (Minimum Required Parking Spaces for Single Dwelling Units and Related Uses), and it needs to be reformatted to ensure a consistent application that automobile parking spots are not required within transit priority areas.	Updates Table 142-05B, Minimum Required Parking Spaces for Single Dwelling Units and Related Uses, to ensure it clearly states that automobile parking spots are not required within transit priority areas.	142.0520 - Table 142-05B

Type of Amendment	Number	Name of Item	Why is this amendment needed?	What would this amendment do?	Code Section(s)	
Align the Code with City's Climate, Equity and Housing Goals	1	Downtown: Urban Design Regulations - Greening	The Centre City Planned District requires architectural details on blank walls extending beyond a certain length. This requirement does not improve the pedestrian experience or support the City's climate goals and needs to be updated.	Replaces the architectural detail requirement for artwork on blank walls that extend beyond a certain length with a living green wall or fragrant landscaped planter and defines these terms. Adds the option to provide a living green wall to fulfill the design requirements of above-grade parking that is not encapsulated.	156.0302 156.0311(e)(1) 156.0313(f)(2)(C)	
	2	Downtown: Base District Use Regulations - Underutilized Property	Several Uses in the Centre City Planned District do not meet the minimum density requirements outlined in Figure H (Base Minimum and Maximum FAR) for the Core, Employment/Residential, and Ballpark Mixed Use districts. This prevents housing and employment development and dissuades against the efficient use of property within the major mixed-use zones Downtown.	Aligns certain land uses in Table 156-0308-A (Centre City Planned District Use Regulations) with the minimum density requirements by excluding low-intensity auto-oriented uses in the Employment/Residential Mixed-Use, Ballpark Mixed-Use districts, and the Core districts, and any within the San Diego Promise Zone. This will encourage the efficient use of property through development that meets density requirements and will bring more housing and employment opportunities to the San Diego Promise Zone.	156.0308 - Table 156-0308-A	
	3	This item has been removed.				
	4	Downtown: Base District Use Regulations - Ground Floor Residential Conversions	The Centre City Planned District currently allows conversion of employment to residential uses by right, but is unclear as to whether that applies to ground floor commercial spaces within certain overlay districts that require ground floor commercial uses.	Adds a footnote Table 156-0308-A (Centre City Planned District Use Regulations) to allow ground floor commercial spaces to be converted to residential dwelling units during a limited time period in the Neighborhood Commercial district and Main Street and Commercial Street overlays if they are restricted to middle income (30 percent of 150 percent of the area median income). This will further the City's housing goals by allowing residential uses in additional ground floor locations.	156.0308 - Table 156-0308-A	

	Number	Name of Item	Why is this amendment needed?	What would this amendment do?	Code Section(s)
Align the Code with City's Climate, Equity and Housing Goals	5	Downtown: Active Commercial Uses Floor Area Ratio (FAR) Exemption	The Centre City Planned District encourages active commercial uses on main streets through a FAR exemption. This exemption needs to be expanded to include C Street and the San Diego Promise Zone to encourage the development of active commercial storefronts.	Expands the existing active commercial use exemption for FAR calculations to developments along C Street and within the San Diego Promise Zone to incentive ground floor commercial uses.	156.0309(e)(4)
	6	Downtown: Temporary Surface Parking Lot Activation	The Centre City Planned District currently allows temporary surface parking lots with approval of a conditional use permit, but does not require activation of the street frontage along those lots, which detracts from a safe and enjoyable pedestrian experience.	Adds a requirement for temporary surface parking lots that are larger than 30,000 square feet to provide placemaking or outdoor activation along 30 percent of the street frontage. This amendment increases neighborhood opportunities for recreational or commercial activities at surface parking lot sites to improve the pedestrian experience.	156.0313(g)(1)(E)
Clarifications	7	Downtown: Decision Process Consolidation	The Decision Process language for the Centre City Planned District needs to be aligned with the Citywide regulations.	Clarifies that Centre City Planned District development is subject to the Citywide decision processes and consolidates language into a single Decision Process section.	156.0304(b) 156.0304(b)(2)-(3)
	8	Downtown: Street Wall Frontage and Tree Preservation	New development projects often remove existing mature trees due to development regulations and design constraints which does not support the City's climate goals.	Updates the street wall exemption to support preserving existing trees in place of auto-oriented uses to advance the City's climate goals and to enhance the pedestrian experience.	156.0310(d)(1)(B)(iv)
	9	Downtown: Minimum Ground-Floor Heights	The Centre City Planned District currently contains development regulations relating to minimum Ground-Floor Heights but does not specify a minimum depth for maintaining those heights.	Adds language to establish a required minimum depth for Ground-Floor Heights to provide additional clarification.	156.0310(e)
	10	Downtown: Structured Parking Facility Standards	Enhancements are needed to the Structured Parking Facility Standards to ensure the efficient use of properties and to activate the public right-of-way by correlating above-ground parking standards with the allowed density of a site.	Aligns above-ground parking standards with the allowed density by requiring a project to maximize Floor Area Ratio (FAR) before allowing above-ground parking. Further, this amendment provides for alternative design standards to discourage blank walls and encourage safe and enjoyable public spaces.	156.0313(f)

Type of Amendment	Number	Name of Item	Why is this amendment needed?	What would this amendment do?	Code Section(s)
Clarifications	11	Downtown: Gaslamp Quarter Planned District Ordinance Consolidation	The Gaslamp Quarter Planned District Ordinance is currently split into four separate divisions, which makes accessing the regulations excessively burdensome, and contains outdated regulations that are no longer applicable due to previous Gaslamp and Citywide code updates.	Consolidates Divisions 2-4 of the Gaslamp Quarter Planned District Ordinance into division one and cleans up existing text. Removes existing Section 157.0201(b)(2) to reflect the adopted update from 2019 and reduce repetition, and deletes repetitive/outdated regulations in existing Sections 157.0201, 157.0202, 157.0203, 157.0302, and 157.0305. Clarifies the building height regulations in Section 157.0302(a).	157.0201 moved to 157.0105 157.0201(b)(1) removed 157.0201(b)(2) removed 157.0202 removed 157.0203 removed 157.0205 moved to 157.0106 157.0301 moved to 157.0107 157.0302 moved to 157.0108 157.0302(a)(3) removed 157.0303 moved to 157.0109 157.0304 moved to 157.0110 and Table 157-0110-A 157.0305 moved to 157.0111 157.0305(d) removed 157.0401 moved to 157.0112 157.0402 moved to 157.0113 157.0403 moved to 157.0114 157.0404 moved to 157.0115 157.0405 moved to 157.0116 157.0406 moved to 157.0117 157.0407 moved to 157.0118 157.0408 moved to 157.0119
Compliance with State Law	12	Downtown: Low Barrier Navigation Centers	AB 101 (Budget Committee - 2019) requires that low barrier navigation centers be allowed by right in areas zones for mixed used and nonresidential zones that permit multifamily uses. The Centre City Planned District Use Regulations need to be amended to include this use.	Amends Table 156-0308-A (Centre City Planned District Use Regulations) by adding Low Barrier Navigation Centers and permits them as a Limited Use in base districts that allow residential uses.	156.0308 - Table 156-0308-A
	13	Downtown: Behavioral Health Facilities	To address the homelessness crisis, a streamlined process to develop behavioral health facilities that can help people with mental illness and substance use disorders is needed. These types of facilities are currently permitted as Residential Care Facilities in the City. The Federal Fair Housing Amendments Act of 1998 (FHAA) prohibits discrimination in housing regulation and preempts all state laws to the extent they are less protective.	Streamlines the permitting process for Residential Care Facilities and strengthens the City's commitment to fair housing by permitting Continuing Care Retirement Communities, Transitional Housing, and Intermediate Care Facilities & Nursing Facilities in a similar process. Appropriate regulations for these facilities based on the location and zone of the facility are proposed to ensure compatibility with surrounding land uses. In addition, this item separates Hospitals, Intermediate Care Facilities & Nursing Facilities into two separate uses.	156.0308 - Table 156-0308-A

Type of Amendment	Number	Name of Item	Why is this amendment needed?	What would this amendment do?	Code Section(s)
Corrections	14	Downtown: Rules of Calculation and Measurement - Correcting Code References	The Citywide Land Development Code is proposing changes to Section 113.0234(b) that will affect references in the Centre City Planned District Ordinance.	Updates the references to Section 113.0234(b) within the Centre City Planned District Ordinance to reflect numbering changes.	156.0305(b)(1)-(2)
	15	Downtown: Removal of Waterfront/Marine and Convention Center Districts	Prior amendments to the Centre City Planned District Ordinance removed the Waterfront/Marine and Convention Center use districts from the Land Use Map, but these changes were not reflected in the Land Use Districts section and Table 156-0308-A (Centre City Planned District Use Regulations)	Corrects the Land Use Districts section and Table 156-0308-A (Centre City Planned District Use Regulations) to reflect the prior removal of the Waterfront/Marine and Convention Center land use districts to reflect their location within the jurisdiction of the Port Master Plan.	156.0307(a)(5)-(12) 156.0308 - Table 156-0308-A
	16	Downtown: Placemaking on Private Property	When Placemaking on Private Property was incorporated, the use was not added to Table 156-0308-A (Centre City Planned District Use Regulations) to show its applicability Downtown.	Adds Placemaking on Private Property as a permitted use within the Centre City Planned District consistent with the Citywide LDC.	156.0308 -Table 156-0308-A
	17	Downtown: Base District Use Regulations Corrections	In Table 156-0308-A (Centre City Planned District Use Regulations), Transitional Housing is incorrectly italicized as a defined term, the additional regulations for multiple separately regulated uses lack references, and the use for Sidewalk Cafes needs to be expanded to include Streetaries and Active Sidewalks to be consistent with Spaces as Places.	Removes the italics from Transitional Housing, corrects the sections referenced under additional regulations for separately regulated uses, and expands Sidewalk Cafes to include Streetaries and Active Sidewalks in Table 156-0308-A (Centre City Planned District Use Regulations).	156.0308 - Table 156-0308-A
	18	Downtown: Parking, Loading, Traffic and Transportation Demand Management Standards Consistency	The Centre City Planned District contains outdated parking requirements that do not match citywide parking standards, which are no longer applicable.	Removes parking regulations that are no longer applicable to implement the City's adoption of Transit Priority Area (TPA) Parking Reform (2019) and AB 2097 (Friedman).	156.0313(c)-(f) 156.0313- Table 156-0313-C 156.0313(i)-(n)
	19	Downtown: On-Site Alcoholic Beverage Sales at Non-Bona-Fide Eating Establishments	Prior amendments to the Centre City Planned District Use Regulations Table established that the sale of alcoholic beverages for on-site consumption is permitted by right at both bona-fide and non bona-fide eating establishments below a certain size. The separately regulated uses section needs to be updated to reflect this change.	Corrects the separately regulated uses section to reflect existing permission to sell alcoholic beverages for on-site consumption at both bona-fide and non bona-fide eating establishments, and clarifies that non bona-fide eating establishments that sell alcohol and are above a certain size still need to obtain a Neighborhood Use Permit.	156.0315(a)
	20	Figure C Land Use Overlay Districts	The Centre City Planned District Figure C, Land Use Overlay Districts, currently identifies the Employment Overlay District as "Employment Required" and "ER" instead of the correct "Employment" and "E."	Corrects Figure C, the Land Use Overlay Districts map, to reflect the title and abbreviation for the Employment overlay.	Chapter 15 Article 6 Division 3 - Figure C Land Use Overlay Districts

Type of Amendment	Number	Name of Item	Why is this amendment needed?	What would this amendment do?	Code Section(s)	
Regulatory Reforms	21	Downtown: Public Facilities Exemption	The Public Facilities Exemption is applied to specific public facilities that are exempt from obtaining a development permit. This section needs to be modified to add pedestrian, bicycle, and recreation-supporting amenities.	Clarifies the types of facilities that are exempt from the requirement to obtain a development permit. This includes active sidewalks, promenades, recreational amenities, urban plazas, pedestrian and bicycle amenities, street operational improvements, and development on public agency-owned sites. In addition, it consolidates language that was previously in the definitions section for public open space.	156.0302 156.0304(c)-(d)	
	22	This item has been removed.				
	23	Downtown: Hospital and Urgent Care Facility Expansion	Hospitals are currently prohibited in the Residential Emphasis (RE) district and Table 156-0308-A (Centre City Planned District Use Regulations) does not contain a specific use for Urgent Care Facilities which restricts the ability of health care providers to locate Downtown.	Expands access to health care facilities by allowing Urgent Care Facilities as a permitted use in most land use districts and allows hospitals as a conditional use in the Residential Emphasis district.	156.0308 - Table 156-0308-A	
	24	Downtown: SRO (Single Room Occupancy) Hotels in the Public/Civic Land Use District	The Public/Civic (PC) district allows for residential development, however, SRO Hotels are listed as a prohibited use. This is not consistent with how SRO Hotels are a permitted use in base districts zoned for residential development.	Adds SRO Hotels as a permitted use in the Public/Civic (PC) district to provide additional flexibility to encourage the development of more home opportunities.	156.0308 - Table 156-0308-A	
	25	Downtown: Floor Area Ratio (FAR) Bonus Program	The existing FAR Bonus programs in the Centre City Planned District have been relatively successful on a small-scale in both increasing densities/intensities and providing for pedestrian-oriented infrastructure. To encourage greater utilization amendments are needed.	Enhances the FAR Bonus program by increasing FAR Bonus numbers, expanding program applicability, providing clarifications to the covenant and financial surety requirements and removing redundant language.	156.0309(d) 156.0309- Table 156-0309-A 156.0309(d)(1)(B)(v) 156.0309(d)(2) 156.0309(d)(2)(A)(i)-(iv) 156.0309(d)(3) 156.0309(d)(3)(A-E) 156.0309(d)(7)-(11)	
	26	Downtown: Floor Area Ratio (FAR) Exemptions - Child Care Facilities	The Centre City Planned District currently lacks child care facilities. An incentive program that would exempt the square footage of a child care facility from Floor Area Ratio (FAR) calculations is desired.	Adds an FAR exemption for child care facilities to incentivize the development of child care facilities.	156.0309(e)(3)	
	27	Downtown: Outdoor Use Areas	A Process 2 Neighborhood Use Permit is currently required for outdoor use areas on private property that are open to the public and greater than 350 square feet. This restricts the ability of owners to use their outdoor spaces and inhibits the post-pandemic growth of the Centre City Planned District.	Accommodates more outdoor spaces on private property in the Centre City Planned District by increasing the size threshold for a Neighborhood Use Permit from 350 square feet to 2,000 square feet for outdoor use areas.	156.0315(d)(3)	

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 18 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.1801; AMENDING CHAPTER 2, ARTICLE 2, DIVISION 24 BY AMENDING THE TITLE OF DIVISION 24, AND BY RETITLING AND AMENDING SECTION 22.2402; AMENDING CHAPTER 8, ARTICLE 6, DIVISION 21 BY AMENDING SECTION 86.2102; AMENDING CHAPTER 9, ARTICLE 8, DIVISION 6 BY AMENDING SECTION 98.0607; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 1 BY AMENDING SECTION 112.0103; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 3 BY AMENDING SECTION 112.0310; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2 BY AMENDING SECTIONS 113.0222, 113.0234 AND 113.0246; AMENDING CHAPTER 12, ARTICLE 2, DIVISION 1 BY AMENDING SECTION 122.0107; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 4 BY AMENDING SECTION 125.0410; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 9 BY AMENDING SECTION 125.0950; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 10 BY AMENDING SECTION 125.1050; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 1 BY AMENDING SECTIONS 126.0108 AND 126.0113, AND BY ADDING NEW SECTION 126.0109; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0502; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTION 126.0702; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 1 BY ADDING NEW SECTION 129.0122; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 2 BY AMENDING SECTION 129.0203; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTION 129.0742; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY REPEALING SECTION 131.0402, AMENDING SECTIONS 131.0420 AND 131.0422, RETITLING AND AMENDING

SECTION 131.0423, AND BY AMENDING SECTIONS 131.0431, 131.0442, 131.0443, 131.0445, 131.0446, 131.0449, AND 131.0464; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTIONS 131.0522, 131.0531, 131.0543 AND 131.0546; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 131.0622 AND 131.0631, AND BY ADDING NEW SECTION 131.0632; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 7 BY AMENDING SECTIONS 131.0702, 131.0703, 131.0704, 131.0707, 131.0709 AND 131.0710, AND BY ADDING NEW SECTION 131.0719; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 4 BY AMENDING SECTION 132.0402; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 12 BY AMENDING SECTIONS 132.1202 AND 132.1205; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14 BY AMENDING SECTION 132.1403, AND BY ADDING NEW SECTIONS 132.1404 AND 132.1405; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 15 BY AMENDING SECTIONS 132.1510, 132.1515, AND 132.1550; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 141.0302, 141.0311, 141.0312, AND 141.0314; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY RETITLING AND AMENDING SECTIONS 141.0413 AND 141.0421, AND BY ADDING NEW SECTION 141.0423; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 141.0606, 141.0622, 141.0624, AND 141.0628; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 7 BY AMENDING SECTION 141.0702; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 3 BY AMENDING SECTIONS 142.0305 AND 142.0360, AND BY ADDING NEW SECTION 142.0390; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 142.0510, 142.0520, 142.0525, AND 142.0560; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 9 BY AMENDING SECTION 142.0910; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 10 BY AMENDING SECTION 142.1010; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12 BY AMENDING SECTIONS 142.1230, 142.1235, AND 142.1240; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 13 BY AMENDING SECTION 142.1305; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0350; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 4 BY AMENDING SECTION 143.0420; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 7 BY AMENDING SECTIONS 143.0720, 143.0740, 143.0742, 143.0743, 143.0744, 143.0746, AND BY ADDING NEW SECTION 143.0748; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 10 BY AMENDING SECTIONS 143.1010, 143.1020,

AND 143.1025; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 11 BY AMENDING SECTION 143.1103; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 13 BY AMENDING SECTIONS 143.1303 AND 143.1310; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 14 BY RETITLING DIVISION 14, AND BY AMENDING SECTION 143.1403; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTIONS 155.0231, 155.0238, 155.0242, AND BY ADDING NEW SECTION 155.0243; AMENDING CHAPTER 15, ARTICLE 9, APPENDIX C; AMENDING CHAPTER 15, ARTICLE 10, DIVISION 2 BY AMENDING SECTION 1510.0201; AMENDING CHAPTER 15, ARTICLE 13, DIVISION 3 BY AMENDING SECTION 1513.0304; AMENDING CHAPTER 15, ARTICLE 13, DIVISION 4 BY AMENDING SECTION 1513.0402; AND AMENDING CHAPTER 15, ARTICLE 16, DIVISION 1 BY REPEALING SECTION 1516.0103, AND BY AMENDING SECTIONS 1516.0106, 1516.0112, 1516.0117, 1516.0121, 1516.0122, 1516.0139, AND 1516.0140, RELATING TO THE 2024 LAND DEVELOPMENT CODE UPDATE.

§22.1801 City Departments

- (a) [No change in text.]
- (b) The following are the departments of the City of San Diego within the meaning of the Charter and ordinances of the City:
 - Chief Financial Officer through City Manager [No change in text.]
 - City Planning
 - City Treasurer through Personnel [No change in text.]
 - Planning
 - Police through Transportation [No change in text.]
- (c) [No change in text.]

Chapter 2

Article 2: Administrative Code

**Division 24: Development Services Department, City Planning Department,
and Economic Development Department**

§22.2402 City Planning Department — Powers and Duties of the Planning Director

- (a) The City Planning Department is a City department. The department is responsible for long-range planning of the City's communities and neighborhoods. The department's responsibilities also include historic resource analysis, the multiple species conservation program, and environmental policy and analysis. An environmental section responsible for all California Environmental Quality Act policy in the City shall serve as a section of the department. The Planning Director is the administrative head of the department and shall be appointed by and may be removed by the Mayor.
- (b) [No change in text.]
- (c) The environmental section of the City Planning Department shall maintain that degree of independence in the performance of its functions and duties as will assure the Mayor or City Manager, the City Council, Planning Commission and the people of the City of San Diego that its review and analysis of the environmental consequences of projects under its purview, whether beneficial or detrimental, are independent and wholly objective and are not prepared for the purpose of either supporting or detracting from any project, plan or position, whether advanced by the City, any other governmental agency, a developer, a citizen or a group of citizens.

§86.2102 Definitions

Defined terms appearing in this division are shown in italics. For the purposes of this division:

Ballpark event through *Legal resident* [No change in text.]

Neighborhood means the following neighborhoods located in the City of San Diego: Sherman Heights, Barrio Logan, Golden Hill and Uptown, the geographic boundaries to be consistent with current maps located in the City's Planning Department.

Owns through *Person* [No change in text.]

§98.0607 Location of Units To Be Assisted With Impact Fees Subaccount Monies

Funds in the impact fee subaccount may be utilized to assist units located anywhere within the boundaries of the City of San Diego. If at any time the Housing Commission determines that, in consultation with the Mayor or his or her designee and the City Planning Department, that City boundaries and transportation facilities have changed such that the geographic nexus between the payors of funds pursuant to this Division and the housing units assisted has been substantially reduced, the Housing Commission shall develop and present to the City Council recommendations which establish maximum distances between assisted housing and development subject to this Division, divide the City into zones, or otherwise ensure a proper geographic nexus.

§112.0103 Consolidating of Processing

- (a) When an *applicant* applies for more than one permit, map, or other approval for a single *development*, the applications shall be consolidated

for processing and shall be reviewed by a single decision maker as follows, except as provided in Sections 112.0103(b) ~~and (e)~~ through (d).

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

- (b) When the California Environmental Quality Act (CEQA) and California Water Code require that the City prepare a Water Supply Assessment (WSA), the WSA shall be considered by the City Council. The associated *development permit* applications ~~are~~ shall not be required to be consolidated for processing with approval of the WSA, as further described below:

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

- (c) An application for an approval required to comply with a civil penalty Notice and Order related to a code violation ~~is~~ shall not be required to be consolidated for processing with any other application, but may be consolidated at the *applicant's* request.

- (d) An application for a *public right-of-way* vacation in accordance with Chapter 12, Article 5, Division 9, or a *public service easement* vacation in accordance with Chapter 12, Article 5, Division 10, shall not be required to be consolidated for processing with any other approval associated with the *development*, but may be consolidated for processing at the *applicant's* request. The *public right-of-way* vacation or the *public service easement* vacation must be recorded prior to the approval of any other associated *construction permits* or *building permits* in accordance with Sections 125.0950 or 125.1050. The *public right-of-way* vacation or the *public*

service easement vacation must be recorded prior to the approval of any other associated construction permits or building permits in accordance with Sections 125.0950 or 125.1050.

§112.0310 Notice of Right to Appeal Environmental Determination

In accordance with Chapter 12, Article 8, Division 2, the Planning Director implements the California Environmental Quality Act (CEQA) and the State CEQA Guidelines within the City of San Diego. While not required by CEQA, in some circumstances the City requires the posting of a Notice of Right to Appeal Environmental Determination for activities that are subject to CEQA.

- (a) A Notice of Right to Appeal Environmental Determination shall be posted for an *environmental determination* for the following:
- (1) A determination that a project is exempt from CEQA pursuant to a categorical exemption, that an activity is covered by the ~~general rule~~ common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment, or is exempt pursuant to State CEQA Guidelines Article 12.5 in accordance with State CEQA Guidelines Sections 15061(b)(2), 15061(b)(3), or 15061(b)(5);
 - (2) A determination that a project is exempt from CEQA pursuant to a statutory exemption, e.g. State CEQA Guidelines Section 15061(b)(1); and
 - (3) A decision to adopt or certify ~~an environmental document a~~ negative declaration, mitigated negative declaration, or

environmental impact report that the City Manager approves or decides to carry out without a public hearing in accordance with his powers under City of San Diego Charter Section 28, including ~~environmental documents~~ a negative declaration, mitigated negative declaration, or environmental report for projects decided in accordance with Process Two.

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

§113.0103 Definitions

Abutting property through Permit holder [No change in text.]

Placemaking means the temporary use of *public right-of-way* and private property that activates streetscapes by enhancing the pedestrian experience and providing neighborhood-serving activities, experiences, or spaces and includes temporary, small-scale *development* specifically designed to support that temporary use. Projects that may qualify as *placemaking* uses include, but are not limited to, those that provide areas for pedestrians to briefly rest (*e.g.*, plazas, shade structures, and benches), promote the use of underutilized space (*e.g.*, landscaping and decorative lighting), improve and promote pedestrian activity and other uses of the ~~public~~ *public right-of-way* (*e.g.*, bicycle racks and refuse containers), and activate property parking areas in a ~~transit priority area~~ *Sustainable Development Area* (*e.g.*, outdoor dining).

Planned Urbanized Communities through Yard [No change in text.]

§113.0222 Calculating Maximum Permitted Density

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

- (c) For purposes of calculating *density* for a *development* proposing a *density* bonus pursuant to Chapter 14, Article 3, Division 7, where the maximum *density* of the base zone and the *land use plan* are inconsistent, the ~~maximum density~~ greatest number of *dwelling units* allowed under the base zone or *land use plan* shall prevail. Calculations resulting in any fractional number shall be increased to the next whole number.

§113.0234 **Calculating Gross Floor Area**

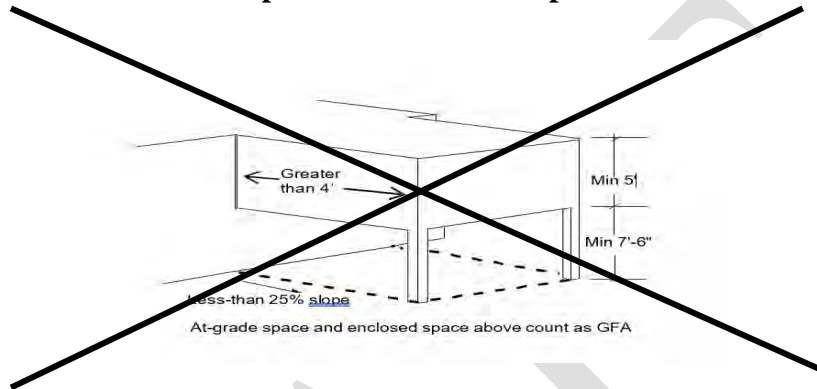
Gross floor area is calculated in relationship to the *structure* and *grade* adjacent to the exterior walls of a building. The elements included in the *gross floor area* calculation differ according to the type of *development* proposed and are listed in Sections 113.0234(a)-(c). *Gross floor area* does not include the elements listed in Section 113.0234(d). The total *gross floor area* for a *premises* is regulated by the *floor area ratio* development standard.

- (a) [No change in text.]
- (b) Additional Elements Included in *Gross Floor Area* in Residential Zones and for Residential Development in Other Zones. Section 113.0234(b) does not apply to commercial *development*.
- (1) through (2) [No change in text.]
- (3) ~~*Gross floor area* includes any at-grade space that is built with enclosed space above, when there is at least 7 foot 6 inches between grade and finish floor elevation above, and the enclosed space above projects at least 4 feet from the face of the structure and exceeds a height of 5 feet measured from the top of the wall or~~

post supporting the space to the top of the roof above, as shown in Diagram 113-02P. Where the gradient along any edge of the at-grade space shall not be counted as *gross floor area*.

Diagram 113-02P

At-Grade Space with Enclosed Space Above



~~(4)(3)~~ *Gross floor area* includes any projected *floor area* and other phantom *floors* within the building's exterior walls where specified dimensions are met. Phantom *floors* are located within the space above or below actual *floors* within a building, and are measured separately above each actual *floor* or below the lowest actual *floor* for under *floor area*, described as follows:

(A) through (C) [No change in text.]

(D) Interior Balconies, Mezzanines, and Lofts. *Gross floor area* includes the area within a building adjacent to all interior balconies, mezzanines, and lofts, pursuant to the regulations for phantom *floors* in Section 113.0234(b)(4)(3)(A) as if such elements did not exist adjacent to the space, as shown in Diagram 113-02V. The location of an adjacent interior balcony, mezzanine, or loft

does not affect the location of phantom *floors* above the finished-*floor* elevation of the adjacent space.

Diagram 113-02V

Mezzanines

[No change in text.]

- (E) *Atriums. Gross floor area* includes the area of the horizontal projection into the *atrium* from each adjacent *floor* in plan view. If no adjacent *floors* exist, the regulations for phantom *floors* in Section 113.0234(b)(4)(3)(A) apply to the space within the *atrium*. This is illustrated in Diagram 113-02W.

Diagram 113-02W

Atriums

[No change in text.]

~~(5)~~(4) *Roof Decks. Gross floor area* includes *roof decks* when any portion of the deck's parapet, guardrail, wall, or *fence* (open or solid) enclosing the area exceeds an average of 42 inches in height, or exceeds 54 inches in height at any point.

- (c) [No change in text.]
- (d) Elements Not Included in *Gross Floor Area*
- (1) through (2) [No change in text.]
- (3) *Parking Structures*

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

(B) [No change in text.]

(4) [No change in text.]

§113.0246 **Determining Property Lines**

The *property lines* define the perimeter of a *lot* or *premises* and separate one *lot* or *premises* from any other *lot* or *premises* or from the *public right-of-way*. These rules for determining *property lines* are for purposes of applying and interpreting development regulations only and are not intended to affect ownership rights or responsibilities. These rules apply regardless of ownership of property extending into the *public right-of-way*. Where dedications for streets or alleys are required in accordance with Section 142.0610, the *property lines* used to calculate lot area for the purpose of calculating the maximum permitted *density* and maximum permitted *gross floor area* shall be based on the *property lines* prior to the dedication. Where dedications for streets or alleys are required in accordance with Section 142.0610, the *property lines* used to calculate front of *street side setbacks* shall be based on the *property lines* prior to the dedication.

(a) though (d) [No change in text.]

(e) *Property Lines that Abut an Alley.* A ~~property~~ property line that abuts an *alley* shall be determined in accordance with Section 113.0246(a) through

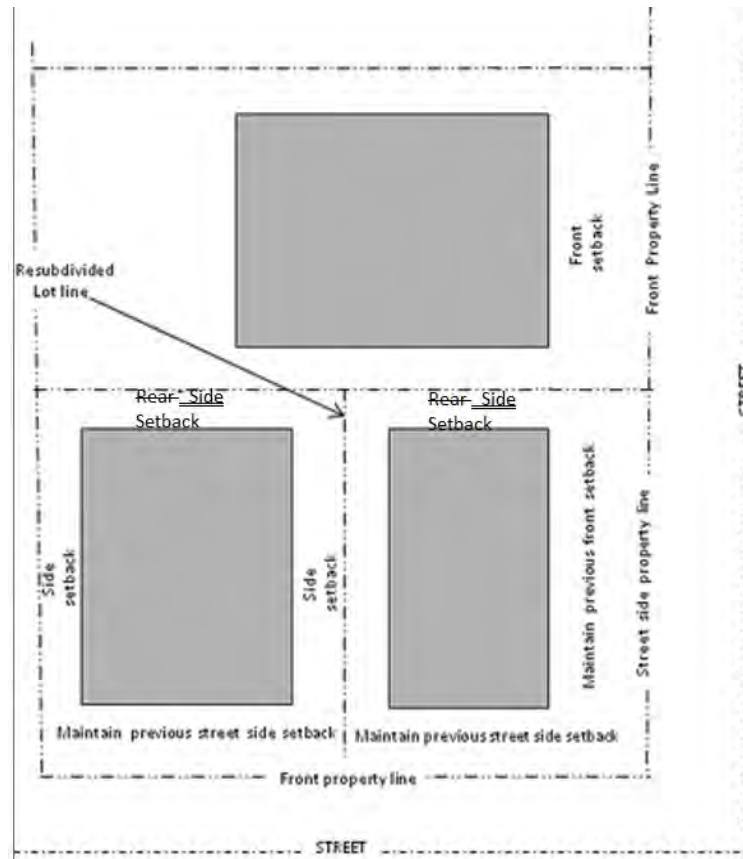
(d). However, the *property line* that abuts an *alley* shall not be considered a *street property line* for the purpose of determining *setbacks* or *street yards* as indicated below: and as shown in Diagram 113-02CC.

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

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

Diagram 113-02DD

Setbacks for Resubdivided Corner Lots



§122.0107 Required Contents of Specific Plans

- (a) [No change in text.]
- (b) The specific plan shall include the required contents listed in California Government Code Section 65451. The required contents shall be formulated into a policy element and a regulatory element. The policy element shall contain detailed land use policies for the area covered by the specific plan and the decision process and permit type for subsequent *development* proposals that will implement the specific plan. The specific plan shall not establish new decision processes or permit types, but shall

use ~~Processes One through Process Five~~ as the decision process established in Chapter 11 and the permit types described in Chapter 12.

The zoning regulations shall consist of either:

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

(c) [No change in text.]

(d) The specific plan may include supplemental development regulations that are tailored to specific sites located within the specific plan area. The intent of supplemental development regulations is to ensure that *development* proposals are reviewed for consistency with the use and *development* criteria that have been adopted as part of the specific plan. If there is a conflict between the supplemental development regulations and the base zone regulations, the specific plan regulations shall apply.

§125.0410 When a Tentative Map Is Required

~~A tentative map is required for each subdivision of land except for a *parcel map* that creates no additional *lots* or a *lot* created pursuant to Section 143.1315 as an *urban lot split*.~~

(a) A tentative map is required for any *subdivision* of land creating:

(1) Five or more parcels;

(2) Five or more condominiums as defined in California Civil Code section 738;

(3) A community apartment project containing five or more parcels as defined in California Civil Code section 4105; or

- (4) The conversion of five or more *dwelling units* to a stock cooperative as defined in California Civil Code section 4190.
- (b) A tentative map is not required if any of the following occurs:
 - (1) The land before *subdivision* contains less than five acres, each parcel created by the division abuts a public *street* or *freeway* and the *subdivision* does not require any dedications or improvements as determined by the City Engineer;
 - (2) Each parcel created by the *subdivision* has a gross area of at least 20 acres and has access to a public *street* or *freeway*;
 - (3) The land before *subdivision* has a commercial, mixed-use or industrial base zone, has access to a public *street* or *freeway*, and *street* alignments and widths designed to the satisfaction of the City Engineer;
 - (4) Each parcel created by the *subdivision* has a gross area of at least 40 acres and does not have access to a public *street* or *freeway*;
 - (5) The land being subdivided is solely for the creation of an environmental subdivision pursuant to California Government Code section 66418.2; or
 - (6) For *lots* created pursuant to Section 143.1315 as an urban *lot* split.
- (c) A *parcel map* shall be required for those *subdivisions* described in Sections 125.0410(b)(2)-(6). Dedications and public improvements may be required as determined by the City Engineer.

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

If the vacation is approved, the City shall provide the resolution and any accompanying documents to the County Recorder for recordation. If the resolution contains conditions, it shall not be provided to the County Recorder for recordation until the City Engineer has determined that all conditions have been met. If consolidating of processing for the vacation is not required in accordance with Section 112.0103(d), the vacation must be recorded prior to the approval of any other associated construction permits or building permits. The recordation of a *subdivision map* pursuant to *Subdivision Map Act* Sections 66434(g), 66445(j), 66499.20 1/4 or 66499.20 1/2 shall have the same effect.

§125.1050 Recording of Easement Vacations

If the vacation is approved, the City shall provide the resolution and any accompanying documents to the County Recorder for recordation. If the resolution contains conditions, it shall not be provided to the County Recorder for recordation until the City Engineer has determined that all conditions have been met. If consolidating of processing for the vacation is not required in accordance with Section 112.0103(d), the vacation must be recorded prior to the approval of any other associated construction permits or building permits. The recordation of a *subdivision map* pursuant to *Subdivision Map Act* Sections 66434(g), 66445(j), 66499.20 1/4 or 66499.20 1/2 shall have the same effect as filing a resolution of vacation.

§126.0108 Utilization of a Development Permit

- (a) A *development permit* grants the *permit holder* 36 months to initiate utilization of the *development permit*. If utilization does not occur in

accordance with this Section ~~with~~ within 36 months after the due date on which all rights of appeal have expired, and an application for an extension of time was not timely filed, the *development permit* shall be void. *Development permits* issued for projects utilizing Type 1 construction as defined in Chapter 6 of the California Building Code shall be granted an additional 12 months to initiate utilization of the *development permit*.

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

§126.0109 Indemnification for Development Permits

The applicant and record owner for any development shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of any development permit including, but not limited to, any action to attack, set aside, void, challenge, or annul the development permit approval and any environmental document or decision. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the applicant and record owner for any development shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant and record owner for any development regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not

limited to, settlement or other disposition of the matter. However, the *applicant* and *record owner* for any *development* shall not be required to pay or perform any settlement unless such settlement is approved by *applicant* and *record owner* for any *development*.

§126.0113 Development on a Premises with a Utilized Development Permit

The purpose of this Section is to allow a change in *development* to occur on a *premises* that has a utilized *development permit* in accordance with Section 126.0108, when the proposed *development* is not included within the scope of the utilized *development permit* but complies with the use and *development* regulations of the applicable base zone or overlay zone.

- (a) *Development* that is not included within the scope of a utilized *development permit* may be approved without an amendment to the *development permit* in accordance with Process One, subject to all of the following:
- (1) [No change in text.]
 - (2) The proposed *development* complies with all the *development* regulations of the applicable base zone and overlay zones, except through the use of incentives or waivers as provided in Chapter 14, Article 3, Division 7; or Chapter 14, Article 3, Division 10;
 - (3) through (4) [No change in text.]
- (b) [No change in text.]

§126.0502 When a Site Development Permit is Required

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

(e) A Site Development Permit decided in accordance with Process Five is Required for the following types of *development*.

~~(1)~~ In the Airport Approach Overlay Zone, ~~*development*~~ proposals that receive an FAA determination of hazard and that are not exempt, as described in Section 132.0202.

~~(2)~~ In the Airport Environs Overlay Zone, ~~*development*~~ for which a City Council override is requested, as described in Section 132.0302.

~~(3)~~(1) In the Clairemont Mesa Height Limit Overlay Zone, *development* for which an exception to the height limit is requested, as described in Section 132.1306.

~~(4)~~(2) *Development* within the Airport Land Use Compatibility Overlay Zone proposing deviations from the overlay zone requirements.

~~(5)~~(3) *Development* in accordance with ~~section~~ Section 129.0710(c) that includes major underground or overhead *structures* which extend into the *public right-of way* beyond the ultimate curb line or other *encroachments* which, in the opinion of the City Manager, are of sufficient public interest to warrant City Council approval.

(f) through (g) [No change in text.]

§126.0702 When a Coastal Development Permit Is Required

(a) [No change in text.]

(b) Permits Issued by the Coastal Commission. A Coastal Development Permit or exemption for all *coastal development* on a project site located

completely within the Coastal Commission Permit Jurisdiction or in the Deferred Certification Area must be obtained from the Coastal Commission. The Coastal Commission Permit Jurisdiction and the Deferred Certification Area are shown on Map No. C-730.1, Map No. C-908, and Map No. C-1028, on file ~~in the Planning and Development Review Department, the San Diego office of the Coastal Commission, and~~ in the office of the City Clerk as Documents No. 00-17067-1, No. 00-18872, and No. 00-21719.

(c) [No change in text.]

§129.0122 Indemnification for Construction Permits

The applicant and record owner for any development shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of any construction permit including, but not limited to, any action to attack, set aside, void, challenge, or annul the construction permit approval and any environmental document or decision. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the applicant and record owner for any development shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant and record owner for any development regarding litigation issues, the City shall have the authority

to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant and record owner for any development shall not be required to pay or perform any settlement unless such settlement is approved by applicant and record owner for any development.

§129.0203 Exemptions from a Building Permit

(a) A Building Permit is not required for the following *structures* and activities, except when the *development* would involve alterations, repairs, or improvements to a *historical resource* as described in Section 143.0220; when *development* on a *premises* containing *environmentally sensitive lands* requires a *development permit* in accordance with Section 143.0110; or when a building is constructed with unreinforced masonry bearing walls or exterior wall parapets:

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

(12) Patio cover *structures* attached to or detached from *single dwelling units* in the RE, RS, and RX zones in the following circumstances, except in the *appealable area* of the Coastal Overlay Zone or in Planned Developments:

(A) through (C) [No change in text.]

(13) through (23) [No change in text.]

(24) A sidewalk cafe that ~~is in compliance~~ complies with Section 141.0621, unless ~~any~~ one of the following applies:

(A) The sidewalk cafe would alter or modify the existing

building, building façade, or any means of building egress;

or

(B) The sidewalk cafe would be located on a raised platform or in a sunken area; ~~or,~~

~~(C) A barrier consisting of railings, fences, or planter boxes would be installed to delineate the area of the sidewalk cafe.~~

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

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

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

(b) Work within the *public right-of-way* shall be performed only during the dates and hours specified in the ~~permit or on the~~ approved traffic control ~~plans~~ permit.

§131.0222 Use Regulations Table for Open Space

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

Legend for Table 131-02B

[No change in text.]

Table 131-02B

Use Regulations Table for Open Space Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹⁾ -
	3rd >>	1-	2-	1-	1-	1-	
	4th >>	1	1	1	1	2	1
Open Space through Residential, Separately Regulated Residential Uses, Accessory Dwelling Units [No change in text.]	[No change in text.]						
Continuing Care Retirement Communities	-	-	-	- <u>C</u>	-		
Employee Housing: 6 or Fewer Employees through Greater than 12 Employees [No change in text.]	[No change in text.]						
Fraternities, <u>and</u> Sororities and Student Dormitories	[No change in text.]						
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]	[No change in text.]						
<u>Student Housing</u>	=	=	=	=	=		
Transitional Housing through Institutional, Separately Regulated Institutional Uses , Homeless Facilities: Homeless Day Centers [No change in text.]	[No change in text.]						
Hospitals, Intermediate Care Facilities & Nursing Facilities	-	-	-	-	-		
<u>Intermediate Care Facilities & Nursing Facilities</u>	=	=	=	<u>C</u>	=		
Interpretive Centers through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]	[No change in text.]						

Footnotes for Table 131-02B

¹ through ¹¹ [No change in text.]

§131.0322 Use Regulations Table for Agricultural Zones

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

Legend for Table 131-03B

[No change in text.]

Table 131-03B

Use Regulations Table for Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
		AG		AR	
	1st & 2nd >>	1-		1-	
	3rd >>	1	2	1	2
Open Space through Residential, Separately Regulated Residential Uses, Accessory Dwelling Units [No change in text.]		[No change in text.]			
Continuing Care Retirement Communities		-		<u>-C</u>	
Employee Housing: 6 or Fewer Employees through Greater than 12 Employees [No change in text.]		[No change in text.]			
Fraternities, <u>and</u> Sororities and Student Dormitories		[No change in text.]			
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]		[No change in text.]			
<u>Student Housing</u>		=		=	
Transitional Housing through Institutional , Separately Regulated Institutional Uses , Homeless Facilities: Homeless Day Centers [No change in text.]		[No change in text.]			
Hospitals, Intermediate Care Facilities & Nursing Facilities		-		C	
<u>Intermediate Care Facilities & Nursing Facilities</u>		=		<u>C</u>	
Interpretive Centers through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]		[No change in text.]			

Footnotes for Table 131-03B

¹through ¹² [No change in text.]

§131.0402 Purpose of the RE (Residential–Estate) Zones

- (a) The purpose of the RE zones is to provide for *single dwelling units* on large *lots* with some accessory agricultural uses. It is intended that this zone be applied to areas that are rural in character, where the retention of low *density residential development* is desired.

(b) ~~The RE zones are differentiated based upon applicable development regulations as follows:~~

- ~~• RE 1-1 requires *development on minimum 10-acre lots*~~
- ~~• RE 1-2 requires *development on minimum 5-acre lots*~~
- ~~• RE 1-3 requires *development on minimum 1-acre lots*~~

§131.0420 Use Regulations Table of Residential Zones

The regulations of Section 131.0422 apply in residential zones where indicated in Table-04B.

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

- (1) Section 131.0423 (~~Additional~~ Commercial Use Regulations of Residential Zones);
- (2) through (5) [No change in text.]

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

§131.0422 Use Regulations Table for Residential Zones

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

Legend for Table 131-04B

[No change in text.]

Table 131-04B

Use Regulations Table for Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																			
	1st & 2nd >>	RE	RS-												RX-		RT-				
	3rd >>	L	1-												1-		1-				
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Open Space																					
Active Recreation	P	P												P		P					
Passive Recreation	P	P												P		P					
Natural Resources Preservation	P	P												P		P					
Park Maintenance Facilities	-	-												-		-					
Agriculture																					
Agricultural Processing	-	-												-		-					
Aquaculture Facilities	-	-												-		-					
Dairies	-	-												-		-					
Horticulture Nurseries & Greenhouses	-	-												-		-					
Raising & Harvesting of Crops	P ⁽³⁾	-												-		-					
Raising, Maintaining & Keeping of Animals	P ⁽³⁾ 7)	-												-		-					
Separately Regulated Agriculture Uses																					
Agricultural Equipment Repair Shops	-	-												-		-					
Commercial Stables	-	-												-		-					
Community Gardens	L	L												L		L					
Equestrian Show & Exhibition Facilities	-	-												-		-					
Open Air Markets for the Sale of Agriculture-Related Products & Flowers	-	-												-		-					

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																			
	1st & 2nd >>	RE	RS-												RX-		RT-				
	3rd >>	L	1-												1-		1-				
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Residential																					
<i>Mobilehome Parks</i>	-	P ⁽¹⁾												P ⁽¹⁾		-					
<i>Multiple Dwelling Units</i>	-	-												-		-					
<i>Rooming House</i> [See Section 131.0112(a)(3)(A)]	-	-												-		-					
<i>Shopkeeper Units</i>	-	-												-		-					
<i>Single Dwelling Units</i>	P	P ⁽⁸⁶⁾												P ⁽⁸⁶⁾		P ⁽⁸⁶⁾					
Separately Regulated Residential Uses																					
<i>Accessory Dwelling Units</i>	L	L												L		L					
Continuing Care Retirement Communities	-	-C												-C		-C					
Employee Housing:																					
6 or Fewer Employees	L	L												L		L					
12 or Fewer Employees	-	-												-		-					
Greater than 12 Employees	-	-												-		-					
Fraternalities, <u>and</u> Sororities <u>and</u> Student Dormitories		[No change in text.]																			
Garage, Yard, & Estate Sales	L	L												L		L					
Guest Quarters	L	L												L		-					
Home Occupations	L	L												L		L					
Interim Ground <i>Floor Residential</i>	-	-												-		-					
<i>Junior Accessory Dwelling Units</i>	L	L												L		L					
Live/Work Quarters	-	-												-		-					
Low Barrier Navigation Center	-	-												-		-					
<i>Movable Tiny Houses</i>	L	L												L		L					
<i>Permanent Supportive Housing</i>	-	-												-		-					

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																			
	1st & 2nd >>	RE-					RS-										RX-		RT-		
	3rd >>	1-					1-										1-		1-		
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Residential Care Facilities:																					
6 or Fewer Persons	P						P										P		P		
7 or More Persons	E						C										C		C		
<u>Student Housing</u>							=										=		=		
Transitional Housing:																					
6 or Fewer Persons	P						P										P		P		
7 or More Persons	E						C										C		C		
Watchkeeper Quarters		-																			
Institutional																					
Separately Regulated Institutional Uses																					
Airports	-						-										-		-		
Battery Energy Storage Facilities																					
Small Scale (≤ 0.25 acre)	L						L										L		L		
Medium Scale (0.25 acre < 1 acre)	E						C										C		C		
Large Scale (>1 acre)	E						C										C		C		
Botanical Gardens & Arboretums	E						C										C		C		
Cemeteries, Mausoleums, Crematories	-						-										-		-		
Correctional Placement Centers	-						-										-		-		
Educational Facilities:																					
Kindergarten through Grade 12	E						C										C		C		
Colleges / Universities	E						C										C		C		
Vocational / Trade School	-						-										-		-		
Electric Vehicle Charging Stations	L						L										L		L		
Energy Generation & Distribution Facilities	-						-										-		-		
Exhibit Halls & Convention Facilities	-						-										-		-		

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																						
	1st & 2nd >>	RE-		RS-										RX-		RT-								
	3rd >>	1-		1-										1-		1-								
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
<i>Flood Control Facilities</i>	£	L										L		L										
<i>Historical Buildings Used for Purposes Not Otherwise Allowed</i>	€	C										C		C										
Homeless Facilities																								
Congregate Meal Facilities	-	-										-		-										
Emergency Shelters	-	-										-		-										
Homeless Day Centers	-	-										-		-										
Hospitals, Intermediate Care Facilities & Nursing Facilities	-	-										-		-										
<u>Intermediate Care Facilities & Nursing Facilities</u>		C										C		C										
Interpretive Centers	-	-										-		-										
Museums	€	C										C		C										
Major Transmission, Relay, or Communications Switching Stations	-	-										-		-										
<i>Placemaking on Private Property</i>	£	L										L		L										
Outdoor Dining on Private Property	-	-										-		-										
<i>Satellite Antennas</i>	£	L										L		L										
<i>Social Service Institutions</i>	-	-										-		-										
Solar Energy Systems	£	L										L		L										
<i>Wireless Communication Facilities</i>		See Section 141.0420																						
Retail Sales																								
Building Supplies & Equipment	-	-										-		-										
Food, Beverages and Groceries	-	-										-		-										
Consumer Goods, Furniture, Appliances, Equipment	-	-										-		-										
Pets & Pet Supplies	-	-										-		-										
Sundries, Pharmaceuticals, & Convenience Sales	-	-										-		-										
Wearing Apparel & Accessories	-	-										-		-										
Separately Regulated Retail Sales Uses																								

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																						
	1st & 2nd >>	RE-		RS-										RX-		RT-								
	3rd >>	1-		1-										1-		1-								
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Agriculture Related Supplies & Equipment	-	-																						
Alcoholic Beverage Outlets	-	-																						
<i>Cannabis Outlets</i>	-	-																						
Farmers' Markets																								
Weekly Farmers' Markets	-	-																						
Daily Farmers' Market Stands	-	-																						
Plant Nurseries	-	-																						
Retail Farms	-	-																						
Retail Tasting Stores	-	-																						
Swap Meets & Other Large Outdoor Retail Facilities	-	-																						
Commercial Services																								
Building Services	-	-																						
Business Support	-	-																						
Eating & Drinking Establishments	-	-																						
Financial Institutions	-	-																						
Funeral & Mortuary Services	-	-																						
Instructional Studios	-	-																						
Maintenance & Repair	-	-																						
Off-Site Services	-	-																						
Personal Services	-	-																						
Radio & Television Studios	-	-																						
Tasting Rooms	-	-																						
Visitor Accommodations	-	-																						
Separately Regulated Commercial Services Uses																								
<i>Adult Day Care Facility</i>	L	L										L		L										
Adult Entertainment Establishments:																								
Adult Book Store	-	-																						
Adult Cabaret	-	-																						

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																						
	1st & 2nd >>	RE-		RS-														RX-		RT-				
	3rd >>	1-		1-														1-		1-				
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Adult Drive-In Theater	-	-																						
Adult Mini-Motion Picture Theater	-	-																						
Adult Model Studio	-	-																						
Adult Motel	-	-																						
Adult Motion Picture Theater	-	-																						
Adult Peep Show Theater	-	-																						
Adult Theater	-	-																						
Body Painting Studio	-	-																						
Massage Establishment	-	-																						
Sexual Encounter Establishment	-	-																						
Assembly and Entertainment Uses, Including Places of Religious Assembly	-	-																						
Boarding Kennels / Pet Day Care	-	-																						
Camping Parks	-	-																						
Assembly and Entertainment Uses, Including Places of Religious Assembly	-	-																						
Boarding Kennels / Pet Day Care	-	-																						
Camping Parks	-	-																						
<i>Child Care Facilities:</i>																								
Child Care Centers	€	C														C		C						
Large Family Child Care Homes	£	L														L		L						
Small Family Child Care Homes	£	L														L		L						
Eating and Drinking Establishments with a Drive-in or Drive-through Component	-	-																						
Fairgrounds	-	-																						
Golf Courses, Driving Ranges, and Pitch & Putt Courses	€	C														C		C						
Helicopter Landing Facilities	-	-																						
Massage Establishments, Specialized Practice	-	-																						

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																						
	1st & 2nd >>	RE-		RS-														RX-		RT-				
	3rd >>	1-		1-														1-		1-				
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Mobile Food Trucks	-	-																						
Nightclubs & Bars over 5,000 square feet in size	-	-																						
Parking Facilities as a <i>Primary Use</i> :																								
Permanent Parking Facilities	-	-																						
Temporary Parking Facilities	-	-																						
Private Clubs, Lodges and Fraternal Organizations	-	-																						
Privately Operated, Outdoor Recreation Facilities Over 40,000 Square Feet in Size ⁽⁴³⁾	-	-																						
Pushcarts on Private Property	-	-																						
Recycling Facilities																								
Large Collection Facility	-	-																						
Small Collection Facility	-	-																						
Large Construction & Demolition Debris <i>Recycling Facility</i>	-	-																						
Small Construction & Demolition Debris <i>Recycling Facility</i>	-	-																						
Drop-off Facility	-	-																						
Green Materials Composting Facility	-	-																						
Mixed Organic Composting Facility	-	-																						
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic	-	-																						
Large Processing Facility Accepting All Types of Traffic	-	-																						
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic	-	-																						
Large Processing Facility Accepting All Types of Traffic	-	-																						

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1st & 2nd >>	RE-		RS-										RX-		RT-									
	3rd >>	1-		1-										1-		1-									
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic	-																								
Small Processing Facility Accepting All Types of Traffic	-																								
Reverse Vending Machines	-																								
Tire Processing Facility	-																								
Sidewalk Cafes, Streetaries, and Active Sidewalks																									
Sports Arenas & Stadiums	-																								
Theaters that are Outdoor or Over 5,000 Square Feet in Size	-																								
Urgent Care Facilities	-																								
Veterinary Clinics & Animal Hospitals	-																								
Zoological Parks	-																								
Offices																									
Business & Professional	-																								
Government	-																								
Medical, Dental, & Health Practitioner	-																								
Regional & Corporate Headquarters	-																								
Separately Regulated Office Uses																									
Real Estate Sales Offices & Model Homes	L																								
<i>Sex Offender</i> Treatment & Counseling	-																								
Vehicle & Vehicular Equipment Sales & Service																									
Commercial Vehicle Repair & Maintenance	-																								
Commercial Vehicle Sales & Rentals	-																								
Personal Vehicle Repair & Maintenance	-																								
Personal Vehicle Sales & Rentals	-																								
Vehicle Equipment & Supplies Sales &	-																								

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																						
	1st & 2nd >>	RE-		RS-										RX-		RT-								
	3rd >>	1-		1-										1-		1-								
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Rentals																								
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses																								
Automobile Service Stations		-																			-			
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i>		-																			-			
Vehicle Storage Facilities as a <i>Primary Use</i>		-																			-			
Distribution and Storage																								
Equipment & Materials Storage Yards		-																			-			
Moving & Storage Facilities		-																			-			
Distribution Facilities		-																			-			
Separately Regulated Distribution and Storage Uses																								
Junk Yards		-																			-			
Temporary Construction Storage Yards Located Off-site		N																			N			
Industrial																								
Heavy Manufacturing		-																			-			
Light Manufacturing		-																			-			
Marine Industry		-																			-			
Research & Development		-																			-			
Testing Labs		-																			-			
Trucking & Transportation Terminals		-																			-			
Separately Regulated Industrial Uses																								
Artisan Food and Beverage Producer		-																			-			
<i>Cannabis Production Facilities</i>		-																			-			
<i>Hazardous Waste</i> Research Facility		-																			-			
<i>Hazardous Waste</i> Treatment Facility		-																			-			
Marine Related Uses Within the Coastal Overlay Zone		-																			-			
Mining and Extractive Industries		-																			-			--

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																			
	1st & 2nd >>	RE-					RS-										RX-		RT-		
	3rd >>	1-					1-										1-		1-		
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Newspaper Publishing Plants	-	-																			
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises	-	-																			
Very Heavy Industrial Uses	-	-																			
Wrecking & Dismantling of Motor Vehicles	-	-																			
Signs																					
Allowable Signs	P	P										P		P							
Separately Regulated Signs Uses																					
Community Entry Signs	L	L										L		L							
Neighborhood Identification Signs	N	N										N		N							
Comprehensive Sign Program	-	-																			
Revolving Projecting Signs	-	-																			
Signs with Automatic Changing Copy	-	-																			
Theater Marquees	-	-																			

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones												
	1st & 2nd >>	RM-												
	3rd >>	1-			2-			3-			4-		5-	
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	
Open Space through Residential, Shopkeeper Units [No change in text.]	[No change in text.]													
Single Dwelling Units	P ⁽⁴⁰⁸⁾			P ⁽⁴⁰⁸⁾			P ⁽⁴⁰⁸⁾			P ⁽⁴⁰⁸⁾		P ⁽⁴⁰⁸⁾		
Accessory Dwelling Units through Employee Housing: Greater than 12	[No change in text.]													

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones												
	1st & 2nd >>	RM-												
	3rd >>	1-			2-			3-			4-		5-	
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	
Employees [No change in text.]		[No change in text.]												
Fraternities and Sororities		C ⁽⁴⁹⁾			C ⁽⁴⁹⁾			C ⁽⁴⁹⁾			C ⁽⁴⁹⁾		C ⁽⁴⁹⁾	
Garage, Yard, & Estate Sales [No change in text.]		[No change in text.]												
Guest Quarters		L ⁽⁸⁶⁾			-			-			-		-	
Home Occupations through <i>Permanent Supportive Housing</i> [No change in text.]		[No change in text.]												
Residential Care Facilities:		[No change in text.]												
6 or f <u>F</u> ewer p <u>P</u> ersons		P			P			P			P		P	
7 or m <u>M</u> ore p <u>P</u> ersons		€ <u>L</u>			€ <u>L</u>			€ <u>L</u>			€ <u>L</u>		<u>L</u>	
Student Housing [No change in text.]		[No change in text.]												
Transitional Housing Facilities		[No change in text.]												
6 or f <u>F</u> ewer p <u>P</u> ersons		P			P			P			P		P	
7 or m <u>M</u> ore p <u>P</u> ersons		L			L			L			L		L	
Watchkeeper Quarter through Institutional, Separately Regulated Institutional Uses , Homeless Facilities: Homeless Day Centers [No change in text.]		[No change in text.]												
Hospitals, Intermediate Care Facilities & Nursing Facilities		C			C			C			C		-	
<u>Intermediate Care Facilities & Nursing Facilities</u>		<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>		<u>L</u>	
Institutional, Separately Regulated Institutional Uses , Interpretive Centers through Retail Sales, Building Supplies & Equipment [No change in text.]		[No change in text.]												
Food, Beverages and Groceries		-			-			P ⁽⁶⁵⁾			P ⁽⁶⁵⁾		P ⁽⁶⁵⁾	
Retail Sales, Consumer Goods, Furniture, Appliances, Equipment		[No change in text.]												

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
through Retail Sales, Pets & Pet Supplies [No change in text.]	[No change in text.]												
Sundries, Pharmaceuticals, & Convenience Sales	-			-			P ^(6.5)			P ^(6.5)		P ^(6.5)	
Wearing Apparel & Accessories	-			-			P ⁽⁵⁾			P ⁽⁵⁾		P ⁽⁵⁾	
Separately Regulated Retail Sales Uses, Agriculture Related Supplies & Equipment through Commercial Services, Building Services [No change in text.]	[No change in text.]												
Business Support	-			-			P ^(6.5)			P ^(6.5)		P ^(6.5)	
Eating & Drinking Establishments	-			-			P ⁽⁵⁾			P ⁽⁵⁾		P ⁽⁵⁾	
Financial Institutions through Funeral & Mortuary Services [No change in text.]	[No change in text.]												
Instructional Studios	P ⁽⁵⁾			P ⁽⁵⁾			P ⁽⁵⁾			P ⁽⁵⁾		P ⁽⁵⁾	
Maintenance & Repair through Off-Site Services [No change in text.]	[No change in text.]												
Personal Services	-			-			P ^(6.5)			P ^(6.5)		P ^(6.5)	
Radio & Television Studios through Tasting Rooms [No change in text.]	[No change in text.]												
Visitor Accommodations	-			-			-			P ^(5, 4.10)		P ^(5, 4.10)	
Separately Regulated Commercial Services Uses, Adult Day Care Facility through Child Care Facilities: Child Care Centers [No change in text.]	[No change in text.]												
Large Family Child Care Homes	L			L			L			L		-L	
Small Family Child Care Homes	L			L			L			L		-L	

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones												
	1st & 2nd >>	RM-												
	3rd >>	1-			2-			3-			4-		5-	
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	
Eating and Drinking Establishments with a Drive-in or Drive-through Component through Massage Establishments, Specialized Practice [No change in text.]	[No change in text.]													
Mobile Food Trucks	-	L ⁽⁹²⁾			L ⁽⁹²⁾			L ⁽⁹²⁾		L ⁽⁹²⁾		L ⁽⁹²⁾		
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]	[No change in text.]													
Offices														
Business & Professional	-	-			P ⁽⁶⁵⁾			P ⁽⁶⁵⁾		P ⁽⁶⁵⁾		P ⁽⁶⁵⁾		
Government	-	-			-			-		-		-		
Medical, Dental, & Health Practitioner	-	-			P ⁽⁶⁵⁾			P ⁽⁶⁵⁾		P ⁽⁶⁵⁾		P ⁽⁶⁵⁾		
Regional & Corporate Headquarters through <i>Signs</i> , Separately Regulated Signs Uses, Theater <i>Marquees</i> [No change in text.]	[No change in text.]													

Footnotes for Table 131-04B

- ¹ through ² [No change in text.]
- ³ This use is permitted only if as an *accessory use*, but shall not be subject to the *accessory use* regulations in Section 131.0125.
- ⁴³ The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.
- ⁵⁴ Two *guest rooms* are permitted for visitor accommodations per the specified square footage of lot area required per *dwelling unit* (maximum permitted *density*), as indicated on Table 131-04G.
- ⁶⁵ See Section 131.0423.
- ⁷ Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a *premises* of at least 5 acres. Maintaining, raising, feeding, or keeping of swine is not permitted.

- ⁹⁶ A guest quarters or habitable accessory building is permitted in accordance with Section 141.0307 only as an *accessory use* to a *single dwelling unit*.
- ⁹⁷ Mobile food trucks are permitted by right on the property of a *school*, university, hospital, religious facility, *previously conforming commercial premises* in a residential zone, or construction site. Mobile food trucks on any other *premises* are subject to the limited use regulations set forth in Section 141.0612.
- ⁴⁰⁸ *Development* of a small *lot subdivision* is permitted in accordance with Section 143.0365.
- ⁴⁴⁹ Development of *multiple dwelling units* permitted in accordance with Sections 141.0305 and 141.0319.
- ¹⁰ Lodging for uses other than a SRO hotel or SRO hotel room shall not be used for a stay of more than 30 consecutive days.

§131.0423 ~~Additional~~ Commercial Use Regulations for Residential Zones

The ~~additional~~ commercial use regulations identified in this ~~s~~Section are applicable to retail sales, commercial services, and office uses where indicated in Table 131-04B.

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

(c) Use ~~may~~ shall be located only on the ground *floor of a mixed-use development*.

(d) A maximum of 10 percent of the total gross floor area of all buildings on the premises may be used for commercial uses.

(1) Eating and drinking establishments shall not exceed 2,000 square feet.

(2) All uses or activities shall be conducted entirely within the enclosed building and front onto the primary street. No uses or activities shall be conducted outdoors in the rear yard.

~~(d)~~(e) Operation shall be limited to hours between 6:00 a.m. and 10:00 p.m., except eating and drinking establishments are limited to hours between 6:00 a.m. and 12:00 a.m.

§131.0431 Development Regulations Table for Residential Zones

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

(a) RE Zones

Table 131-04C

Development Regulations for RE Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones		
	1st & 2nd >>	RE-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
Max permitted density (DU per lot)		1	1	1
Min lot area (ac)		10	5	1
Min lot dimensions				
Lot width (ft)		200	200	100
street frontage (ft) [See Section 131.0442(a)]		200	200	100
Lot width (corner) (ft)		200	200	100
Lot depth (ft)		200	200	150
Setback requirements				
Min Front setback (ft) [See Section 131.0443(a)(1)]		25	25	25
Min Side setback (ft) [See Section 131.0443(a)(4)] [Multiply number in table by actual lot width to calculate setback]		.08	.08	.08
Min Street side setback (ft) [See Section 131.0443(a)(4)] [Multiply number in table by the actual lot width to calculate setback]		.10	.10	.10
Min Rear setback (ft) [See Section 131.0443(a)(2)]		25	25	25
Setback requirements for resubdivided corner lots [See Section 113.0246(f)]		applies	applies	applies
Max structure height (ft) [See Section 131.0444(a)]		30	30	30

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones		
	1st & 2nd >>	RE-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
Lot coverage for sloping lots [See Section 131.0445(a)]		applies	applies	applies
Max floor area ratio		0.10	0.20	0.35
Max paving/ hardscape [See Section 131.0447]		applies	applies	applies
Accessory uses and structures [See Sections 131.0448 and 141.0307]		applies	applies	applies
Garage regulations [See Section 131.0449(a)]		applies	applies	Applies
Building spacing [See Section 131.0450]		applies	applies	applies
Max third story dimensions		--	--	--
Architectural projections and encroachments		--	--	--
Supplemental requirements [See Section 131.0464(a)]		applies	applies	applies
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies
Visibility Area [See Section 113.0273]		applies	applies	applies
Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12]		applies	applies	applies

(b)(a) RS Zones

Table 131-04D

Development Regulations for RS Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
Max permitted density (DU per lot) through Setback Requirements , Min Front setback (ft) [No change in text.]	[No change in text.]							
Min Side setback (ft) [Multiply number in table by actual lot width to calculate setback]	.08 <u>10</u> ⁽²⁾	.08 <u>8</u> ⁽²⁾	.08 <u>7</u> ⁽²⁾	.08 <u>6</u> ⁽²⁾	.08 <u>5</u> ⁽²⁾	.08 <u>5</u> ⁽²⁾	.08 <u>4</u> ⁽²⁾	
Min Street side setback (ft) [Multiply number in table by actual lot width to calculate setback]	10 <u>10</u> ⁽²⁾	10 <u>8</u> ⁽²⁾	10 <u>7</u> ⁽²⁾	10 <u>6</u> ⁽²⁾	10 <u>6</u> ⁽²⁾	10 <u>6</u> ⁽²⁾	10 <u>5</u> ⁽²⁾	
Min Rear setback (ft) through Supplemental requirements [See Section 131.0464(a)] [No change in text.]	[No change in text.]							
Bedroom regulation ⁽⁸⁾	-	-	-	-	-	-	-	
Refuse and Recyclable Material Storage [See Section 142.0805] through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [No change in text.]	[No change in text.]							

Footnotes for Table 131-04D

¹ [No change in text.]

² For lots greater than 50 feet in width, the required side setbacks may be reallocated where the combined dimension of each side setback would meet or exceed the combined total required in Table 131-04D, in which case side setbacks shall not be reduced to less than 4 feet, and street side setbacks shall not be reduced to less than 10 feet. Once a side setback is reallocated and established at a dimension less than the percentage indicated in Table 131-04D, all additions to the primary structure thereafter shall maintain the established side setback. See Section 131.0443(a)(4).

³ through ⁷ [No change in text.]

⁸ ~~On lots less than 10,000 square feet, a single dwelling unit shall be limited to a maximum of six bedrooms.~~

(e)(b) RX Zones

Table 131-04E

Development Regulations for RX Zones

[No change in text.]

~~(d)~~(c) RT Zones

Table 131-04F

Development Regulations for RT Zones

[No change in text.]

~~(e)~~(d) RM Zones

Table 131-04G

Development Regulations for RM Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM-					
	3rd >>	1-	1-	1-	2-	2-	2-
	4th >>	1	2	3	4	5	6
Maximum permitted density^{(1),(2)} (sf per DU) through Max floor area ratio , 8 or more dwelling units [No change in text.]	[No change in text.]						
<u>Floor Area Ratio Bonus for Child Care</u> [See Section 131.0446(e)]	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	
Accessory uses and structures [See Section 131.0448] through Max structure height (ft) [No change in text.]	[No change in text.]						
Max lot coverage	7,000 =	7,000 =	7,000 =	applies =	applies =	applies ⁽³⁴⁾	
Max floor area ratio	[No change in text.]						

<u>Floor Area Ratio Bonus for Child Care [See Section 131.0446(e)]</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>
Accessory uses and Structures [See Section 131.0448] through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12]	[No change in text.]					

Footnotes for Table 131-04G

¹ through ³⁴ [No change in text.]

³⁵ See Section ~~131.0446(e)~~ 131.0446(f).

³⁶ through ³⁹ [No change in text.]

§131.0442 Minimum Lot Dimensions in Residential Zones

- (a) Exception to ~~Minimum~~ *Street Frontage* in the ~~RE~~, RS, and RM Zones

The minimum *street frontage* for any *lot* in the ~~RE~~, RS, and RM zones that fronts principally on a turnaround or curving *street* with a centerline radius of less than 100 feet, is 60 percent of the *street frontage* specified for the zone in which the *lot* is located as shown in Diagram 131-04A.

Diagram 131-04A

Lot Frontage on Curving Street

[No change in text.]

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

§131.0443 Setback Requirements in Residential Zones

- (a) *Setbacks* in ~~RE~~ and RS Zones

- (1) *Front Setbacks* in ~~RE~~ and RS Zones

For that portion of a *lot* that fronts a cul-de-sac, the minimum front *setback* may be reduced 5 feet below the requirement specified in Tables ~~131-04C and 131-04D~~; however, in no case shall the *setback* be less than 5 feet.

- (2) Rear *Setback* in ~~all RE Zones and~~ the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, RS-1-7 Zones

(A) The required rear *setback* is at least the dimension shown in Tables ~~131-04C and 141-04D~~, except as follows:

- (i) [No change in text.]
- (ii) For *lots* greater than 150 feet in depth, the rear *setback* is at least 10 percent of the ~~lot~~ lot depth or the dimension shown in Tables ~~131-04C and 131-04D~~, whichever is greater.

(B) through (C) [No change in text.]

- (3) [No change in text.]

- (4) Side and *Street Side Setbacks* in ~~RE and~~ RS Zones

~~For lots greater than 50 feet in width, the required side setback may be reallocated where the combined dimension of each side setback would meet or exceed the combined total required in Tables 131-04C and 131-04D, in which case side setbacks shall not be reduced to less than 4 feet, and street side setbacks shall not be reduced to less than 10 feet. Once a side setback is reallocated~~

and established at a dimension less than the percentage indicated in Tables 131-04C and 131-04D, all additions to the *primary structure* thereafter shall maintain the established side *setback*.

(A) For lots where the lot width is less than the minimum required lot width of the applicable zone as shown in Table 131-04D, each side setback shall be 8 percent of the lot width.

(B) Side setback relocation for lots greater than 50 feet in width.

(i) The required side setbacks may be reallocated where the combined dimensions of each side setback would meet or exceed the combined total indicated in Table 131-04D. Once a side setback is reallocated and established at a dimension less than the total indicated in Table 131-04D, all additions to the primary structure shall maintain the established side setback.

(ii) A reallocated side setback shall not be reduced to less than 4 feet.

(iii) A reallocated street side setback shall not be reduced to less than 10 feet.

(b) *Setbacks in the RX Zones*

(1) *Front Setback in RX Zones*

RX zone *developments* exceeding a total of four ~~dwelling units~~ dwelling units are required to provide variable from *setbacks* as follows:

- (A) Front *setbacks* of 15 feet are required for at least 25 percent of the total ~~dwelling units~~ dwelling units, 10-foot front *setbacks* are required for at least 25 percent of the total ~~dwelling units~~ dwelling units, and 20-foot front *setbacks* are required for at least 25 percent of the total ~~dwelling units~~ dwelling units;
- (B) No more than 40 percent of the total number of ~~dwelling units~~ dwelling units are permitted to have front *setbacks* in any one category (i.e., 10 feet, 15 feet, or 20 feet) described in 131.0443(b)(1)(A); and

(C) [No change in text.]

(2) Side and *Street Side Setbacks* in RX Zones

(A) [No change in text.]

(B) For attached dwellings, the following shall apply:

(i) through (ii) [No change in text.]

(iii) Each separate ~~dwelling unit~~ dwelling unit shall have its own side *yard* wall construction that may abut another *dwelling unit* at the common ~~property line~~ property line. Common wall construction between two *dwelling units* is not permitted.

- (3) [No change in text.]
- (c) *Setbacks* in RT Zones
- (1) [No change in text.]
- (2) Side *Setbacks* in RT Zones
- (A) [No change in text.]
- (B) Each separate ~~dwelling unit~~ dwelling unit shall have its own side ~~yard~~ yard wall construction that may abut another *dwelling unit* at the common ~~property line~~ property line. Common wall construction between two *dwelling units* is not permitted.
- (C) through (D) [No change in text.]
- (d) through (e) [No change in text.]
- (f) *Setbacks* in RM-3-7, RM-3-8, RM-3-9 Zones
- (1) [No change in text.]
- (2) Side Setbacks in RM-3-7, RM-3-8, RM-3-9 Zones
- (A) [No change in text.]
- (B) Up to 50 percent of the length of the building adjacent to the side *yard* may ~~abut~~ be placed anywhere between the side setback and the property line, provided that no encroaching element shall exceed 30 feet in length, that encroaching elements are separated by at least 6 feet, and that each ~~dwelling unit~~ dwelling unit has access to either the front or rear of the *lot*. See Diagram 131-04I.

Diagram 131-04I

Zero Side Setback Option

[No change in text.]

(3) [No change in text.]

(g) through (h) [No change in text.]

§131.0445 Lot Coverage in Residential Zones

(a) In ~~all RE zones,~~ the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, and RS-1-7 zones, and in small *lot subdivisions* in accordance with Section 143.0365, the maximum permitted *lot coverage* is 50 percent on any *premises* where more than 50 percent of the *premises* contains *steep hillsides*.

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

§131.0446 Maximum Floor Area Ratio in Residential Zones

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

(e) In the RM zones, a *floor area ratio* bonus over the otherwise maximum allowable *gross floor area* is permitted at the rate of 10 square feet of additional *gross floor area* for each 1 square foot of *gross floor area* if a *child care facility* is added to the total area of the *premises* when determining the *floor area ratio* for a *development*. The area designated for the *child care facility* must maintain an 'E' occupancy permit for a minimum of 10 years from the time of *construction permit* issuance and must comply with the requirements of Section 141.0606 (Child Care Facilities).

- (e)(f) In the RM-5-12 zone, the maximum permitted *floor area ratio* for buildings exceeding 4 *stories* or 48 feet of *structure height* shall be increased in accordance with Table 131-04K.

Table 131-04K

Floor Area Ratio in the RM-5-12 Zone

[No change in text.]

§131.0449 Garage Regulations in Residential Zones

- (a) Garages within an existing embankment in the ~~RE~~, RS, and RX Zones, and in small *lot subdivisions* in accordance with Section 143.0365.

Attached or detached garages, not exceeding 12 feet in height, including parapets and handrails, may encroach into the front and *street side yards*, as shown in Diagram 131-04N, subject to the following conditions:

(1) through (5) [No change in text.]

- (6) In the ~~RE~~ and RS zones the building does not exceed 525 square feet in *gross floor area*;

(7) through (8) [No change in text.]

Diagram 131-04N

Garage Within Existing

[No change in text.]

- (b) Garages in RT Zones

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

- (9) The garage may be attached to the *dwelling unit*, subject to the following conditions:

- (A) A court yard with minimum dimensions of 10 feet by 10 feet must be provided within the rear 50 percent of the *lot*, as shown in Diagram 131-04O, or within the ~~dwelling unit~~ dwelling unit. The court yard shall extend the full height of the *structure* and must be at least 75 percent open to sunlight;

Diagram 131-04O

Courtyard Requirement with Attached Garage

[No change in text.]

- (B) [No change in text.]
- (C) The garage is subject to the same height limits as the ~~dwelling unit~~ dwelling unit.

(10) [No change in text.]

§131.0464 Supplemental Requirements for Residential Zones

- (a) Supplemental Requirements for ~~RE~~ and RS Zones
 - (1) *Manufactured homes* are permitted as residential ~~dwelling units~~ dwelling units subject to all regulations of the applicable zone in addition to the following supplemental regulations:
 - (A) through (D) [No change in text.]
- (b) Supplemental Requirements for RX Zones:
 - (1) [No change in text.]

- (2) *Manufactured homes* are permitted as residential ~~dwelling units~~ dwelling units provided they comply with the regulations in Section 131.0464(a)(1).

(c) Supplemental Requirements for RT Zones:

- (1) When an RT *development* exceeds 12 units and the *lots* are greater than 90 feet in depth, the front façade of one-third of the ~~dwelling units~~ dwelling units must be offset 3 feet from the front façade of the remaining units.
- (2) For all ~~dwelling units~~ dwelling units, 20 percent of the area of the front façade shall be used for door and window area.
- (3) One building articulation feature from each category listed below shall be incorporated into each ~~dwelling unit~~ dwelling unit:

Category A through Inset entry [No change in text.]

Building articulation features shall be provided in accordance with the following regulations. Those features that may project into the required front and street side yards are indicated and are subject to the requirements in Section 131.0461(c).

(A) through (M) [No change in text.]

(d) Supplemental Requirements from RM-1-1, RM-1-2, RM-1-3 Zones

- (1) through (2) [No change in text.]
- (3) Within the front façade on all *floors* above the first *floor*, a transparent glass window or windows with an aggregate area of at

least 20 square feet shall be provided for each ~~dwelling unit~~
dwelling unit that faces the *street*.

(e) Supplemental Requirements for the RM-2-4, RM-2-5, RM-2-6 Zones

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

(4) Within the *building façade* on all *floors* above the first *floor*, a transparent glass window or windows with an aggregate area of at least 20 square feet shall be provided for each ~~dwelling unit~~
dwelling unit that faces the *street*.

(f) [No change in text.]

§131.0522 Use Regulations Table for Commercial Zones

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

Legend for Table 131-05B

Symbol in Table 131-05B	Description of Symbol
[No change in text.]	[No change in text.]
[No change in text.]	Use is permitted with limitations, which may include location limitations or the requirement for a use or <i>development permit</i> . Regulations are located in Chapter 14, Article 1 (Separately Regula — amended 10-23-17ted <u>Regulated</u> Use Regulations).
[No change in text.]	[No change in text.]
[No change in text.]	[No change in text.]
[No change in text.]	[No change in text.]

Table 131-05B

Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																
	1st & 2nd >>	CN ⁽⁺⁾ -				CR-		CO-			CV-		CP-					
	3rd >>	1-		1-	2-	1-	2-	3-	1-	1-								
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2
Open Space through Residential, Separately Regulated Residential Uses, Accessory Dwelling Units [No change in text.]	[No change in text.]																	
Continuing Care Retirement Communities	L		L		-		L		<u>L</u>		L		L		-			
Employee Housing: 6 or Fewer Employees through Residential Care Facilities: 6 or Fewer Persons [No change in text.]	[No change in text.]																	
7 or More Persons	€ <u>L</u> ⁽²⁾		€ <u>L</u> ⁽²⁾		<u>L</u>		€ <u>L</u>		<u>L</u>		€ <u>L</u>		€ <u>L</u> ⁽²⁾		-			
Student Housing [No change in text.]	[No change in text.]																	
Transitional Housing:																		
6 or Fewer Persons	P ⁽²⁾		P		-		P		-P		P		P ⁽²⁾		-			
7 or More Persons through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Homeless Day Centers [No change in text.]	[No change in text.]																	
Hospitals	C		C		-		C		C		C		C		-			
Intermediate Care Facilities & Nursing Facilities	-		P		P		C		C		C		P ⁽¹⁰⁾		-			
Interpretive Centers through <i>Placemaking</i> on Private Property [No change in text.]	[No change in text.]																	
Outdoor Dining on Private Property	L ⁽¹⁾		L		L		L		L		L		L		-			
Satellite <i>Antennas</i> through <i>Wireless Communications Facilities</i> [No change in text.]	[No change in text.]																	
Retail Sales																		
Building Supplies & Equipment	P ^(1,11)		P ⁽¹¹⁾		P ⁽¹¹⁾		-		-		-		-		-			
Food, Beverages and Groceries	P ^(1,11)		P ⁽¹¹⁾		P ⁽¹¹⁾		P ⁽¹¹⁾		P ⁽¹¹⁾		P ^(11,19)		P ⁽¹¹⁾		-			
Consumer Goods, Furniture, Appliances, Equipment	P ^(1,11)		P ⁽¹¹⁾		P ⁽¹¹⁾		P ^(3,11)		P ^(3,11)		P ^(3,11,19)		P ⁽¹³⁾		-			
Pets & Pet Supplies	P ^(1,11)		P ⁽¹¹⁾		P ⁽¹¹⁾		-		-		-		-		-			
Sundries, Pharmaceutical, & Convenience Sales	P ^(1,11)		P ⁽¹¹⁾		P ⁽¹¹⁾		P ⁽¹¹⁾		P ⁽¹¹⁾		P ^(11,19)		P ⁽¹¹⁾		-			
Wearing Apparel & Accessories	P ⁽¹⁾⁽¹¹⁾		P ⁽¹¹⁾		P ⁽¹¹⁾		-		-		P ^(11,19)		P ⁽¹¹⁾		-			

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																
	1st & 2nd >>	CN ⁽⁺⁾ -					CR-		CO-					CV-		CP-		
	3rd >>	1-					1-	2-	1-		2-	3-		1-	1-			
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2
Separately Regulated Retail Sales Uses																		
Agriculture Related Supplies & Equipment [No change in text.]		[No change in text.]																
Alcoholic Beverage Outlets		L ⁽¹⁾					L	L	L	L	L	L	L	L	-			
<i>Cannabis Outlets</i> [No change in text.]		[No change in text.]																
Farmers' Markets																		
Weekly Farmers' Markets		L ⁽¹⁾					L	L	L	L	L	L	L	L	L			
Daily Farmers' Market Stands		L ⁽¹⁾					L	L	L	L	L	L	L	L	-			
Plant Nurseries		P ⁽¹⁾					P	P	-	-	-	-	-	-	-			
Retail Farms		L ⁽¹⁾					L	L	L	L	L	L	L	L	-			
Retail Tasting Stores		L ⁽¹⁾					L	L	L	L	L	L	L	L	-			
Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]		[No change in text.]																
Commercial Services																		
Building Services [No change in text.]		[No change in text.]																
Business Support		P ⁽¹⁾					P	P	P ⁽⁵⁾		P ⁽⁷⁾		P ⁽⁷⁾		-	-		
Eating & Drinking Establishments		P ^(1,4,16)					P ⁽¹⁶⁾	P ⁽¹⁶⁾	P ^(5,16)		P ^(5,16)		P ^(5,16)		P ⁽¹⁶⁾	-		
Financial Institutions		P ⁽¹⁾					P	P	P		P		P		-	-		
Funeral & Mortuary Services [No change in text.]		[No change in text.]																
Instructional Studios		P ⁽¹⁾					P	P	P		P		P		P ⁽¹²⁾	-		
Maintenance & Repair		P ⁽¹⁾					P	P	P ⁽⁶⁾		P ⁽⁶⁾		P ⁽⁶⁾		-	-		
Off-site Services [No change in text.]		[No change in text.]																
Personal Services		P ⁽¹⁾					P	P	-		-		P		P	-		
Radio & Television Studios [No change in text.]		[No change in text.]																
Tasting Rooms [No change in text.]		[No change in text.]																
Visitor Accommodations		P ⁽²¹⁾					P	P	-		P		P		P	-		
Separately Regulated Commercial Services Uses																		
<i>Adult Day Care Facility</i>		L ⁽¹⁾					L	-	L	-	L	-	L	L	-			
Adult Entertainment Establishments:																		
Adult Book Store		L ⁽¹⁾					L	L	-		-		-		-	-		
Adult Cabaret through Adult Mini-Motion Picture Theater [No change in text.]		[No change in text.]																
Adult Model Studio		L ⁽¹⁾					L	L	-		-		-		L	-		
Adult <i>Motel</i> through Adult Theater [No		[No change in text.]																

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																	
	1st & 2nd >>	CN(+)-					CR-		CO-					CV-		CP-			
	3rd >>	1-					1-	2-	1-		2-	3-		1-	1-				
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
change in text.]		[No change in text.]																	
Body Painting Studio		L ⁽¹⁾					L	L	-	-	-	-	L	-					
Massage Establishment		L ⁽¹⁾					L	L	-	-	-	-	-	-					
Sexual Encounter Establishment		L ⁽¹⁾					L	L	-	-	-	-	L	-					
Assembly and Entertainment Uses, Including Places of Religious Assembly [No change in text.]		[No change in text.]																	
Boarding Kennels/Pet Day Care through Camping Parks [No change text.]		[No change in text.]																	
<i>Child Care Facilities:</i>																			
Child Care Centers		L ⁽¹⁾					L	-	L	L	L	L	L ⁽¹⁰⁾	-					
Large Family Child Care Homes		L ⁽¹⁾					L	-	L	L	L	L	L ⁽¹⁰⁾	-					
Small Family Child Care Homes		L ⁽¹⁾					L	-	L	L	L	L	L	-					
Eating and Drinking Establishments with a Drive-in or Drive-through Component		-	C ⁽¹⁾	-	-	-	-	-	-	P	P	P	-	P	-	-	-	-	-
Fairgrounds through Helicopter Landing Facilities [No change in text.]		[No change in text.]																	
Massage Establishments, Specialized Practice		L ⁽¹⁾					L	L	-	-	-	-	L ⁽¹⁴⁾	-					
Mobile Food Trucks		L ⁽¹⁾⁽¹⁵⁾					L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾					
Nightclubs & Bars Over 5,000 Square Feet in Size through Parking Facilities as a <i>Primary Use</i> : Temporary Parking Facilities [No change in text.]		[No change in text.]																	
Private Clubs, Lodges and Fraternal Organizations		P ⁽¹⁾⁽¹⁰⁾					P	P	P	P	P	P	P ⁽¹⁰⁾	-					
Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size ⁽⁹⁾ [No change in text.]		[No change in text.]																	
Pushcarts on Private Property		L ⁽¹⁾					L	L	L	L	L	L	L	-					
<i>Recycling Facilities:</i>																			
Large Collection Facility		N ⁽¹⁾					N	N	N	N	N	-	N ⁽¹⁰⁾	-					
Small Collection Facility		L ⁽¹⁾					L	L	L	L	-	-	L ⁽¹⁰⁾	-					
Large Construction & Demolition Debris <i>Recycling Facility</i> through Small Construction & Demolition Debris <i>Recycling Facility</i> [No change in text.]		[No change in text.]																	
Drop-off Facility		L ⁽¹⁾					L	L	L	L	-	-	L	-					
Green Materials Composting Facility through		[No change in text.]																	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																
	1st & 2nd >>	CN ⁽⁺⁾ -		CR-		CO-			CV-		CP-							
	3rd >>	1-		1-	2-	1-	2-	3-	1-	1-								
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2
Small Processing Facility Accepting All Types of Traffic [No change in text.]	[No change in text.]																	
Reverse Vending Machines	L ⁽¹⁾		L	L	L	L	L	L	L	-								
Tire Processing Facility [No change in text.]	[No change in text.]																	
Sidewalk Cafes, Streetaries, and Active Sidewalks	L ⁽¹⁾		L	L	L	L	L	L	L	-								
Sports Arenas & Stadiums Theaters that are Outdoor Over 5,000 Square Feet in Size [No change in text.]	[No change in text.]																	
Urgent Care Facilities	N ⁽²⁰⁾		N	N	N	N	N	N	N ⁽¹⁰⁾	-								
Veterinary Clinics & Animal Hospitals through Zoological Parks [No change in text.]	[No change in text.]																	
Offices																		
Business & Professional	P ⁽¹⁾⁽⁷⁾		P	P	P	P	P	P ¹⁹	-	-								
Government	P ⁽¹⁾		P	P	P	P	P	P ¹⁹	-	-								
Medical, Dental & Health Practitioner	P ⁽¹⁾		P	P	P	P	P	P ¹⁹	P ⁽¹⁰⁾	-								
Regional & Corporate Headquarters	P ⁽¹⁾		P	P	P	P	P	P ¹⁹	-	-								
Separately Regulated Office Uses																		
Real Estate Sales Offices & Model Homes	L ⁽¹⁾		L	-	L	L	L	L	L	-								
<i>Sex Offender</i> Treatment & Counseling	L ⁽¹⁾		L	L	L	L	L	L	L ⁽¹⁰⁾	-								
Vehicle & Vehicular Equipment Sales & Service, Commercial Vehicle Repair & Maintenance through Separately Regulated Distribution and Storage Uses, Junk Yards [No change in text.]	[No change in text.]																	
Temporary Construction Storage Yards Located Off-site	L ⁽¹⁾		L	L	L	L	L	L	L	-								
Industrial, Heavy Manufacturing through Trucking & Transportation Terminals [No change in text.]	[No change in text.]																	
Separately Regulated Industrial Uses																		
Artisan Food and Beverage Producer	N ⁽¹⁾		-	-	-	-	-	L	-	-								
<i>Cannabis Production Facilities</i> through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]	[No change in text.]																	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																																												
	1st & 2nd >>	CC-																																												
	3rd >>	1-			2-			3-			4-			5-																																
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6													
Open Space through Residential, Separately Regulated Residential Uses, Residential Care Facilities: 6 or Fewer Persons [No change in text.]	[No change in text.]																																													
7 or More Persons	€ <u>L</u>			-			€ <u>L</u>			€ <u>L</u>			€ <u>L</u>																																	
Student Housing through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Homeless Day Centers																																														
Hospitals, Intermediate Care Facilities & Nursing Facilities	C			C			C			C			C																																	
<u>Intermediate Care Facilities & Nursing Facilities</u>	<u>L</u>			<u>C</u>			<u>L</u>			<u>L</u>			<u>L</u>																																	
Interpretive Centers through Commercial Services, Tasting Rooms [No change in text.]	[No change in text.]																																													
Visitor Accommodations	p ⁽²¹⁾			p ⁽²¹⁾			p ⁽²¹⁾			p ⁽²¹⁾			p ⁽²¹⁾																																	
Commercial Services, Separately Regulated Commercial Services Uses, Adult Day Care Facility through Theaters that are Outdoor or Over 5,000 Square Feet in Size [No change in text.]	[No change in text.]																																													
Urgent Care Facilities	N <u>L</u> ⁽²⁰⁾			N <u>L</u> ⁽²⁰⁾			N <u>L</u> ⁽²⁰⁾			N <u>L</u> ⁽²⁰⁾			N <u>L</u> ⁽²⁰⁾																																	
Veterinary Clinics & Animal Hospitals through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]																																													

Footnotes for Table 131-05B

¹ through ¹⁹ [No change in text.]

²⁰ Within the beach impact area of the Parking Impact Overlay Zone, off-street parking spaces shall be provided at a ratio of no less than one off-street parking space for every 250 square feet of gross floor area.

²¹ Lodging for uses other than a SRO hotel or SRO hotel room shall not be used for a stay of more than 30 consecutive days.

§131.0531 Development Regulations Tables for Commercial Zones

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

(a) CN Zones

Table 131-05C

Development Regulations for CN Zones

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones					
	1st & 2nd >>	CN-					
	3rd >>	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6
Max Permitted Residential Density ⁽¹⁾ through Max Floor Area Ratio , <i>Minimum Floor Area Ratio</i> for Residential Use [No change in text.]		[No change in text.]					
<u>Floor Area Ratio Bonus for Child Care</u> [See Section 131.0546(b)]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>
Ground-floor Height [See Section 131.0548] through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [No change in text.]		[No change in text.]					

Footnotes for Table 131-05C

¹ One ~~dwelling unit~~ *dwelling unit* per specified minimum square footage of ~~lot~~ *lot* area as determined in accordance with Section 113.0222.

² through ⁴ [No change in text.]

(b) [No change in text.]

(c) CC Zones

Table 131-05E

Development Regulations for CC Zones

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones															
	1st & 2nd >>	CC-															
	3rd >>	1-	2-	4-	5-	1-	2-	4-	5-	1-	2-	4-	5-	2-	3-	4-	5-
	4th >>	1			2			3			4						
Max Permitted Residential Density ⁽¹⁾ through Max Floor Area Ratio , <i>Minimum Floor Area Ratio</i> for Residential Use [No change in text.]		[No change in text.]															
<u>Floor Area Ratio Bonus for Child Care</u> [See Section 131.0546(b)]		<u>applies</u>	=	<u>applies</u>	<u>applies</u>												
Ground-floor Height [See Section 131.0548] through Dwelling Unit Protection Regulations [See Chapter 14,		[No change in text.]															

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones															
		1st & 2nd >>	CC-														
	3rd >>	1-	2-	4-	5-	1-	2-	4-	5-	1-	2-	4-	5-	2-	3-	4-	5-
	4th >>	1			2			3			4						
Article 3, Division 12] [No change in text.]																	

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones									
		1st & 2nd >>	CC								
	3rd >>	2-	3-	4-	5-	3-	4-	5-	3-	3-	3-
	4th >>	5			6			7	8	9	
Max Permitted Residential Density⁽¹⁾ through Max Floor Area Ratio , Minimum <i>Floor Area Ratio</i> for Residential Use [No change in text.]		[No change in text.]									
<u>Floor Area Ratio Bonus for Child Care [See Section 131.0546(b)]</u>		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	
Ground-floor Height [See Section 131.0548] through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [No change in text.]		[No change in text.]									

Footnotes for Table 131-05E

¹ One ~~dwelling unit~~ *dwelling unit* per specified minimum square footage of ~~lot~~ *lot* area as determined in accordance with Section 113.0222.

² through ⁵ [No change in text.]

§131.0543 Setback Requirements for Commercial Zones

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

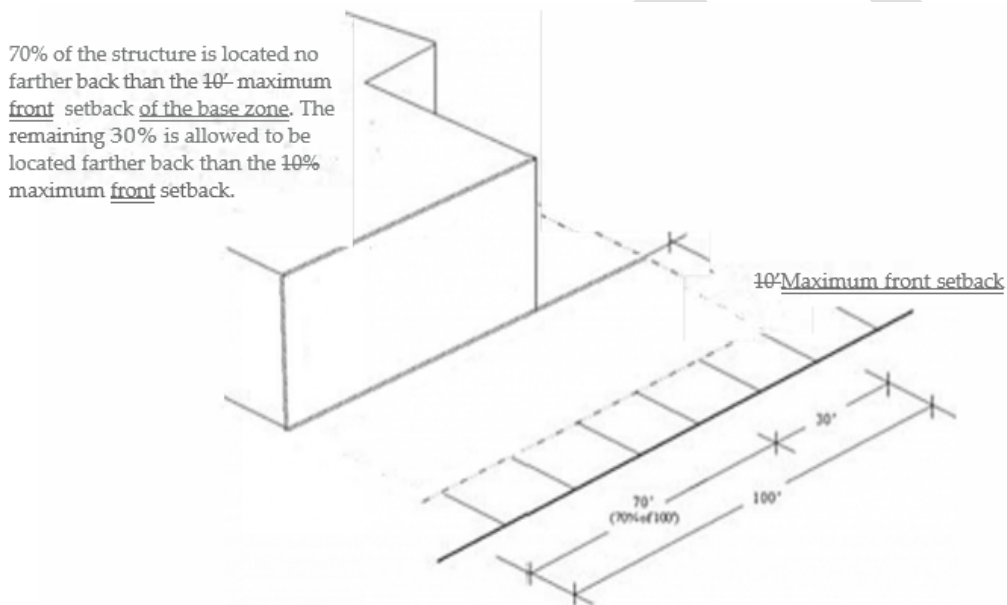
- (a) Front and *Street Side Setback* Requirements
 - (1) Off-street parking in all commercial zones may be located within the required front *yard* and required ~~street~~ *street* side ~~yard~~ *yard* adjoining the required landscaped strip abutting *public rights-of-way*.
 - (2) In the CN, CO, CV, and CC zones with a maximum front or ~~street~~ *street* side ~~setback~~ *setback* as shown in Tables 131-05C, 131-05D,

and 131-05E, the maximum ~~setback~~ setback shall apply to only 70 percent of the ~~street frontage~~ street frontage. The remaining 30 percent is not required to observe the maximum ~~setback~~ setback and may be located farther from the ~~property line~~ property line.

See Diagram 131-05B.

Diagram 131-05B

Maximum Setback Requirement



-
- (3) [No change in text.]
- (b) Minimum Side and Rear *Setback*
- (1) [No change in text.]
- (2) The optional side or rear *setback* is not applicable to commercial *development* abutting ~~low density~~ residentially zoned properties with a permitted *density* of less than 15 *dwelling units* per acre as further described in Section 131.0543(c).

- (c) Commercial *Development* Abutting Residential Zoned Properties
- (1) Commercial *development* abutting ~~low-density~~ residentially zoned properties with a permitted *density* of less than 15 *dwelling units* per acre shall provide a 10-foot minimum *setback* for any side or rear *yard* that abuts low *density* residential zoned property. The *structure* shall comply with additional step back requirements in accordance with Section 131.0543(c)(3).
- (2) Commercial *development* abutting ~~medium to high density~~ residentially zoned properties with a permitted *density* of 15 ~~dwelling units~~ *dwelling units* or more per acre that provide no side or rear *setback* and locate the ~~structure~~ *structure* at the *property line* as provided for by Section 131.0543(b) shall comply with the following:
- (A) through (B) [No change in text.]
- (3) [No change in text.]

§131.0546 Maximum Floor Area Ratio

Maximum *floor area ratio* is specified in Tables 131-05C, 131-05D, 131-05E and is subject to the following additional regulations:

- (a) [No change in text.]
- (b) *Floor Area Ratio* Bonus for ~~Child Care Facilities~~ *Child Care Facilities*

In the CN zones, CR-1-1, CR-2-1, CO-1-2, CO-2-2, CO-3-1, ~~and~~ CO-3-2, CC-1-1, CC-1-2, CC-1-3, CC-3-4, CC-3-5, CC-3-6, CC-3-7, CC-3-8, CC-3-9, CC-4-1, CC-4-2, CC-4-3, CC-4-4, CC-4-5, CC-4-6, CC-5-1, CC-5-2,

CC-5-3, CC-5-4, CC-5-5, and CC-5-6 zones, a *floor area ratio* bonus over the otherwise maximum allowable *gross floor area* is permitted at the rate of ~~4~~-10 square feet of additional *gross floor area* for each 1 square foot of *gross floor area* devoted to the *child care facility* to be added to the total area of the *premises* when determining the *floor area ratio* for a *development*. The area designated for the *child care facility* must maintain an ‘E’ occupancy permit for a minimum of 10 years from the time of *construction permit* issuance and must ~~be in compliance~~ comply with the requirements of Section 141.0606 (Child Care Facilities).

§131.0622 Use Regulations Table for Industrial Zones

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

Legend for Table 131-06B

[No change in text.]

Table 131-06B

Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Residential, Separately Regulated Residential Uses, Employee Housing: Greater than 12 Employees [No change in text.]	[No change in text.]										
Fraternities; <u>and</u> Sororities and Student <u>Dormitories</u>	-	-	-	-	-	-	-	-	-	-	-
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]	[No change in text.]										
<u>Student Housing</u>	=	=	=	=	=	=	=	=	=	=	=
Transitional Housing through Institutional, Separately Regulated Institutional Uses, Homeless	[No change in text.]										

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator			Zones									
	1st & 2nd >>			IP-			IL-			IH-		IS-	IBT-
	3rd >>			1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>			1	1	1	1	1	1	1	1	1	1
Facilities: Homeless Day Centers [No change in text.]	[No change in text.]												
Hospitals, Intermediate Care Facilities & Nursing Facilities	[No change in text.]												
<u>Intermediate Care Facilities & Nursing Facilities</u>	=	=	L ⁽¹⁵⁾	=	=	=	=	=	=	=	=	=	
Interpretive Centers through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]	[No change in text.]												

Footnotes for Table 131-06B

¹through²³ [No change in text.]

§131.0631 Development Regulations Table for Industrial Zones

The following development regulations apply in the industrial zones as shown in

Table 131-06C.

Table 131-06C

Development Regulations for Industrial Zones

Development Regulations [See Section 131.0630 for Development Regulations of Industrial Zones]	Zone Designator			Zones									
	1st & 2nd >>			IP-			IL-			IH-		IS-	IBT-
	3rd >>			1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>			1			1			1		1	1
Max permitted residential density⁽¹⁰⁾ through Max Structure Height [See Section 131.0644] [No change in text.]	[No change in text.]												
Max Floor Area Ratio	[No change in text.]												
<u>Floor Area Ratio Bonus for Child Care</u> [See Section 131.0632(a)]	<u>applies</u>	=	<u>applies</u>	=	<u>applies</u>	=	<u>applies</u>	=	<u>applies</u>	=	<u>applies</u>	<u>applies</u>	
Street Wall Requirements [See Section 142.1030] through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [No change in text.]	[No change in text.]												

Footnotes for Table 131-06C

¹ through ¹⁰ [No change in text.]

- ¹¹ Within the Otay Mesa Community Plan area, the maximum *floor area ratio* is 0.50 unless a *final map* has been recorded prior to May 18, 2014. This restriction does not apply to residential ~~development~~ *development* in accordance with Section 131.0623(i).

§131.0632 **Maximum Floor Area Ratio**

Maximum floor area ratio is specified in Table 131-06C and is subject to the following additional regulations:

(a) *Floor Area Ratio Bonus for Child Care Facilities*

In the IP zones, IL-2-1, IL-3-2, IH-2-1, IH-1-1, and IBT-1-1 zones, a floor area ratio bonus over the otherwise maximum allowable gross floor area is permitted at the rate of 10 square feet of additional gross floor area for each 1 square foot of gross floor area devoted to the child care facility to be added to the total area of the premises when determining the floor area ratio for a development. The area designated for the child care facility must maintain an ‘E’ occupancy permit for a minimum of 10 years from the time of construction permit issuance and must comply with the requirements of Section 141.0606 (Child Care Facilities).

§131.0702 **Definitions**

The following definitions are applicable to this Division. Where not otherwise specified, the definitions found in Chapter 11, Article 3, Division 1 of the Land Development Code shall apply. Each word or phrase that is defined in this Division, or in Chapter 11, Article 3, Division 1 of the Land Development Code, appears in the text in italicized letters.

Secondary use means an allowed use that is less than 50 percent and more than 10 percent of the ~~total floor area ratio~~ gross floor area of all uses in the development.

Paseo [No change in text.]

§131.0703 Purpose of the RMX (Residential Mixed-Use) Zones

The purpose of the RMX zones is to provide a mix of uses with a focus on residential uses. The RMX zones support residential employment through the inclusion of *shopkeeper units*, small-scale artisan or production spaces, live/work units, or amenities for home employment and small businesses. Residential *development* shall be the *primary use*. The *secondary use* can be non-residential or residential *development*. If the *secondary use* is residential *development*, it shall comply with Section 131.0712.

The RMX zones are differentiated in Table 131.07B based on the *floor area ratio* and *structure height*.

§131.0704 Purpose of the EMX (Employment Mixed-Use) Zones

The purpose of the EMX zones is to provide a mix of uses with a focus on non-residential uses with opportunities for residential *development*. The EMX zones allow for a broad mix of uses, including office, research and development, industrial, and retail sales. Non-residential *development* shall be the *primary use*.

The *secondary use* can be non-residential or residential *development*. If the *secondary use* is non-residential *development*, it must be a different non-residential use than the *primary use*. *Development* that contains a research and development use within Prime Industrial Land and Prime Industrial Land – Flex identified in the *land use plan* does not require a *secondary use*. New residential development may be the primary use on premises or adjacent to a premises where

the total gross floor area is occupied by retail sales or eating and drinking establishment uses, or both, of at least 500,000 square feet.

The EMX zones are differentiated in Table 131-07B based on *floor area ratio* and *structure height*.

§131.0707 Use Regulations Table for Mixed-Use Zones

The uses allowed in the mixed-use zones are shown in Table 131-07A.

Legend for Table 131-07A

[No change in text.]

Table 131-07A

Use Regulations Table for Mixed-Use Zones

Use Categories/Subcategories	Zone Designator	Zones					
		RMX			EMX		
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st >>						
	2nd >>	1	2	3	1	2	3
Open Space through Residential, Separately Regulated Residential Uses, Residential Care Facilities: 6 or Fewer Persons [No change in text.]		[No change in text.]					
7 or More Persons		<u>€</u>	<u>€</u>	<u>€</u>	<u>€</u> ⁽¹⁾	<u>€</u> ⁽¹⁾	<u>€</u> ⁽¹⁾
Student Housing through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Homeless Day Centers [No change in text.]		[No change in text.]					
Hospitals, Intermediate Care Facilities & Nursing Facilities		C	C	C	C	C	C
<u>Intermediate Care Facilities & Nursing Facilities</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u> ⁽¹⁾	<u>L</u> ⁽¹⁾	<u>L</u> ⁽¹⁾
Interpretive Centers through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]					
<u>Cannabis Outlets</u>		<u>€</u>	<u>€</u>	<u>€</u>	<u>€</u>	<u>€</u>	<u>€</u>
Farmers' Markets, Weekly Farmers' Markets Daily Farmers' Market Stands [No change in text.]		[No change in text.]					

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
<i>Marijuana Outlets</i>		-	-	-	-	-	-
Plant Nurseries through Commercial Services, Tasting Rooms [No change in text.]		[No change in text.]					
Visitor Accommodations		P ⁽¹⁰⁾	P ⁽¹⁰⁾	P ⁽¹⁰⁾	P ⁽¹⁰⁾	P ⁽¹⁰⁾	P ⁽¹⁰⁾
Commercial Services, Separately Regulated Commercial Services Uses, Adult Day Care Facility through Industrial, Separately Regulated Industrial Uses, Artisan Food and Beverage Producer [No change in text.]		[No change in text.]					
<i>Cannabis Production Facilities</i>		-	-	-	-	-	-
<i>Hazardous Waste</i> Research Facility through <i>Hazardous Waste</i> Treatment Facility [No change in text.]		[No change in text.]					
Marijuana Production Facilities		-	-	-	-	-	-
Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]					

Footnotes for Table 131-07A

¹through ⁹ [No change in text.]

¹⁰ Lodging for uses other than a SRO hotel or SRO hotel room shall not be used for a stay of more than 30 consecutive days.

§131.0709 Development Regulations Table for Mixed-Use Zones

The following development regulations apply in the mixed-use zones as shown in Table 131-07B.

Table 131-07B

Development Regulations for RMX and EMX Zones

Development Regulations	Zones					
	RMX-			EMX-		
	1	2	3	1	2	3
Minimum Lot Area (sf) through Setback Requirements, Min Street side Setback (ft), Max Street side Setback (ft) ¹ [No change in text.]	[No change in text.]					
Maximum Floor Area Ratio ⁽³⁾	[No change in text.]					
<u>Floor Area Ratio Bonus for Child Care</u> [See Section 131.0719(a)]	<u>Applies</u>					
Maximum Structure Height (ft) ⁽²⁾ through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [No change in text.]	[No change in text.]					

Footnotes for Table 131-07B

¹through ³ [No change in text.]

§131.0710 Deviations

Development that proposes deviations to the development regulations of this Division may be permitted with a Neighborhood Development Permit decided in accordance with Process Two for the following:

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

(c) A deviation may not be requested for the following:

(1) ~~A deviation from the requirements of the Airport Approach Overlay Zone (Chapter 13, Article 2, Division 2).~~

(2) ~~A deviation from the requirements of the Airport Environs Overlay Zone (Chapter 13, Article 2, Division 3).~~

- ~~(3)~~(1) A deviation from the requirements of the Coastal Height Limit Overlay Zone (Chapter 13, Article 2, Division 5).
- ~~(4)~~(2) Within the Coastal Overlay Zone, a deviation from the requirements of the Parking Impact Overlay Zone (Chapter 13, Article 2, Division 8).
- ~~(5)~~(3) A deviation from the requirements of the Clairemont Mesa Height Limit Overlay Zone (Chapter 13, Article 2, Division 13).
- ~~(6)~~(4) A deviation from the requirements of the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15).
- ~~(7)~~(5) Within the Coastal Overlay Zone, a deviation from the requirements of the Environmentally Sensitive Land Regulations (Chapter 14, Article 3, Division 1).
- ~~(8)~~(6) A deviation from the requirements of the Historical Resources Regulations (Chapter 14, Article 3, Division 2).

§131.0719 **Maximum Floor Area Ratio**

Maximum floor area ratio is specified in Table 131-07B and is subject to the following additional regulations:

(a) *Floor Area Ratio Bonus for Child Care Facilities*

In the EMZ and RMX zones, a floor area ratio bonus over the otherwise maximum allowable gross floor area is permitted at the rate of 10 square feet of additional gross floor area for each 1 square foot of gross floor area devoted to the child care facility to be added to the total area of the premises when determining the floor area ratio for a development. The

area designated for the *child care facility* must maintain an ‘E’ occupancy permit for a minimum of 10 years from the time of *construction permit* issuance and must comply with the requirements of Section 141.0606 (Child Care Facilities).

§132.0402 Where the Coastal Overlay Zone Applies

- (a) This overlay zone applies to all property located within the boundaries designated on Map No. C-730.1, Map No. C-908, and Map No. C-1028, filed in the office of the City Clerk as Documents No. 00-17067-1, No. 00-18872, and No. 00-21719. These areas are shown generally on Diagram 132-04A.
- (b) [No change in text.]

Table 132-04A

Coastal Overlay Zone Applicability

[No change in text.]

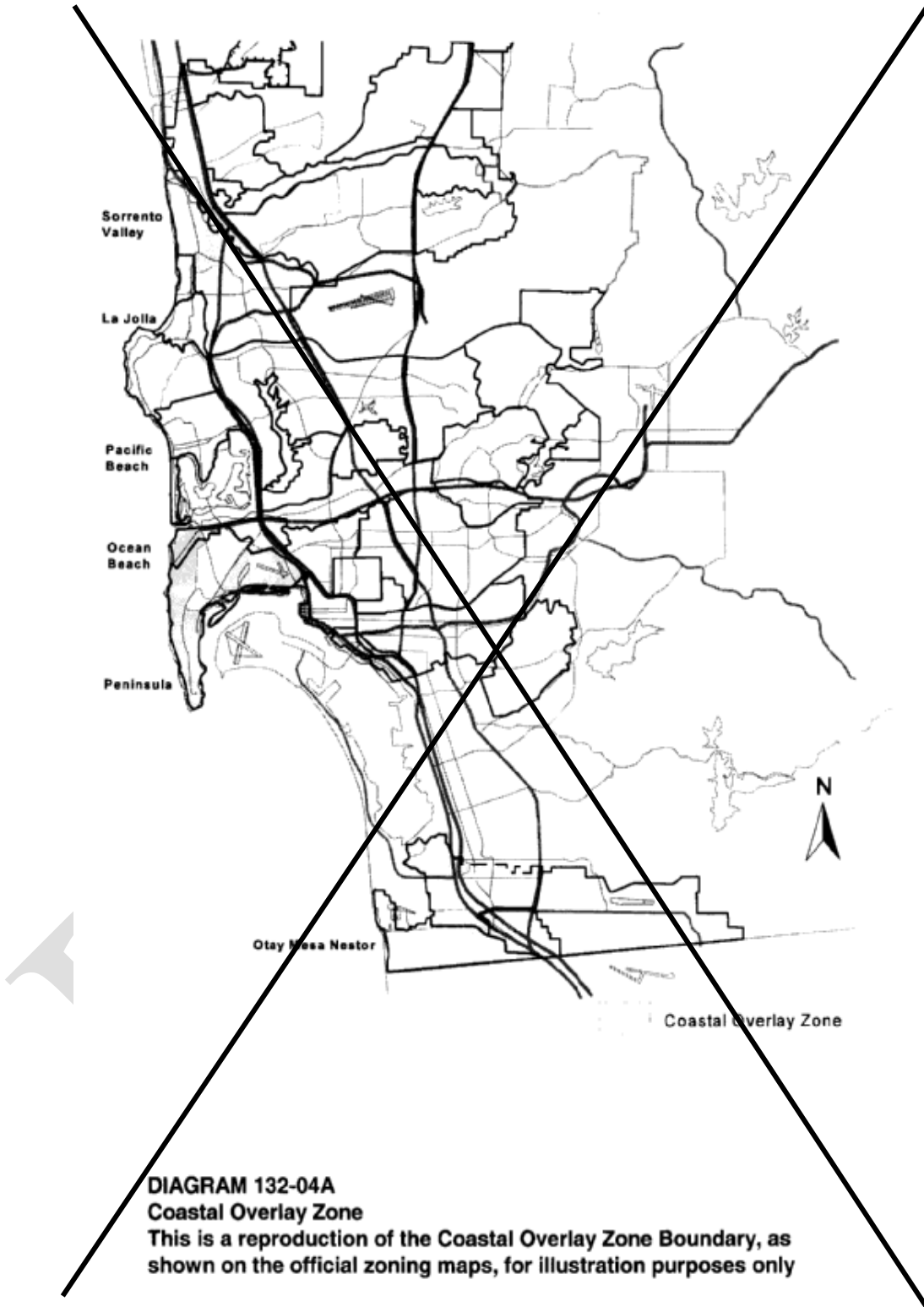


DIAGRAM 132-04A
Coastal Overlay Zone
This is a reproduction of the Coastal Overlay Zone Boundary, as shown on the official zoning maps, for illustration purposes only



DIAGRAM 132-04A
Coastal Overlay Zone

This overlay zone applies to all property located within the boundaries designated on Map No. C-730.1, Map No. C-908, and Map No. C-1028, filed in the office of the City Clerk as Documents No. 00-17067-1, No. 00-18872, and No. 00-21719. These areas are shown generally on Diagram 132-04A.

§132.1202 Where the Mission Trails Design District Applies

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

Table 132-12A

Mission Trails Design District Applicability

Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Interior or exterior repairs or modifications [No change in text.]	[No change in text.]	[No change in text.]
(2) Any <i>development</i> of new structures <u>structures</u> , expansion of existing structures <u>structures</u> , grading on property zoned RE , RS, RX, or RT within the Navajo or Tierrasanta communities as shown on Map No. C-916, or more than 235 feet from the edge of the 100-year floodway <u>floodway</u> as mapped by the Federal Emergency Management Agency on the date the <i>development</i> application is <i>deemed complete</i> .	[No change in text.]	[No change in text.]
(3) Any other <i>development</i> of new structures <u>structures</u> , alteration of existing structures <u>structures</u> , or grading in the Mission Trails Design District through (4) Any <i>development</i> of new structures <u>structures</u> , expansion or alteration of existing structures <u>structures</u> , or grading on property within 235 feet of the edge of the 100-year floodway <u>floodway</u> as mapped by the Federal Emergency Management Agency on the date the <i>development</i> application is <i>deemed complete</i> .	[No change in text.]	[No change in text.]

§132.1205 Supplemental Design Criteria

Except for property located within a ~~RE~~, RS, RX, or RT Zone in the Navajo or Tierrasanta communities, as shown on Map No. C-916, and *development* that does

not require a *construction permit*, all proposed *development* shall comply with the design criteria and standards of the Mission Trails Design Guidelines in the Land Development Manual.

§132.1403 Exception to the Community Plan Implementation Overlay Zone

The City Manager may grant an exception to the requirements of this division for the proposed *development* that is minor, temporary, or incidental and is consistent with the intent of this division. Exceptions made by the City Manager shall be ~~filed with the office of the City Clerk~~ recorded and entered in project files prepared in the process of approving the proposed *development*.

Diagram 132-14A through Diagram 132-14B

[No change in text.]

Diagram 132-14D through Diagram 132-14S

[No change in text.]

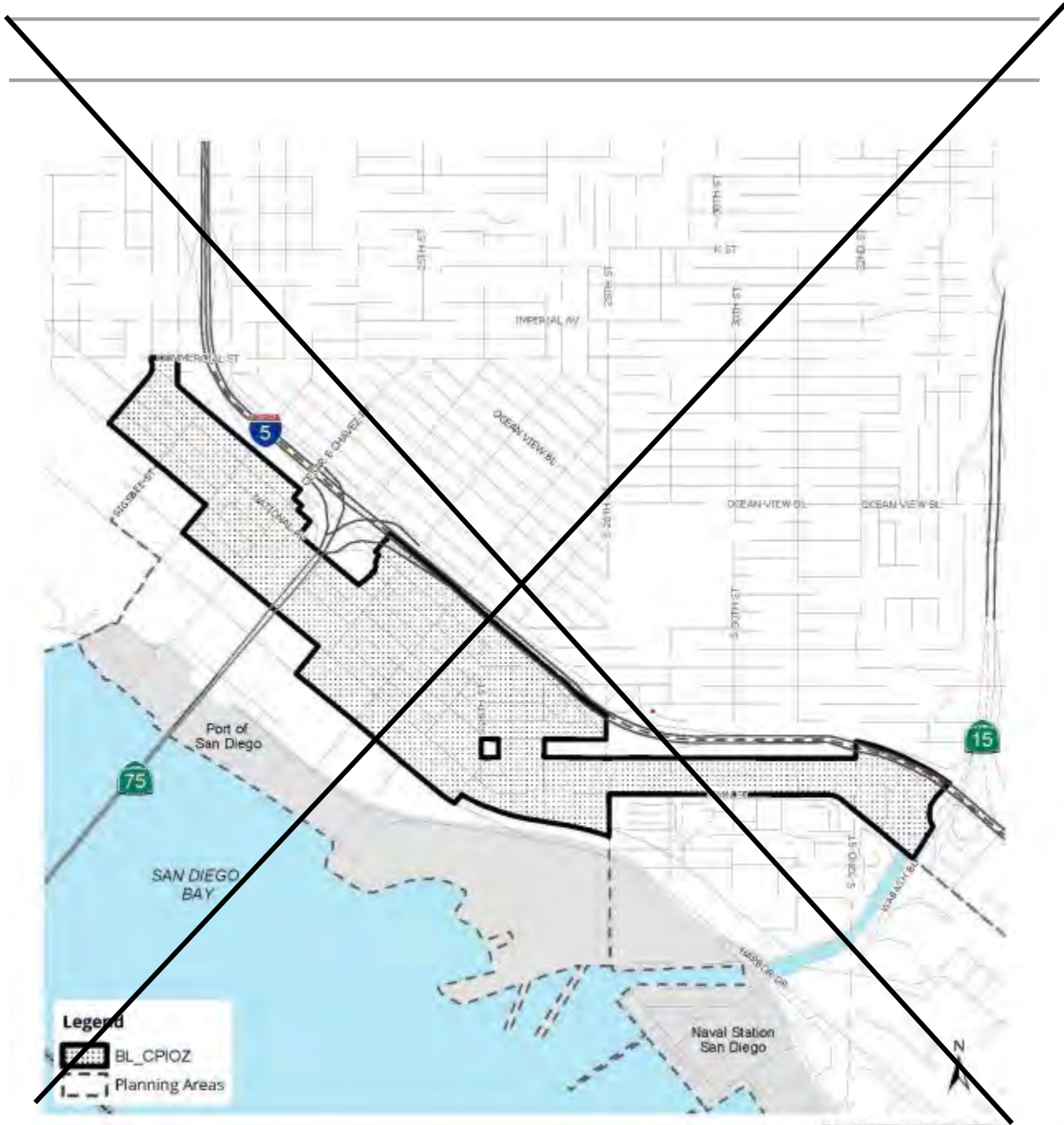


Diagram 132-14F

Barrio Logan Community Plan Implementation Overlay Zone

This is a reproduction of Map No. C-1018 for illustration purposes only.

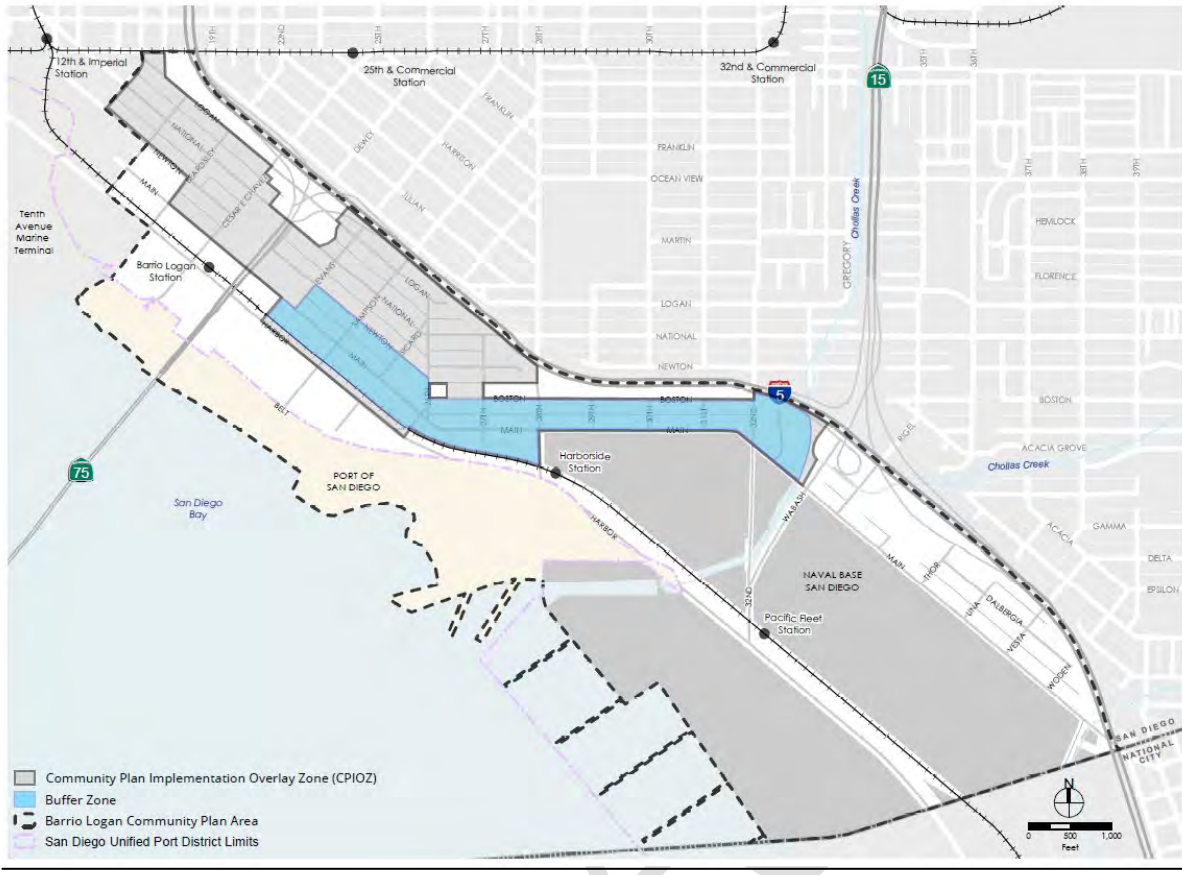


Diagram 132-14T

Barrio Logan Community Plan Implementation Overlay Zone

This is a reproduction of Map No. C-1018 for illustration purposes only.

Diagram 132-14U

[No change in text.]

§132.1404 Public Right-of-Way In Lieu Fee

If a development is unable to comply with a Community Plan Implementation Overlay Zone supplemental development regulation for a public right-of-way improvement and the City Engineer determines the installation of public right-of-way improvement would create undesirable drainage, traffic, or pedestrian circulation conditions, the applicant shall pay a Public Right of Way in Lieu Fee

to the “Public Right of Way in Lieu Fee Fund,” in accordance with adopted City Council Resolution. The *applicant* shall pay the fee prior to requesting the final inspection of the first *dwelling unit* in the *development* to the “Public Right of Way in Lieu Fee Fund,” in accordance with adopted City Council Resolution.

§132.1405 Conflicts between Supplemental and Base Zone Regulations

If there is a conflict between the supplemental development regulations for a Community Plan Implementation Overlay Zone and the development regulations of the applicable base zone, the Community Plan Implementation Overlay Zone supplemental development regulation shall apply.

§132.1510 Noise Compatibility

Noise compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated as follows:

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

Legend for Table 132-15D

[No change in text.]

Table 132-15D

Noise Compatibility Criteria for MCAS Miramar, Brown Field Municipal Airport, Montgomery-Gibbs Executive Airport, and NOLF Imperial Beach Airport Influence Areas

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Open Space through Residential, Separately Regulated Residential Uses, Employee Housing: Greater than 12 Employees [No change in text.]	[No change in text.]			
Fraternities; and Sororities and Student Dormitories	P ³	-	-	-
Garage, Yard, & Estate Sales through Residential				

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Care Facilities: 7 or More Persons [No change in text.]	[No change in text.]			
<u>Student Housing</u>	<u>P³</u>	=	=	=
Transitional Housing: 6 or Fewer Persons through Institutional, Separately Regulated Institutional Uses , Homeless Facilities: Homeless Day Centers [No change in text.]	[No change in text.]			
Hospitals, Intermediate Care Facilities & Nursing Facilities	P ³	-	-	-
<u>Intermediate Care Facilities & Nursing Facilities</u>	<u>P³</u>	=	=	=
Interpretive Centers through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]	[No change in text.]			

Footnotes for Table 132-15D

¹through⁹ [No change in text.]

Legend for Table 132-15E

[No change in text.]

Table 132-15E

Noise Compatibility Criteria for San Diego International Airport

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Open Space through Residential, Separately Regulated Residential Uses , Employee Housing: Greater than 12 Employees [No change in text.]	[No change in text.]			
Fraternities; <u>and</u> Sororities and Student Dormitories	P ²	P ^{2,4}	P ^{2,4,5}	P ^{2,4,5}
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]	[No change in text.]			
<u>Student Housing</u>	<u>P²</u>	<u>P^{2,4}</u>	<u>P^{2,4,5}</u>	<u>P^{2,4,5}</u>
Transitional Housing: 6 or Fewer Persons through				

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Homeless Day Centers [No change in text.]	[No change in text.]			
Hospitals, Intermediate Care Facilities & Nursing Facilities	P ²	-	-	-
<u>Intermediate Care Facilities & Nursing Facilities</u>	<u>P²</u>	<u>=</u>	<u>=</u>	<u>=</u>
Interpretive Centers through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]			

Footnotes for Table 132-15E

¹through⁸[No change in text.]

§132.1515 Safety Compatibility

Safety compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated in accordance with this Section.

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

(f) Safety Compatibility Review for MCAS Miramar and NOLF Imperial Beach

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

Legend for Table 132-15G

[No change in text.]

Table 132-15G

Safety Compatibility Criteria for MCAS Miramar and NOLF Imperial Beach

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	APZ I	APZ II	TZ
Maximum People Per Acre	25	50	300
Open Space through Residential, Separately Regulated Residential Uses, Employee Housing: Greater than 12 Employees [No change in text.]	[No change in text.]		
Fraternities, and Sororities and Student Dormitories	-	-	L/1.38 ³
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]	[No change in text.]		
<u>Student Housing</u>	=	=	<u>L/1.38³</u>
Transitional Housing: 6 or Fewer Persons through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Homeless Day Centers [60 sq ft per person] [No change in text.]	[No change in text.]		
Hospitals, Intermediate Care Facilities & Nursing Facilities [240 sq ft per person]	-	-	L ^{6, 14}
<u>Intermediate Care Facilities & Nursing Facilities</u> [240 sq ft per person]	=	=	<u>L^{14, 16}</u>
Interpretive Centers [60 sq ft per person] through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]		

Footnotes to Table 132-15G

¹ through ⁵ [No change in text.]

⁶ New hospitals are not permitted. Existing hospitals may expand up to 1.65 *floor area ratio*. ~~Intermediate care facilities and nursing facilities are permitted in the Transition Zone up to a maximum .69 *floor area ratio*.~~

⁷ through ¹⁵ [No change in text.]

¹⁶ Intermediate care facilities and nursing facilities are permitted in the Transition Zone up to a maximum .69 *floor area ratio*.

(g) Safety Compatibility for Brown Field Municipal Airport and Montgomery-Gibbs Executive Airport.

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

Legend for Table 132-15H

[No change in text.]

Table 132-15H

**Safety Compatibility Criteria for Brown Field Municipal Airport
and Montgomery-Gibbs Executive Airport**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre	N/A	84	156	156	240	No limit
Maximum <i>Lot Coverage</i> ^{11, 18}	N/A	50%	60%	70%	70%	N/A
Open Space through Residential, Separately Regulated Residential Uses, Employee Housing: Greater than 12 Employees [No change in text.]	[No change in text.]					
Fraternities, and Sororities and Student Dormitories	-	-	SDP ⁴	SDP ⁴	-	P
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]	[No change in text.]					
<u>Student Housing</u>	=	=	<u>SDP⁴</u>	<u>SDP⁴</u>	=	<u>P</u>
Transitional Housing: 6 or Fewer Persons through Institutional, Separately Regulated Institutional Uses , Homeless Facilities: Homeless Day Centers [60 sq ft per person] [No change in text.]	[No change in text.]					
Hospitals, Intermediate Care Facilities & Nursing Facilities [240 sq ft per person]	-	-	L ^{6, 12}	L ^{6, 12}	-	P
<u>Intermediate Care Facilities & Nursing Facilities</u> [240 sq ft per person]	=	=	<u>L^{12, 19}</u>	<u>L^{12, 19}</u>	=	<u>P</u>
Interpretive Centers [60 sq ft per person] through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]	[No change in text.]					

Footnotes to Table 132-15H

¹ through ⁵ [No change in text.]

⁶ New hospitals are not permitted. Existing hospitals may expand up to .72 *floor area ratio* in accordance with Section 132.1535(d)(3)(B). ~~Intermediate care facilities and nursing facilities are permitted in the Transition Zone up to a maximum .30 *floor area ratio*.~~

⁷ through ¹⁸ [No change in text.]

¹⁹ Intermediate care facilities and nursing facilities are permitted in the Transition Zone up to a maximum .69 *floor area ratio*.

(h) Safety Compatibility Review for San Diego International Airport

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

Legend for Table 132-15I

[No change in text.]

Table 132-15I

Safety Compatibility Criteria for San Diego International Airport – Uptown, Balboa Park and Centre City Neighborhoods

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Centre City												
	Uptown			Balboa Park		Cortez			East Village	Little Italy			
Safety Zones	2E	3NE	3SE	2E	4E	2E	3SE	4E	4E	1	2E	3E	5S
Maximum Dwelling Unit Per Acre	58	62	164	-	-	-	210	240	-	-	40	154	-
Maximum People Per Acre [No change in text.]	[No change in text.]												
Person per Household Multiplier for Mixed-Use Development [No change in text.]	[No change in text.]												
Open Space through Residential, Separately Regulated Residential Uses, Employee Housing (100 sq ft per person) Greater than 12 Employees [No change in text.]	[No change in text.]												
Fraternalities, and Sororities and Student Dormitories	-	L	L	-	L	-	L	L	L	-	-	L	-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Uptown	Balboa Park	Centre City										
			Cortez			East Vill- age		Little Italy					
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]	[No change in text.]												
<u>Student Housing</u>	=	<u>L</u>	<u>L</u>	=	<u>L</u>	=	<u>L</u>	<u>L</u>	<u>L</u>	=	=	<u>L</u>	=
Transitional Housing: 6 or Fewer Persons through Institutional, Separately Regulated Institutional Uses , Homeless Facilities: Homeless Day Centers [60 sq ft per person] [No change in text.]	[No change in text.]												
Hospitals, Intermediate Care Facilities & Nursing Facilities [240 sq ft per person]	-	-	-	-	-	-	-	-	-	-	-	-	-
<u>Intermediate Care Facilities & Nursing Facilities</u> [240 sq ft per person]	=	=	=	=	=	=	=	=	=	=	=	=	=
Interpretive Centers [170 sq ft per person] through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]	[No change in text.]												

Footnotes to Table 132-15I

¹ through ⁴ [No change in text.]

⁵ For visitor accommodations, no more than 56 rooms per acre, ~~no conference~~ Conference facilities; and other uses are prohibited unless they are ancillary.

⁶ [No change in text.]

Legend for Table 132-15J

[No change in text.]

Table 132-15J

Safety Compatibility Criteria for San Diego International Airport – Ocean Beach, Peninsula, Midway-Pacific Highway Neighborhoods

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Ocean Beach	Peninsula								Midway-Pacific Highway				
		Naval Training Center				Other Neighborhoods								
Safety Zones	4W	1	2W	3NW	3S W	2W	3N W	3S W	4W	1	2E	3NE	3NW	5N
Maximum Dwelling Unit Per Acre	31	-	-	-	-	20	10	9	36	-	46	-	44	-
Maximum People Per Acre	240	-	127	180	235	96	180	180	240	-	191	180	198	180
Person per Household Multiplier for Mixed-Use Development	2.14	-	2.35	2.27	2.23	2.35	2.27	2.23	2.14	-	1.51	1.48	2.27	-
Open Space through Residential, Separately Regulated Residential Uses, Employee Housing [100 sq ft/person) Greater than 12 Employees [No change in text.]	[No change in text.]													
Fraternities, and Sororities and Student Dormitories	L	-	-	-	-	-	L	L	L	-	-	L	L	-
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]	[No change in text.]													
<u>Student Housing</u>	<u>L</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>=</u>	<u>=</u>	<u>L</u>	<u>L</u>	<u>=</u>
Transitional Housing: 6 or Fewer Persons through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Homeless Day Centers [60 sq ft per person] [No change in text.]	[No change in text.]													
Hospitals, Intermediate Care Facilities & Nursing Facilities [240 sq ft per person]	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<u>Intermediate Care Facilities & Nursing Facilities</u> [240 sq ft per person]	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
Interpretive Centers [170 sq ft per person] through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]	[No change in text.]													

Footnotes to Table 132-15J

¹ through ⁴ [No change in text.]

⁵ For visitor accommodations, no more than 56 rooms ~~per acre, no conference~~ Conference facilities; and ~~no~~ other uses are prohibited unless ancillary.

§132.1550 Airport Land Use Commission Review

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

(f) Prior to the approval of a rezone application or amendment to a land use plan within Review Area 1 of the Airport Land Use Compatibility Overlay Zone, the applicant shall obtain a consistency determination from the Airport Land Use Commission.

~~(g)~~ Consistency determinations made by the Airport Land Use Commission may be overruled in accordance with Section 132.1555.

§141.0302 Accessory Dwelling Units and Junior Accessory Dwelling Units

Section 141.0302 provides for the construction of *Accessory Dwelling Units (ADUs)* and *Junior Accessory Dwelling Units (JADUs)*, consistent with the requirements of state law, and is intended to encourage the construction of *ADUs* and *JADUs* through several local regulatory provisions, including eliminating parking requirements for *ADUs* and *JADUs*, and providing an affordable housing bonus of one additional *ADU* for every deed-restricted affordable *ADU* constructed on the *premises*, as specified in the regulations below. *ADUs* are permitted in all zones allowing residential uses and *JADUs* are permitted in all Single Dwelling Unit Zones by-right as a limited use decided in accordance with Process One, indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) [No change in text.]

(b) The following regulations are applicable to both *ADUs* and *JADUs*:

(1) [No change in text.]

(2) *Development* Regulations

(A) through (D) [No change in text.]

(E) The following landscape regulations shall apply to the construction of an *ADU* or *JADU*:

(i) If the construction of an *ADU* or *JADU* ~~that would~~ brings the number of *ADUs* ~~or~~ and any *JADUs* on the *premises* to a total of two or more ~~is proposed~~, two trees shall be provided on the *premises* for every 5,000 square feet of *lot* area, with a minimum of one tree per *premises*. If planting of a new tree is required to comply with this ~~section~~ Section, the tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide. If the *premises* is located in the OR Zone, the *lot* area used to determine the tree requirement shall be based on the allowable *development* area as described in Section 131.0250. If the *premises* contains *environmentally sensitive lands*, the *lot* area used to determine the tree requirement shall be

based on the allowable *development* area as described in Chapter 14, Article 3, Division 1.

(ii) [No change in text.]

(F) through (H) [No change in text.]

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

(c) In addition to the requirements in Section 141.0302(a), the following additional regulations are applicable to *ADUs*:

(1) [No change in text.]

(2) *Development Regulations for ADUs*

(A) through (C) [No change in text.]

(D) An *ADU* with a *gross floor area* of 800 square feet or less shall be permitted on a *premises* with an existing or proposed *dwelling unit* regardless of maximum *lot coverage*, maximum *floor area ratio*, front yard setbacks, and minimum open space requirements. The *development* shall comply with the *floor area ratio* of the underlying base zone unless the *development* incorporates an existing *structure* that exceeds the allowable *floor area ratio* or is under the allowable *floor area ratio* by less than 800 square feet, in which case an *ADU* that does not exceed 800 square feet shall be permitted.

(E) through (F) [No change in text.]

(G) *ADU structures* shall comply with the front *yard* and *street side yard setbacks* of the base zone. Interior side *yard* and rear *yard setbacks* for the new *ADU structures* shall be provided as follows:

- (i) [No change in text.]
- (ii) One-story *ADUs* with a *structure height* that exceeds 16 feet and multi-story *ADU structures* may observe zero-foot interior side *yard* and rear *yard setbacks* ~~setbacks~~ setbacks, unless the side or rear *property line* abuts another premises that is residentially zoned or developed with exclusively residential uses, in which case a 4-foot *setback* or the minimum setback of the applicable base zone, whichever is less, shall apply.

(H) [No change in text.]

(I) *ADU Bonus for Accessible ADUs*. For *development* utilizing the *ADU Bonus for Affordable ADUs* in accordance with Section 141.0302(c)(2)(H), a maximum of one additional accessible ADU shall be permitted if the *development* includes:

- (i) through (ii) [No change in text.]

(d) In addition to the requirements in Section 141.0302(b), JADUs are subject to the following additional regulations:

- (1) [No change in text.]
- (2) *Development Regulations*
 - (A) through (B) [No change in text.]
 - (C) A *JADU* shall have a separate exterior entry from the primary *dwelling unit* ~~and shall provide a kitchen or an efficiency kitchen.~~
 - (D) The *JADU* shall include the following:
 - (i) A cooking facility with appliances;
 - (ii) A food preparation counter of a reasonable size in relation to the size of the *JADU*; and
 - (iii) Storage cabinets that are of a reasonable size in relation to the size of the *JADU*.

§141.0311 Live/Work Quarters

Live/work quarters are studio spaces designed to integrate living space into the workspace and are primarily designed for industrial or commercial occupancy.

The live/work quarters residential *density* shall not be counted towards the maximum allowable *density* of the underlying base zone or *land use plan*.

Live/work quarters are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) through (h) [No change in text.]

§141.0312 Residential Care Facilities

Residential care facilities provide in-house treatment or rehabilitation programs for residents on a 24-hour basis. Residential care facilities include drug and alcohol rehabilitation and recovery facilities and residential and community care facilities as defined by the state or county.

Residential care facilities for 7 or more persons may be permitted as a limited use in zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the regulations in Sections 141.0312(a)-(h). Residential care facilities in zones designated with an “L” that are within 500 feet, measured by a walking distance along a pedestrian path of travel from *property line to property line*, from a *school, playground, or childcare facility* may be permitted with a Conditional Use Permit decided in accordance with Process Three.

Residential care facilities for 7 ~~to 12~~ or more persons may be permitted with a Conditional Use Permit decided in accordance with Process Three, ~~and residential care facilities for 13 or more persons may be permitted with a Conditional Use Permit decided in accordance with Process Four,~~ in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations in Sections 141.0312(a)-(h).

- (a) [No change in text.]
- (b) ~~Only one residential care facility may be permitted per lot or premises.~~

- ~~(e)~~(b) Residential care facilities are not permitted within ~~¼-mile~~ 500 feet of another residential care facility, measured from *property line to property line* in accordance with Section 113.0225.
- ~~(d)~~(c) The facility shall provide at least 70 square feet of sleeping space for each resident, not including closet or storage space, multipurpose rooms, bathrooms, dining rooms, and halls.
- ~~(e)~~(d) Sleeping areas shall not be used as a public or general passageway to another room, bath, or toilet.
- ~~(f)~~(e) The facility shall provide at least 5 square feet of living area per bed, not including sleeping space, dining, and *kitchen* areas.
- ~~(g)~~(f) The facility shall provide at least 8 square feet of storage area (closet or drawers) per bed.
- ~~(h)~~(g) The facility shall provide one full bathroom including sink, toilet, and shower or bathtub for every seven beds.
- ~~(i)~~ The center shall provide at least one *off-street space* for each employee and one *off-street parking space* for every seven beds. Additional parking may be required by the decision maker.
- ~~(j)~~(h) Conversion of an existing garage or reduction in the amount of *off-street* parking to provide a residential care facility is not permitted.

§141.0314 Watchkeeper's Quarters

Watchkeeper's quarters are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

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

(f) The residential *density* from watchkeeper's quarters shall not be counted towards the maximum allowable *density* of the underlying base zone or *land use plan*.

§141.0413 ~~Hospitals, Intermediate Care Facilities, and Nursing Facilities~~

Hospitals, ~~intermediate care facilities, and nursing facilities~~ may be permitted with a Process Four Conditional Use Permit in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

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

§141.0421 ~~Placemaking~~ Placemaking on Private Property

Placemaking on private property is permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations:

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

(f) A *placemaking* project shall only occur on *premises* that are vacant at the time the Temporary Use Permit application is submitted or within parking lots on *premises* within ~~*transit priority areas*~~ *Sustainable Development Areas*, except in existing disabled accessible parking spaces serving the *premises*.

(g) [No change in text.]

(h) A *placemaking* project on a *premises* within a ~~*transit priority area*~~ *Sustainable Development Area* that was a parking lot of a permitted

eating and drinking establishment shall not include retail or commercial services uses except for outdoor dining operating in association with the permitted eating and drinking establishment in accordance with Section 141.0628.

(i) through (j) [No change in text.]

§141.0423 Intermediate Care Facilities and Nursing Facilities

Intermediate care facilities and nursing facilities may be permitted with a Process Four Conditional Use Permit in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) or as a limited use in zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) These facilities are not permitted in agricultural zones in *Proposition A Lands*.
- (b) Off-street parking shall be provided in accordance with Table 142-05G.

§141.0606 Child Care Facilities

(a) [No change in text.]

(b) Family Child Care Homes

Large and small family child care homes are a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(1) Large Family Child Care Homes

(A) [No change in text.]

(B) A large family child care home may provide care for a total of 13 or 14 children if ~~all of the following conditions are met~~ in accordance with Health and Safety Code Section 1597.465:

- (i) ~~At least two of the children are at least 6 years of age, one of whom may be less than 6 years of age if enrolled in kindergarten;~~
- (ii) ~~No more than 3 infants are cared for during any time when more than 12 children are being cared for;~~
- (iii) ~~The licensee notifies parents or authorized representatives that the facility is caring for two additional school age children, and that there may be 13 or 14 children in the home at one time; and~~
- (iv) ~~The licensee obtains written consent of the property owner when the family day care home is operated on property that is leased or rented.~~

(C) The large family child care home provider shall comply with all state licensing requirements for large family ~~day~~ child care homes.

(D) The ~~day~~ large family child care home provider shall comply with standards adopted by the State Fire Marshal

pursuant to California Health and Safety Code relating to large family child care homes.

(2) Small Family Child Care Homes

(A) [No change in text.]

(B) A small family child care home may provide care for a total of 7 or 8 children if all of the following conditions are met in accordance with Health and Safety Code Section 1597.44:

(i) ~~At least two of the children are at least 6 years of age, one of whom may be less than 6 years of age if enrolled in kindergarten; and~~

(ii) ~~No more than 2 infants are cared for during any time when more than 6 children are being cared for; and~~

(iii) ~~The licensee notifies parents or authorized representatives that the facility is caring for two additional school-age children, and that there may be 7 or 8 children in the home at one time; and~~

(iv) ~~The licensee obtains written consent of the property owner when the family day care home is operated on property that is leased or rented.~~

(C) [No change in text.]

(c) [No change in text.]

§141.0622 Sports Arenas and Stadiums

Sports arenas and stadiums are structures for sporting, entertainment and assembly uses. Sports arenas and stadiums may be permitted with a Conditional Use Permit decided in accordance with Process Five in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Bulk and Scale.

~~(a)(1)~~ The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.

~~(b)(2)~~ ~~Larger structures, areas of high activity, and parking areas shall be located to minimize impacts to surrounding~~ The design of the structure shall incorporate architectural elements that help to transition building scale if the structures are located adjacent to development that is smaller in scale and with less intense intensity as identified in the applicable land use plan.

~~(c)~~ Access to the facility shall be as direct as possible from *freeways* and primary arterials and shall avoid residential *streets*.

~~(d)~~ Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property.

(b) Access.

(1) Pedestrian paths shall connect to public rights-of-way, transit stations, transit stops, plazas, or other public spaces.

(2) The development shall provide transit facilities.

(c) Parking.

(1) At grade and above grade parking structures shall be screened with landscaping, wrapping buildings, or an architectural screen so they are not visible from the public rights-of-way, private drives, plazas, or other public spaces.

(2) Parking facilities may provide both on-site and off-site shared parking to minimize the number of on-site parking facilities.

(e)(d) Storage, Service, and Loading Areas.

(1) All storage, service, and repair loading areas shall be located on the site so that they are not visible, or shall be screened so that they are not visible, from adjacent development, and public rights-of-way, private driveways, plazas, or other public spaces.

(e) Sports arenas and stadiums included as part of an adopted specific plan are exempt from the requirement to obtain a Conditional Use Permit if they comply with all the regulations in Section 141.0622(a) through (d).

§141.0624 Urgent Care Facilities

Urgent care facilities that are designed or used to provide medical services on a walk-in or emergency care basis that operate outside of standard business hours.

Urgent care facilities are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0624(a). ~~Urgent care facilities may be permitted with a~~

Neighborhood Use Permit in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0624(b):

(a) Limited ~~use~~ Use Regulations

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

(3) Urgent care facilities located adjacent to residentially zoned property shall remain closed between the hours of 12:00 midnight and 6:00 a.m.

(4) Within the beach impact area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio of no less than one parking space for every 250 square feet of gross floor area.

(b) Neighborhood Use Permit Regulations

(1) ~~Overnight patients are not permitted.~~

(2) ~~Urgent care facilities located adjacent to residentially zoned property shall remain closed between the hours of 12:00 midnight and 6:00a.m.~~

(3) ~~Access to the facility shall be as direct as possible from freeways and primary arterials and shall avoid residential streets.~~

(4) ~~Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the beach impact area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio not less than one parking space for every 250 square feet of gross floor area.~~

§141.0628 Outdoor Dining on Private Property

The permanent use of a private property for outdoor dining is permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations:

(a) Permit Requirements:

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

(5) Removal of required *off-street parking spaces* to construct outdoor dining on private property shall comply with the following:

(A) [No change in text.]

(B) Outside of a ~~*transit priority area*~~ *Sustainable Development Area*, *off-street parking spaces* shall not be removed for the construction of outdoor dining on private property unless they are in excess of the minimum number of parking spaces required by Chapter 14, Article 2, Division 5.

(C) Within a ~~*transit priority area*~~ *Sustainable Development Area* and outside of the Coastal Overlay Zone, removal of *off-street parking spaces* shall not be the basis of denial of the permit for outdoor dining on private property, except as provided in 141.0628(a)(5)(A).

(D) Within both a ~~*transit priority area*~~ *Sustainable Development Area* and the Coastal Overlay Zone, the following regulations apply:

(i) through (ii) [No change in text.]

(6) through (9) [No change in text.]

(b) [No change in text.]

§141.0702 Sex Offender Treatment and Counseling Facilities

This ~~section~~ Section regulates medical treatment or counseling facilities that physically or psychologically treat five or more *sex offenders* in one year.

Sex Offender treatment and counseling facilities are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Exemptions

(1) Incidental treatment and counseling services offered by the following organizations operating under a Conditional Use Permit are exempt from this ~~section~~ Section:

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

(C) ~~Hospitals, intermediate care facilities, and nursing facilities~~ as described in Section 141.0413;

(D) Intermediate care facilities and nursing facilities as described in Section 141.0423;

~~(E)~~ (E) *Social service institutions* as described in Section 141.0417;

and

~~(F)~~ (F) Correctional placement centers as described in Section 141.0406.

(2) Facilities that perform only court-ordered forensic evaluations are exempt from this ~~section~~ Section.

(b) [No change in text.]

§142.0305 When Fence Regulations Apply

(a) This ~~division~~ Division applies to the construction of all *fences* and *retaining walls*, whether or not a permit or other approval is required.

(b) Table 142-03A shows the applicable regulations and the type of permit required by this Division, if any, for specific types of *fences*.

Table 142-03A

Fence Regulations Applicability

TYPE OF DEVELOPMENT PROPOSAL	APPLICABLE REGULATIONS	REQUIRED PERMIT TYPE/ DECISION PROCESS
Any <i>fence</i> with a height less than 7 feet [No change in text.]	[No change in text.]	
Any <i>fence</i> with a height of 7 feet or greater	Sections 142.0310-142.0330, 142.0360-142.0380, <u>142.0390</u>	[No change in text.]
Any <i>retaining wall</i> with a height less than 3 feet through Any <i>fence</i> or <i>retaining wall</i> located on <i>premises</i> that lies between the shoreline and the first public roadway, as designated on Map Drawing No. C-731. [No change in text.]	[No change in text.]	

§142.0360 Electrically Charged and Sharp-Pointed Fence Regulations

(a) Electrically Charged *Fences*

(1) Electrically charged *fences* are permitted ~~in the IH and IS zones~~ and for agricultural uses in agricultural zones if the *fence* is at least 600 feet from a residential zone, and for temporary control of goats used for brush management in any non-agricultural zones in compliance with the Land Development Code ~~section~~ Section 142.0412, Brush Management, and ~~section~~ Section 44.0307.

(2) through (3) [No change in text.]

(b) [No change in text.]

§142.0390 Monitored Perimeter Security Fence Systems

(a) This Section regulates monitored perimeter security *fence* systems.

A monitored perimeter security *fence* system means a perimeter alarm system with an assembly of battery powered equipment, including a monitored alarm device and energizer which is intended to periodically deliver pulses to a security *fence*, a battery charging device used exclusively to charge the system's battery, and other integrated components. The monitored perimeter security *fence* system transmits a signal intended to alert the business utilizing the system or an alarm monitoring service, or both, in response to an intrusion or burglary.

(b) Monitored Perimeter Security *Fence* General Design Regulations

The following design requirements shall apply to all monitored perimeter security *fence* systems.

(1) Unless otherwise specified in this Section, monitored perimeter security *fence* systems shall be constructed and operated in

accordance with the International Electrotechnical Commission 2006 International Standards and specifications (IEC 60335, Part 2 76).

- (2) The energizer for monitored perimeter security fence systems shall be driven by a commercial storage battery not to exceed 12 volts of Direct Current. The storage battery is the primary power source and shall have a solar charging capability.
- (3) Monitored perimeter security fence systems shall be installed 4 to 8 inches behind a non-electrified perimeter barrier fence that is at least 5 feet in height.
- (4) Monitored perimeter security fence systems shall be limited to a height of 10 feet or 2 feet higher than an existing perimeter fence, whichever is greater.
- (5) Monitored perimeter security fence systems shall be identified by prominently placed warning signs that are legible from both sides of the fence. The warning signs shall meet all the following:
- (A) The warning signs shall be placed at any gate and access point on the fence, and at intervals along the fence not exceeding 30 feet.
- (B) The warning signs shall be adjacent to any other signs relating to chemical, radiological, or biological hazards.
- (C) The warning signs shall be marked with the following:

- (i) a written warning or a commonly recognized symbol for shock;
 - (ii) a written warning or a commonly recognized symbol to warn people with pacemakers; and
 - (iii) a written warning or commonly recognized symbol about the danger of touching the fence in wet conditions.
- (6) A "Knox Device" or other similar device shall be installed for Police and Fire Department emergency access.
- (c) General Regulations
- (1) Use Regulations
 - (A) Monitored perimeter security fence systems may be permitted by a Process One in industrial zones that do not allow for residential development.
 - (2) All monitored perimeter security fence systems shall require an Alarm System Permit pursuant to Chapter 3, Article 3, Division 37.
 - (3) In addition to the indemnification requirements set forth in Sections 126.0109 and 129.0122, all applicants issued permits to install or use a monitored perimeter security fence system shall agree as a condition of permit issuance in a separate agreement, to defend, indemnify and hold harmless the City of San Diego and its agents, officers, consultants, independent contractors and

employees from any and all claims, actions or proceedings arising out of any personal injury, including death, or property damage caused by the monitored perimeter security fence system.

(4) Police or Fire Department personnel, or both, shall be authorized to disable an installed and operating monitored perimeter security fence to gain access to the property if all the following apply:

(A) Access is required due to an emergency or urgent circumstances;

(B) The Knox Device or other similar device is absent or non-functional; and

(C) An owner, manager, employee, custodian or any other person with control over the property is not present to disable the monitored perimeter security fence.

§142.0510 General Parking Regulations

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

(g) Parking in Required Front, Side, or Street Side Yards. Within the ~~RE~~, RS, and RX zones, on *lots* with a side *yard* of less than 10 feet, with no access to the rear *yard*, and with no other on-site parking areas located outside of the front or side *yard*, one of the following vehicles may be parked outdoors in the required front, side, or street side ~~yard~~ yard subject to the requirements contained in Section 142.0510(f)(1) and (2): recreational vehicles, travel trailers, trailers, boats, all-terrain vehicles, motorcycles, and similar equipment.

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

§142.0520 Single Dwelling Unit Residential Uses — Required Parking Ratios

The required number of *off-street parking spaces* for *single dwelling units* and related uses are shown in Table 142-05B.

Table 142-05B

**Minimum Required Parking Spaces for
Single Dwelling Units and Related Uses**

Type of Unit and Related Uses	Number of <u>Minimum Required Automobile Parking Spaces</u>	
	<u>Transit Priority Areas</u> ⁽³⁾	<u>Outside of Transit Priority Areas</u>
All <i>single dwelling units</i> , except those with five or more <i>bedrooms</i> in campus impact areas (See Chapter 13, Article 2, Division 8)	0 spaces per <i>dwelling unit</i>	2 spaces per <i>dwelling unit</i> ⁽¹⁾
<i>Single dwelling units</i> with five or more <i>bedrooms</i> in campus impact areas (See Chapter 13, Article 2, Division 8)	0 spaces per <i>dwelling unit</i>	1 space per <i>bedroom</i> (previously conforming parking regulations in Section 142.0510(d) do not apply) ⁽²⁾
All <i>single dwelling units</i> where all or a portion of the premises is located within a <i>transit priority area</i>	0 spaces per <i>dwelling unit</i>	

Footnotes for Table 142-05B

¹ through ² [No change in text.]

³ The transit priority area minimum required automobile parking requirements apply to development where all or a portion of the premises is located within a transit priority area as described in Section 142.0528 and supersedes any other applicable parking ratio.

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

(a) Minimum Required Parking Spaces. The required automobile parking spaces, motorcycle parking spaces, and bicycle parking spaces for *development of multiple dwelling units*, whether attached or detached, and

related and *accessory uses* are shown in Table 142-05C. Other allowances and requirements, including the requirement for additional common area parking for some projects, are provided in Sections 142.0525(b) through (d).

Table 142-05C
Minimum Required Parking Spaces for Multiple Dwelling
Units and Related Accessory Uses

<i>Multiple Dwelling Unit Type and Related and Accessory Uses</i>	Automobile Spaces Required Per Dwelling Unit Unless Otherwise Indicated				Motorcycle Spaces Required Per Dwelling Unit⁽⁹⁾	Bicycle Spaces Required Per Dwelling Unit⁽⁹⁾
	Basic⁽¹⁾	Transit Area⁽²⁾	Transit Priority Area⁽⁹⁾	Parking Impact⁽⁴⁾		
Studio up to 400 square feet through Residential care facility (6 or fewer persons) [No change in text.]	[No change in text.]					
<u>Residential care facility (7 or more persons)</u>	<u>1 per 7 beds and 1 per on-site employee</u>	<u>1 per 7 beds and 1 per on-site employee</u>	<u>0</u>	<u>1 per 7 beds and 1 per on-site employee</u>	<u>N/A</u>	<u>N/A</u>
Small lot subdivision in accordance with Section 143.0365 through Accessory uses (spaces per square feet⁽⁷⁾) [No change in text.]	[No change in text.]					

Footnotes for Table 142-05C

¹ through ¹¹ [No change in text.]

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

§142.0560 Development and Design Regulations for Parking Facilities

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

(j) Driveway and Access Regulations

(1) Driveway width shall be determined based on the size of the lot, type of use proposed, and location inside or outside of the Parking

Impact Overlay Zone. Refer to Tables 142-05M and 142-05N for applicable minimum and maximum driveway widths.

Table 142-05M

Driveway Width (Lots greater than 50 feet in width)

Use	Minimum Width		Maximum Width (Outside of Parking Impact Overlay Zone)		Maximum Width Parking Impact Area
	One-Way	Two-Way	One-Way	Two-Way	Two Way
Detached <i>Single Dwelling Unit</i> through <i>Multiple Dwelling Unit</i> [No change in text.]	[No change in text.]				
Nonresidential ⁽¹⁾	14 feet	24 feet	20 feet	30 feet	25 feet

Footnote for Table 142-05M

¹ See Section 142.0560(j)(11).

Table 142-05N

Driveway Width (Lots 50 feet or less in width)

[No change in text.]

(2) through (10) [No change in text.]

(11) On premises located within industrial zones, industrial uses with 10 or more loading docks meeting the requirements in Section 142.1030, may exceed the maximum permitted driveway width on a lot that is greater than 50 feet in width, as shown in Table 142-05M, for freight-carrying vehicles providing access to the lot from the street, if all the following requirements are met:

- (A) The applicant shall submit a turning template diagram demonstrating that the proposed driveway width is required to meet the turning radius for the anticipated freight-carrying vehicle size. The driveway width shall be the minimum required width as demonstrated by the turning template diagram to the satisfaction of the City Engineer;
- (B) The applicant shall demonstrate to the satisfaction of the City Engineer that the proposed driveway width will not result in adverse impacts to site design, street curb utilization, and pedestrian and bicycle circulation; and
- (C) All other driveways on the premises shall comply with the applicable minimum and maximum driveway widths shown in Table 142-05M.

(k) [No change in text.]

§142.0910 Mechanical and Utility Equipment Screening Regulations

- (a) Except when located in the RE, RS, RX, and RT zones, the following equipment and appurtenances shall be screened from public view and be architecturally integrated with the primary building on the premises:
 - (1) through (8) [No change in text.]
- (b) through (d) [No change in text.]

§142.1010 General Loading Area Regulations

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

- (c) Each required off-street loading space shall have a minimum length of 35 feet, a minimum width of 12 feet, and a minimum vertical clearance of 14 feet including entrances and exits.

Table 142-10B

Required Off-Street Loading Spaces

Use Category or Subcategory	Gross Floor Area of Structure (Square Feet)	Minimum Number of Spaces Required
Multiple Unit Residential Use Subcategory or	[No change in text.]	
Commercial Services Subcategories not specified below	[No change in text.]	
<u>or</u> <u>Industrial - Research and Development</u>	[No change in text.]	3 - plus 1 space for each additional 400,000 sq. <u>ft.</u> of <u>gross floor area</u>
Retail Sales Use Category ² or <u>Commercial Services - Eating and Drinking Establishments Subcategory</u>	[No change in text.]	
<u>Commercial Services - Visitor Accommodations Subcategory</u>	[No change in text.]	
Office Use Category [No change in text.]	[No change in text.]	
<u>Wholesale, Distribution, and Storage Use Category</u>	[No change in text.]	
or	[No change in text.]	
<u>Industrial Use Category and Subcategories not specified</u>	[No change in text.]	

§142.1230 Projecting Signs in Commercial and Industrial Zones

The following regulations apply to *projecting signs* that project more than 18 inches from a building wall in all commercial and industrial *sign* categories, unless otherwise indicated.

- (a) [No change in text.]
- (b) Table 142-12D provides the permitted *sign* area, the number of *signs* permitted per establishment with *street frontage*, and the maximum permitted height for *projecting signs*.

Table 142-12D

Maximum Allowances for Projecting Signs

On single Street Frontage Premises

[No change in text.]

Footnotes for Table 142-12D **Footnotes for Table 142-12D**

¹ The permitted sign area indicated is for a single face. If a *projecting sign* has two or more faces, the permitted sign area is doubled. Signs may have more than two faces, but the sign area shall not exceed twice the maximum permitted amount.

² [No change in text.]

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

§142.1235 Roof Signs in Commercial and Industrial Zones

The following regulations apply to *roof signs*, which are permitted only in *Sign* Category A of the commercial and industrial zone *sign* categories.

- (a) [No change in text.]
- (b) Table 142-12F provides the permitted *sign* area for *roof signs*. The *sign* area is determined by the width of the *public right-of-way* fronting the *premises* and the *street* speed limit on that *public right-of-way*.

Table 142-12F

Permitted Sign Area and Height for Roof Signs

[No change in text.]

Footnotes for Table 142-12F

¹ The permitted *sign* area is for a single face. If a *roof sign* has two or more faces, the permitted sign area is doubled. Signs may have more than two faces, but the sign area shall not exceed twice the maximum permitted amount.

² [No change in text.]

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

§142.1240 Ground Signs in Commercial and Industrial Zones

The following regulations apply to *ground signs* in all commercial and industrial zone *sign* categories, unless otherwise indicated.

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

(c) Table 142-12H provides the general regulations for *ground signs*.

Table 142-12H

Maximum Allowances for Ground Signs

Maximum Allowances	Sign Categories		
	A	B	C
Permitted Sign Area⁽¹⁾ (Based on the Width of the Adjacent <i>Public Right-of-way</i> and <i>Street Speed Limit</i>)			
<i>Public Right-of-way</i> Width / <i>Street Speed Limit</i> through Required Setbacks [No change in text.]	[No change in text.]		

Footnotes for Table 142-12H

¹ The permitted *sign* area is for a single face. If a *ground sign* has two or more faces, the permitted *sign* area is doubled. *Signs* may have more than two faces, but the *sign* area shall not exceed twice ~~that the maximum permitted amount above~~⁽⁴⁾. See Section 142.1440(d)(3).

² through ⁶ [No change in text.]

(d) through (g) [No change in text.]

§142.1305 Methods of Compliance

(a) The requirement to provide inclusionary *dwelling units* may be met in any of the following ways:

(1) [No change in text.]

- (2) On a different *premises* from the *development*, but within the same community planning area, or within one mile of the *premises* of the *development*, as measured in a straight line from the *property lines* of the *development premises* to the *property lines* of the proposed *premises* where the inclusionary *dwelling units* will be constructed;
- (3) On a different *premises* from the *development* that does not meet the locational criteria in Section 142.1305(a)(2) but lies within the City of San Diego, if the receiver site is within a *Sustainable Development Area*, in an area identified as a High or Highest Resource California Tax Credit Allocation Committee Opportunity Area according to the most recent California State Treasurer TCAC/HCD Opportunity Area Maps, and less than five percent of the existing *dwelling units* in that community planning area are covenant-restricted to *very low income, low income, or moderate income* households.

(4) through (6) [No change in text.]

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

§143.0350 Supplemental Neighborhood Development Permit and Site Development Permit Regulations for Environmentally Sensitive Lands

The following regulations apply to Neighborhood Development Permits and Site Development Permits required because of potential impacts to *environmentally sensitive lands* in addition to other indicated supplemental regulations.

- (a) ~~Lot~~ Lot Dimensions. Deviations may be permitted from the minimum ~~lot~~ lot dimensions required by the applicable zone if necessary to comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).
- (b) ~~Lot~~ Lot Area. Within the *MHPA* only, a deviation may be permitted from the minimum *lot* size requirement of the OR-1-2 zone if necessary to accommodate *development* within the *development* area and facilitate *dedication* of the remainder of the *premises*. This does not permit a deviation from the maximum permitted residential *density* for the OR-1-2 zone for the entire *premises*.
- (c) *Setback* Requirements. A deviation of up to 20 percent may be permitted from any required *setback* if necessary to comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations), except that a deviation from the front *setback* in the RS ~~or RE~~ zones shall not be permitted in addition to what is permitted by Section 131.0443(a)(1), when applicable.

§143.0420 Supplemental Planned Development Permit Regulations for Residential Development

In addition to the general regulations for all Planned Development Permits, the following supplemental regulations apply to all Planned Development Permits that include residential *development*, when identified in Table 143-04A:

- (a) Open Space
- (1) [No change in text.]

Table 143-04B

Open Space Requirements for Planned Development Permits

Zone	Minimum Usable Open Space Required per Dwelling Unit ⁽²⁾	Minimum Total Open Space Required per Dwelling Unit ⁽¹⁾
OR-1-1 through AR-1-2 [No change in text.]	[No change in text.]	[No change in text.]
RE-1-1	--	4-ae
RE-1-2	--	2-ae
RE-1-3	--	17,400 sq. ft.
RS-1-1, RS-1-8 through RM-5-12 [No change in text.]	[No change in text.]	[No change in text.]

Footnotes for Table 143-04B

¹ through ³ [No change in text.]

(2) The minimum required open space shall be based on the total number of ~~dwelling units~~ dwelling units on the entire *premises* and may be located without regard to existing or proposed *lot* lines.

(3) If the *premises* is located in two or more zones, the amount of open space required in the Planned *Development* shall be the sum of the open space required in each of the zones applied to the ~~dwelling units~~ dwelling units at the same percentage that the site area is occupied by each zone. The open space may be located without regard to the zone boundaries.

(4) through (5) [No change in text.]

(6) If an Affordable Housing ~~Density~~ Density Bonus Agreement or a ~~Density~~ Density Bonus and Affordable Housing Deviation has

been approved for the *development*, the open space area requirement shall be the total of the following:

- (A) Open space based on the zone in which the property is located, multiplied by the number of ~~dwelling units~~ dwelling units permitted in that zone; plus
- (B) Open space based on the next more dense residential zone, multiplied by the number of ~~dwelling units~~ dwelling units in excess of the number permitted in the zones in which the property is located.

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

§143.0720 Density Bonus in Exchange for Affordable Housing Units

(a) through (h) [No change in text]

- (i) A *density* bonus agreement for a *development* within a *Sustainable Development Area, transit priority area, or Mobility Zone 3 as defined in Section 143.1103(a)(3)* providing 100 percent of the total pre-*density* bonus and post-*density* bonus *dwelling units* as affordable to *very low income, low income, and moderate income* households shall utilize the following qualifying criteria:

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

(j) through (k) [No change in text]

- (l) A *development* proposal requesting an affordable housing *density* bonus is subject to the following:

(1) [No change in text.]

- (2) For *development* meeting the criteria for *very low income* households in Sections 143.0720(c)(1) and 143.0720(d)(1), the *density* bonus shall be calculated as set forth in Table 143-07A. The increased *density* shall be in addition to any other increase in *density* allowed in this Division.
- (3) For *development* meeting the criteria for *low income* households in Sections 143.0720(c)(2) and 143.0720(d)(2), the *density* bonus shall be calculated as set forth in Table 143-07B. The increased *density* shall be in addition to any other increase in *density* allowed in this Division.
- (4) For *development* meeting the criteria for *moderate income* in Sections 143.0720(c)(5) and ~~(d)~~143.0720(d)(3), the *density* bonus shall be calculated as set forth in Table 143-07C. The increased *density* shall be in addition to any other increase in *density* allowed in this Division.
- (5) through (6) [No change in text.]
- (7) For *development* providing at least 100 percent of the pre-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(h); or *development* within a *Sustainable Development Area*, *transit priority area*, or *Mobility Zone 3* as defined in Section 143.1103(a)(3) providing at least 100 percent of the total pre-*density* and post-*density* bonus *dwelling units* as affordable to

very low income, low income, and moderate income households in accordance with Section 143.0720(i), the *density* bonus shall be as follows:

- (A) For *development* located outside of a *Sustainable Development Area, transit priority area, or Mobility Zone 3* as defined in Section 143.1103(a)(3) the *density* bonus shall be 80 percent of the number of pre-*density* bonus *dwelling* units provided for *low income* or *very low income* households. This bonus does not apply to *development* consistent with Section 143.0720(i).
- (B) For *development* located within a *Sustainable Development Area, transit priority area, or Mobility Zone 3* as defined in Section 143.1103(a)(3) there shall be no limit on the number of *dwelling units* permitted.
- (8) For *development* meeting the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(c)(5), 143.0720(d)(1), 143.0720(d)(2), 143.0720(d)(3), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(i), where an *applicant* has not requested an incentive or waiver to exceed the maximum *structure height* or *setbacks* of the base zone, an additional *density* bonus of 10 percent of the pre-*density* bonus *dwelling units* shall be granted, provided that *development* of the additional *density* does not cause

the need for an incentive, waiver, or deviation to exceed the maximum *structure height* or *setbacks* of the base zone.

(9) through (12) [No change in text.]

(13) If the applicable *land use plan* map identifies an allowable *density* range in *dwelling units* per acre, the maximum allowable *density* in that range shall be used to calculate the *density* bonus as set forth in Table 143-07A, Table 143-07B or Table 143-07C. ~~The~~ If using the *land use plan density*, allowed *density* bonus *dwelling units* shall not be counted towards the maximum allowed *floor area ratio* of the zone; and within the mixed-use base zones the allowed *density* bonus *dwelling units* shall not be counted towards the percentage of the required *primary use* or secondary use, as that term is defined in Section 131.0702.

(14) through (15) [No change in text.]

(m) through (p) [No change in text.]

(q) The granting of a *density* bonus shall not require the preparation of an additional report or study that is not otherwise required.

§143.0740 Incentives in Exchange for Affordable Housing Dwelling Units

An *applicant* proposing a *density* bonus shall be entitled to incentives as described in this Division for any *development* for which a written agreement and a deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission. The City shall process an incentive requested by an *applicant* as set forth in this section.

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

(c) An incentive requested as part of a *development* meeting the requirements of Section 143.0720 shall be processed according to the following:

(1) Upon an *applicant's* request, *development* that meets the applicable requirements of Section 143.0720 shall be entitled to incentives pursuant to Section 143.0740 unless the City makes a written *finding* of denial based upon substantial evidence, of any of the following:

(A) [No change in text.]

(B) The incentive would have a specific adverse impact upon public health and safety as defined in Government Code section 65589.5, ~~the physical environment~~, including *environmentally sensitive lands*, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the *development* unaffordable to *low income* and *moderate income* households;

(C) through (D) [No change in text.]

(2) [No change in text.]

(3) The granting of an incentive shall not require a *land use plan* amendment, zoning change, study, or other discretionary approval.

(d) [No change in text.]

- (e) For a *development* providing 100 percent of the pre-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(h); or *development* within a *Sustainable Development Area*, *transit priority area*, or *Mobility Zone 3* as defined in Section 143.1103(a)(3), providing 100 percent of the total pre-*density* and post-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(i), five incentives shall be available. If the *development* is located within a *Sustainable Development Area*, *transit priority area*, or *Mobility Zone 3* as defined in Section 143.1103(a)(3), the *applicant* shall also receive a *structure height* increase of up to 3 additional *stories* or 33 feet.

Table 143-07A

Very Low Income Density Bonus Households

[No change in text.]

Table 143-07B

Low Income Density Bonus Households

[No change in text.]

Table 143-07C

Moderate Income Density Bonus Households

[No change in text.]

§143.0742 Incentives for Non-Residential Development

The Employee Housing Incentive Program shall be implemented in accordance with this section. An *applicant* for non-residential *development* as defined in this section that contributes to the construction of affordable housing through the payment of the Employee Housing Incentive Program Fee, as adopted by City Council Resolution, shall be entitled to receive incentives, as set forth below.

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

(c) An *applicant* shall only utilize either the incentives provided in this Section or in Section 143.0747.

§143.0743 Waivers in Exchange for Affordable Housing Units

An *applicant* proposing *density* bonus shall be entitled to a waiver as described in this Division for any residential *development* for which a written agreement and a deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission.

(a) [No change in text.]

(b) Upon an *applicant's* request, *development* that meets the applicable requirements of Section 143.0720 shall be entitled to waivers unless the City makes a written *finding* of denial based upon substantial evidence, of any of the following:

- (1) The waiver would have a significant, quantifiable, direct, and unavoidable impact upon health; ~~or safety; or the physical environment~~ for which there is no feasible method to mitigate or avoid the impact;

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

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

§143.0744 Parking Ratios for Affordable Housing

Upon the request of an *applicant* for a *development* meeting the criteria in Sections 143.0720(c), 143.0720(d), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(j), the vehicular parking ratios in Table 143-07D, as may be applicable, or those set forth in Chapter 14, Article 2, Division 5, inclusive of disabled and guest parking, whichever is lower, shall apply. For purposes of this Division, a *development* may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking or parking within a required front *yard setback*.

Table 143-07D

Parking Reduction for Proximity to Transit

Type of <i>Development</i>	Percent Affordable	Transit Requirement³	Parking Ratio for <i>Development</i>¹
Rental or for-sale <i>development</i> containing market rate and <i>very low income</i> , <i>low income</i> , and/or <i>moderate income dwelling units</i> <ul style="list-style-type: none"> • <i>Very low income</i> • <i>Low income</i> • <i>Moderate income</i> through Rental housing affordable to <i>very low income</i> and <i>low income</i> households that is either a special needs housing <i>development</i> as defined in California Health and Safety Code (CHSC)	[No change in text.]	[No change in text.]	[No change in text.]

Type of <i>Development</i>	Percent Affordable	Transit Requirement³	Parking Ratio for <i>Development</i>¹
Section 51312 or a supportive housing <i>development</i> as defined in CHSC Section 50675.14 [No change in text.]			

Footnotes for Table 143-07D

¹through²[No change in text.]

³ ~~Section 142.0528 applies to *development* within the Parking Standards Transit Priority Area.~~

§143.0746 Affordable Housing in All Communities

(a) Affordable housing uses not otherwise allowed in High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Areas.

Affordable housing may be permitted in High or Highest Resource CTCAC Areas in accordance with Process One on a *premises* located within a non-residential base zone that does not otherwise allow *multiple dwelling unit development*, subject to all of the following:

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

(5) *Development* consistent with the criteria in this section shall be entitled to incentives and waivers in accordance with Section 143.0740 ~~through~~ and 143.0743.

(6) through (7) [No change in text.]

(b) Affordable housing may be permitted on a *premises* owned by a public agency or qualified nonprofit corporation (consistent with Chapter 2 of the Municipal Code) in accordance with a Process One on a *premises* located

within a base zone that does not allow *multiple dwelling unit development*, subject to all of the following:

(1) through (6) [No change in text.]

(7) *Development* consistent with the criteria in this section shall be entitled to incentives and waivers in accordance with Section 143.0740 ~~through~~ and 143.0743.

(8) [No change in text.]

§143.0748 Density Bonus and Incentives for Commercial Development

An applicant for a commercial development that has entered into an agreement with an applicant for a residential development that provides at least 15 percent of the total dwelling units as affordable to very low income households or at least 30 percent of the dwelling units as affordable to low income households shall be entitled to a development bonus in accordance with California Government Code 65915.7(b) provided that all the following are requirements are met:

(a) The agreement shall be approved by the City Manager and identify how the applicant for the commercial development will contribute to affordable housing in one of the following ways:

(1) Directly constructing the affordable dwelling units on the same premises of the development;

(2) Donating a portion of the commercial premises or another premises that meets the criteria in section 143.0743(b) for the development of affordable dwelling units; or

(3) Contributing to the development of affordable dwelling units through payment of the Employee Housing Incentive Program Fee in accordance with Section 143.0742.

(b) The residential development shall be located within a Sustainable Development Area or Transit Priority Area.

(c) A deemed complete application for the development was submitted prior to January 1, 2028.

(d) An applicant shall only utilize either the incentives provided in this Section or in Section 143.0742.

§143.1010 Incentives in Exchange for Sustainable Development Area Affordable Housing and Infrastructure Amenities

An applicant proposing development that is consistent with the criteria in Section 143.1002 shall be entitled to the following incentives:

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

(c) Waiver of the following applicable base zone or Planned District regulations:

(1) through (5) [No change in text.]

(6) Maximum front ~~setback~~ setback or street side ~~setback~~ setback if the maximum is less than 20 feet and the development is constructing a ~~promenade~~ public space, in accordance with Section 143.1020.

(d) through (g) [No change in text.]

(h) Use of up to five Affordable Housing Incentives. An applicant utilizing the regulations in this Division shall be entitled to incentives as described in Section 143.1010(h) for any development for which a written agreement

and a deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission. The City shall process an incentive requested by an *applicant* in accordance with Section 143.1010(h).

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

(3) An incentive requested as part of a *development* meeting the requirements of this Division shall be processed according to the following:

(A) Upon an *applicant's* request, *development* that meets the applicable requirements of this Division shall be entitled to incentives pursuant to Section 143.1010(h) unless the City makes a written finding of denial based upon substantial evidence, of any of the following:

(i) [No change in text.]

(ii) The incentive would have a specific adverse impact upon public health and safety as defined in California Government Code Section 65589.5, ~~the physical environment, including~~ environmentally sensitive lands, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse

impact without rendering the development unaffordable to *low income* and *moderate income* households;

(iii) through (iv) [No change in text.]

(B) through (C) [No change in text.]

(4) [No change in text.]

(i) Affordable Housing waivers may be granted, except that waivers cannot be used to deviate from the requirements of this Division. An *applicant* utilizing the regulations in this Division shall be entitled to a waiver as described in Section 143.1010(i) for any *development* for which a written agreement and a deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission.

(1) [No change in text.]

(2) Upon an *applicant's* request, *development* that meets the applicable requirements of this Division shall be entitled to a waiver unless the City makes a written finding of denial based upon substantial evidence, of any of the following:

(A) The waiver would have a significant, quantifiable, direct, and unavoidable impact upon health, or safety, ~~or the physical environment~~ for which there is no feasible method to mitigate or avoid the impact;

(B) The waiver would have an adverse impact on any real property that is listed in the California Register of Historical Resources;

(C) through (D) [No change in text.]

(E) Within the Airport Land Use Compatibility Overlay Zone, the waiver would be inconsistent with any of the noise compatibility, safety compatibility, aircraft overflight notification requirements, or airspace protection compatibility regulations in Sections 132.1510 through 132.1525.

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

(j) [No change in text.]

143.1020 Required Provision of Infrastructure Amenities

In accordance with Section 143.1002(a)(2), an *applicant* requesting application of the regulations in this Division shall provide infrastructure amenities as follows:

(a) [No change in text.]

(b) ~~Public Promenade~~ Public Space alternative. In lieu of the fee described in Section 143.1020(a), *development* on a *premises* of at least 25,000 square feet ~~with at least 200 linear feet of *street frontage* or on a separately-owned parcel within a *Sustainable Development Area* where the *development* is located and with an equivalent-sized *premises* of the~~

~~development or larger with at least 200 linear feet of street frontage, may~~
~~shall~~ construct public amenities in the form of a ~~public promenade~~ public
space.

- (1) Prior to the issuance of any Building Permit, the *applicant* shall hold at least two community workshops to provide information and receive feedback on the ~~development~~ public space design.
- (2) A notice describing the ~~public promenade~~ public space shall be posted in a prominent and accessible location within a common area of the *development* or parcel adjacent to the ~~promenade~~ public space where it can be viewed by the public. The notice shall include contact information of the *applicant* and a statement that the ~~public promenade~~ public space is required pursuant to the San Diego Municipal Code.
- (3) through (5) [No change in text.]
- (6) *Development* that includes a ~~promenade~~ public space in accordance with Section 143.1020 shall be exempt from requirements to provide private or common open space for the residential *dwelling units*.
- (7) A ~~promenade is a public open space that~~ public space shall adjoins or is visible from a have direct access to the public public right-of-way ~~along the longest street frontage~~. The ~~promenade~~ public space shall meet the following standards and ~~will~~ shall be exempt from Council Policy 600-33.

- (A) ~~The promenade shall span the length of the longest *street frontage* and shall extend inward from the *property line* abutting the longest *street frontage* at a distance of at least 20 feet. The public space shall be at least 4,000 contiguous square feet.~~
- (B) ~~The sidewalk within the *public right-of-way* adjacent to the promenade shall be widened to a minimum of 8 feet, measured perpendicular to the *street*. The public space shall have *signs* indicating it is open to the public and the hours of accessibility.~~
- (C) ~~The promenade public space shall be at a minimum publicly accessible from 7:00 a.m. to 7:00 p.m. The promenade public space shall include landscape designs that provide viewable surveillance, including visibility from surrounding properties, with plantings controlled to allow clear sight lines into the promenade public space.~~
- (D) ~~A minimum of 50 percent of a promenade public space shall be free of physical barriers or obstructions, such as walls or gates.~~
- (E) ~~Garage entrances, driveways, parking spaces, passenger drop-offs, loading berths, trash storage facilities, utility boxes, as well as the access or service for these facilities are not permitted within a promenade the public space.~~

(F) ~~Pedestrian circulation paths within the promenade shall connect to all~~ The public space shall be accessible from at least one abutting public streets and all building entrances that front the promenade public space by a pedestrian path that is at least 4 feet wide.

(i) The pedestrian path shall be continuous, clear of obstructions and visually distinguishable from other hardscaping.

(ii) Pedestrian paths shall be separated from vehicular access areas by wheel stops, curbs, landscaping, or other physical barriers, except when crossing driveways or aisles.

(G) Landscaping shall be provided as follows:

~~(a)~~(i) At least one, 24-inch box canopy form tree is required for each ~~25~~ 500 square feet of ~~street frontage on each side of the required sidewalk~~ public space.

~~(b)~~(ii) At least 15 percent and not to exceed 20 percent of the ~~promenade~~ public space area shall be comprised of planting, which can include hanging plants, planting beds or living walls.

(H) through (I) [No change in text.]

(J) Seating shall be provided in the ~~promenade~~ public space.

This may be satisfied by providing moveable seats, fixed individual seats, benches with or without backs, and design feature seating, such as seat walls, ledges, and seating steps.

(K) One trash receptacle and one recycling container shall be provided for every ~~150 feet of street frontage~~ 4,000 square feet of the public space.

(L) through (M) [No change in text.]

(N) Patios, tables, and seating operated by on-site commercial tenants may be included within the ~~promenade~~ public space, if they are accessible to the public during non-business hours and are limited to no more than 20 percent of the ~~promenade area~~ public space.

~~(O) Required best management practices (BMPs) for storm water may be constructed within the required landscaped area of the promenade, including within the public right-of-way, so long as pedestrian access to and within the promenade is not hindered by the BMPs.~~

~~(P)~~(O) The *development* may utilize the *public right-of-way* adjacent to the ~~promenade~~ public space to implement the standards required in Section 143.1020(b)(7)(I)-(M).
Encroachment Maintenance and Removal Agreement in

accordance with Section 129.0715. If the *applicant* is required to remove the amenities within the *public right-of-way*, they shall be replaced within the ~~promenade~~ public space on the *premises*.

(8) ~~If site constraints such as topography or the desire to avoid archaeological, tribal, cultural, historical or environmental resources make siting the promenade along the *public right of way* infeasible, the promenade may be located on another portion of the *premises*, subject to the following:~~

(A) ~~The square footage of the promenade must be equal to or greater than the length of the longest *street frontage* multiplied by 20 and must be contiguous.~~

(B) ~~The promenade must comply with Section 143.1020(b)(7)(C-O).~~

§143.1025 Supplemental Development Regulations

Development utilizing the regulations in this Division must comply with the following Supplemental Development Regulations and may not utilize the waivers provided in Section 143.1010(g) to deviate from the requirements in Section 143.1025.

(a) **Pedestrian Circulation Space.** All *development* shall include the following pedestrian circulation improvements:

(1) ~~Sidewalk Widening.~~ A sidewalk widening enlarges a pre-existing or required sidewalk to a minimum of 10 feet in width measured

~~perpendicular to the street.~~ Urban Parkway Requirements. The applicant shall provide an urban parkway that is at least 14 feet in width measured from the face of the curb or at a width required per Section 142.0670(a)(3), whichever is greater. For a premises that is less than 25,000 square feet, an applicant may elect to provide a bicycle repair station, a wayfinding sign, public seating, a public drinking fountain or a smart kiosk, in lieu of ~~an sidewalk widening urban parkway.~~ All development in this Section shall meet the minimum parkway requirements in Section 142.0670(a)(3).

(A) Clear Path. The urban parkway shall include a clear path of travel, free of obstructions and be at least 8 feet in width. This shall be a public concrete paved walkway that is specifically designed for pedestrian travel. It excludes any area primarily designed for use by vehicles or the conveyance of storm water, any area planted with landscaping, or any area primarily consisting of dirt or sand; and

(B) Buffer Area. The urban parkway shall include a buffer area to separate the clear path from the parking, driving, or vehicular travel lane. The buffer area shall be at least 6 feet in width and shall include street trees, which may be located within tree grates or a continuous planter strip in accordance with Section 142.0670(a)(3).

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

(b) [No change in text.]

(c) Standards for Buildings over 95 in Height of *Premises* over 20,000 Square Feet in Area. For the purposes of Section 143.1025, bulk and scale are divided into the two main areas of the building base and the tower. Buildings over 95 feet in height located on a *premises* over 20,000 square feet in area, outside of the Centre City Planned District, shall comply with the following requirements:

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

(3) The minimum height of the *street wall* shall be 30 feet, ~~except as required under the Centre City Planned District.~~

(4) A *street wall* shall be provided for 70 percent of the building frontage along the *public right-of-way*, with the following exceptions, which may be subtracted from the length of the frontage:

(A) Publicly or privately-owned plazas, ~~or~~ promenades, or public spaces;

(B) through (E) [No change in text.]

(5) through (6) [No change in text.]

(d) [No change in text.]

Utilization of the *public right-of-way* is subject to an

(e) Transition to Adjacent Residential Single-Unit Zones. *Development* on a *premises* directly adjacent to a Residential Single--Unit (RS) zone where

an existing *dwelling unit* is located on the adjacent *premises*, shall comply with the following criteria:

- (1) [No change in text.]
- (2) Incorporate a transition plane in the *development* that does not exceed a 65-degree angle. No building, architectural projection or encroachment may extend into the transition plane. The transition plane for the *development* shall ~~start from~~ be measured from the existing grade of the shared property line with the RS zone. Where the shared property line is a rear property line, the transition plane shall and extend 1/3 of the lot depth, or 25 feet, whichever is less. Where the shared property line is a side property line, the transition plane shall extend 1/3 of the lot width or 25 feet, whichever is less.

§143.1103 Mobility Choices Requirements

- (a) For the purposes of this Division, Mobility Zones shall be defined as follows:
 - (1) through (3) [No change in text.]
 - (4) Mobility Zone 4 means any area within a community planning area with a VMT efficiency that is greater than 85 percent of the regional average for ~~either~~ both resident VMT per capita ~~or~~ and employee VMT per employee, as determined by the City Manager.
 - (5) through (6) [No change in text.]
- (b) through (c) [No change in text.]

§143.1303 Application of Multi-Dwelling Unit and Urban Lot Split Regulations in Single Dwelling Unit Zones

- (a) This Division applies to *premises* located within a RS, ~~RE~~, RX, RT and Planned District Zones that permits *single dwelling unit development*, but not *multiple dwelling unit development*, except as prohibited in Section 143.1303(b).
- (b) [No change in text.]

§143.1310 Construction of Multiple Dwelling Units in a Single Dwelling Unit Zone

Up to two *dwelling units* may be permitted on a *premises* within a RS, ~~RE~~, RX, RT or Planned District Zones that permits *single dwelling unit development*, but not *multiple dwelling unit development*, in accordance with the following regulations:

- (a) The *development* regulations of the base zone in which the *premises* is located shall apply, except as specified in this section:
- (1) through (2) [No change in text.]
 - (3) Parking Regulations
 - (A) Within a *Sustainable Development Area* or transit priority area, no *off-street parking spaces* are required.
 - (B) Outside of a *Sustainable Development Area* or transit priority area, *off-street parking spaces* shall be provided as follows:
 - (i) through (ii) [No change in text.]
 - (4) through (6) [No change in text.]
- (b) [No change in text.]

Chapter 14

Article 3: Supplemental Development Regulations

Division 14: Climate Actions Plan Consistency Regulations

§143.1403 Application of the Climate Action Plan Consistency Regulations

- (a) This Division applies to the following:
 - (1) New Development that results in three or more total *dwelling units* on ~~all~~ a ~~premises in the development;~~
 - (2) through (3) [No change in text.]
- (b) through (c) [No change in text.]

§155.0231 Exceptions to the Residential Zones Regulations within the Central Urbanized Planned District

Table 131-04G, Development Regulations of RM Zones, shall apply with the following exceptions:

Table 155-02A

Floor Area Ratio Exceptions

Zones	RM-1-1	RM-1-2	RM-1-3	RM-2-4	RM-2-5	RM-2-6
<i>Max floor area ratio¹</i>	0.41 <u>1.0</u> ^{1,2}	0.65 ^{1,2}	0.75 ^{1,2}	0.90 ^{1,2}	1.10 ²	1.30

Footnotes for Table 155-02A

¹through²[No change in text.]

§155.0238 Use Regulations Table of CU Zones

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

Legend for Table 155-02C

[No change in text.]

Table 155-02C

Use Regulations Table for CU Zones

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones								
	1st & 2nd >>	CU-								
	3rd >>	1-(1)		2-			3-			
	4th >>	1	2	3	4	5	3(2)(12)	6	7	8
Open Space through Residential, Separately Regulated Residential Uses, Employee Housing: Greater than 12 Employees [No change in text.]		[No change in text.]								
Fraternities; and Sororities and Student Dormitories	-	C			C					
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]		[No change in text.]								
<u>Student Housing</u>	=	<u>C</u>			<u>C</u>					
Transitional Housing: 6 or Fewer Persons through Institutional Uses, Separately Regulated Uses, Homeless Facilities: Homeless Day Centers [No change in text.]		[No change in text.]								
Hospitals, Intermediate Care Facilities & Nursing Facilities	-	C			C					
<u>Intermediate Care Facilities & Nursing Facilities</u>	<u>C</u>	<u>C</u>			<u>C</u>					
Interpretive Centers through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]								

Footnotes for Table 155-02C

¹through¹³ [No change in text.]

§155.0242 Development Regulations Table for CU Zones

The following development regulations apply in each of the CU zones as shown in Table 155-02D.

Table 155-02D

Development Regulations of CU Zones

Development Regulations	Zone Designator	Zones							
	1st & 2nd <input type="checkbox"/> >>	CU-							
	3rd <input type="checkbox"/> >>	1-	2-	3-	2-	3-			
	4th >> <input type="checkbox"/>	1 ⁽¹⁾	2 ⁽¹⁾	3	4	5	6	7	8
Max residential density ⁽²⁾ through Min lot coverage (%) [No change in text.]	[No change in text.]								
Max floor area ratio , Mixed use bonus/ Min % to residential [See Land Development Code Section 131.0546(a)] [No change in text.]	[No change in text.]								
<u>Floor Area Ratio Bonus for Child Care</u> [See Section 155.0243(a)]	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	
Pedestrian paths [See Land Development Code Section 131.0550] through Parking lot orientation [See Land Development Code Section 131.0556] [No change in text.]	[No change in text.]								

Footnotes for Table 155-02D

[No change in text.]

§155.0243 Maximum Floor Area Ratio

Maximum floor area ratio is specified in Table 155-02D and is subject to the following additional regulations:

(a) Floor Area Ratio Bonus for Child Care Facilities

In the CU zones, a floor area ratio bonus over the otherwise maximum allowable gross floor area is permitted at the rate of 10 square feet of additional gross floor area for each 1 square foot of gross floor area devoted to the child care facility to be added to the total area of the

premises when determining the floor area ratio for a development. The area designated for the child care facility must maintain an 'E' occupancy permit for a minimum of 10 years from the time of construction permit issuance and must comply with the requirements of Section 141.0606 (Child Care Facilities).

Chapter 15

Article 9: La Jolla Planned District

Appendix C: Color Palette

EXTERIOR BUILDING FACADE COLOR PALETTE

[No change in text.]

APPLICABLE COLOR DEFINITIONS

[No change in text.]

BUILDING COLOR:

[No change in text.]

BUILDING COLOR GUIDE:

To more accurately define the earthtone and pastel colors noted in this Section, the following specific color ranges are given in three color systems.

Under the Hicketheir 1000 International Color System, colors are specified very precisely by a specific numerical system. Further information is available in the book "~~Color Mixing by Numbers~~: Color Mixing by Numbers by Alfred Hicketheir, Van Nostrant Reinhold Company, New York, available at graphics and art supply stores.

For the convenience of Applicants, equivalent colors are also specified under Ameritone and Frazee color designations because these paints are widely available in the San Diego area.

Equivalent colors by any other manufacturer are also acceptable upon prior approval by the Development Services Director. In addition, colors similar in hue and tone to those designated may be used with the prior approval of the Development Services Director.

The following range of earthtone and pastel colors are acceptable. These numbers are based on 1983 color codes and the numbers may change over time, ~~refer~~

Refer to La Jolla Planned District Color Chart in the City Planning Department for acceptable exterior building façade colors.

LIGHT EARTHTONE COLORS

[No change in text.]

PASTEL COLORS

[No change in text.]

§1510.0201 Procedures for Permit Application and Review

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

(d) A La Jolla Shores Planned District Permit may be approved, conditionally approved, or denied by a Hearing Officer, in accordance with Process Three, after receiving written recommendations or comments from the Advisory Board. The decision of the Hearing Officer may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506. Applications for Planned Development Permits shall be processed in accordance with Land Development Code Chapter 11 (Land Development Procedures) and Chapter 12 (Land Development Reviews). Action by the Hearing Officer on applications, other than those for Planned Development Permits, shall follow ~~receipt of recommendation or~~

~~comments from a written decision by the Advisory Board and shall include a statement that the Hearing Officer finds that the building, structure, or improvements for which the permit was applied development does or does not conform to the regulations contained herein. If the Hearing Officer determines that the proposed development does not conform to the regulations within the La Jolla Shores Planned District, the specific facts on which that determination is based shall be included in the Hearing Officer's written decision. Applications for improvements to patio covers, decks, fences, retaining walls, uncovered swimming pools, unlighted tennis courts, single family residences and any addition to or alteration of any structure which the City Manager determines to be minor in scope, may be approved or denied in accordance with Process One, by the City Manager, without receiving recommendations or comments from the Advisory Board. Notwithstanding the foregoing provision, the City Manager may refer an application for such improvement to the Advisory Board for a recommendation before taking action on the application. The City Manager may approve the application if the City Manager determines that the improvement conforms to the architectural criteria and design standards adopted by the City Council.~~

- (1) The City Manager may determine that a development is minor in scope and may be decided in accordance with a Process One, without receiving a recommendation or comments from the

Advisory Board. The City Manager may determine that the following types of development are minor in scope:

(A) Applications for improvements, additions, or alterations that increase the existing floor area by 10 percent or less; or

(B) Applications for improvements to patio covers, decks, fences, retaining walls, uncovered swimming pools, unlighted tennis courts, or single-family residences.

(2) Notwithstanding the foregoing provision, the City Manager may refer an application for such improvements to the Advisory Board for a recommendation before taking action on the application. The City Manager may approve the application if the City Manager determines that the improvement conforms to the architectural criteria and design standards adopted by the City Council.

(e) through (g) [No change in text.]

§1513.0304 Property Development Regulations – Residential Subdistricts

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

(c) Yards

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

(3) Minimum Interior Yards

(A) [No change in text.]

(B) Exceptions:

(i) ~~A three-foot setback may be applied to a structure that is 20 feet or less above existing or proposed grade, whichever is lower, provided that any portion of the structure's facade that exceeds 20 feet in height above existing grade or proposed grade, whichever is lower, shall observe an additional setback for the remainder of the structure height by sloping away from the vertical plane of the façade at an angle not to exceed 45 degrees. A structure that is 20 feet or less in height above existing or proposed grade, whichever is lower, may observe a 3-foot setback. The structure may be placed anywhere between the standard 5-foot setback and the 3-foot reduced setback exception.~~

(ii) Any portion of the structure's façade that exceeds 20 feet in height above existing or proposed grade shall not exceed a vertical plane established by a 45-degree angle sloping inward from the 3-foot reduced setback to the maximum permitted 30-foot height limit.

~~(ii)~~(iii) Structures that are developed with portions of the structure observing a 3-foot setback exception, and other portions of the structure observing a the

standard 5-foot setback may use a combination of Sections 1513.0304(c)(3)(A) and 1513.0304(c)(3)(B)(i), as shown in Diagram 1513-03C.

~~(iii)~~(iv)In the R-N Subdistrict development of any lot or combination of lots 45 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater.

~~(iv)~~(v) In the R-S Subdistrict development of any lot or combination of lots 55 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater.

(4) through (6) [No change in text.]

Diagram 1513-03C

Interior Yards and Building Height

[No change in text.]

(d) through (h) [No change in text.]

§1513.0402 Landscaping

(a) Residential Subdistricts

(1) One hundred percent of all required yards except interior yards and rear yards shall be landscaped with a minimum of at least 50 percent and shall be any combination of trees, shrubs and living ground cover; except that the use of trees to meet this requirement

shall be optional. ~~All proposed landscaping in the required yard areas for Courts, Places, or Walks shall be maintained at a height of three feet or lower (including raised planters) to preserve public views. All landscaping shall be drought tolerant and native or non-invasive plant species. The remaining 50 percent may include, but is not restricted to, fountains, reflecting pools, art objects, decorative walkways, screens, walls, fences, benches, and decks not exceeding 3 feet in height.~~

(A) Planting areas should be located at grade.

(B) All landscaping in the required yard areas for Courts, Places, or Walks shall be maintained at a height of 3 feet or lower to preserve public views.

(C) All landscaping shall be drought-tolerant and native or non-invasive plant species.

(D) The remaining 50 percent may include, but is not restricted to, fountains, reflecting pools, art objects, decorative walkways, screens, walls, fences, benches, and decks not exceeding 3 feet in height.

(2) [No change in text.]

(b) [No change in text.]

~~§1516.0103 Old Town San Diego Planned District Design Review Board~~

~~(a) Appointments, Terms and Procedures~~

- (1) ~~The Old Town San Diego Planned District Design Review Board (hereafter referred to as the Board) shall be created to provide recommendations and advice as specified in Section 1516.0103(b). The Board shall be composed of five members who shall serve without compensation. The members shall be appointed by the Mayor and confirmed by the Council. The members shall serve four year terms and each member shall serve until his successor is duly appointed and qualified. After a four year term, members can be re-appointed, but no person may serve for more than eight consecutive years (two four year terms). The members shall be appointed in such a manner that the terms of not more than two members shall expire in any year. The expiration date shall be March 1. During March of each year, the Mayor may designate one member as Chairman; however, in the absence of such designation, the Board shall, on or after April 15, select a Chairman from among its members.~~
- (2) ~~All members shall be electors of the County of San Diego at the time of appointment. Members of the Board shall be persons who shall be specifically qualified by reason of training or experience in history, art, architecture, land development, landscape architecture, historic preservation, archaeology, tourism, planning, or other relevant business or profession able to judge the aesthetic effects of a proposed development. The composition of the Board shall be as~~

~~follows: one seat for a registered architect or landscape architect; two seats for persons qualified by reason of training or experience in history, art, architecture, land development, landscape architecture, historic preservation, archaeology, tourism, planning, or other relevant business or profession; one seat for a member of the Old Town San Diego Community Planning Group; and one seat for a person who is a resident, property owner, or business licensee within the Old Town San Diego Community Planning area or a member of the Old Town San Diego Community Planning Group.~~

- ~~(3) A Board member shall be replaced if the member has three unexcused consecutive absences within the 12-month period of March through February each year.~~
- ~~(4) Three members shall constitute a quorum for the transaction of business and a majority vote and not less than three affirmative votes shall be necessary to make any Board decision. The Board may adopt rules of procedure to supplement those contained within this Section 1516.0103.~~
- ~~(5) The City Manager or designee shall serve as Secretary of the Board as an ex officio member. The Board shall only hold a meeting when the Secretary is in attendance. The Secretary shall not be entitled to vote.~~

~~(6) All officers of the City shall cooperate with the Board and render all reasonable assistance to it.~~

~~(7) The Board shall render a report annually on December 1, or on request, to the Mayor and to the Old Town San Diego Community Planning Group.~~

~~(b) Powers and Duties~~

~~(1) It shall be the duty of the Board to review and make recommendations to the appropriate decision-making authority on applications for permits, maps, or other matters within the Planned District that require Process Three, Process Four, Process Five, and Process CIP Five decisions, as specified in Table 1516-01A and Land Development Code Chapter 12, and to submit its recommendations or comments on these matters in writing within 30 calendar days to the City Manager or designee. The Board shall also provide advice on architectural and urban design requirements (architectural features, site design, streetscape, landscape, parking, accessory buildings, sign requirements, and supplemental regulations) in compliance with the regulations and procedures contained in this Division for applications for permits or other matters within the Old Town San Diego Planned District that require Process One or Process Two decisions, as specified in Table 1516-01A and Land Development Code Chapter 12, upon request of the City Manager or designee.~~

(2) ~~The Board may recommend that the City Manager approve, modify, or disapprove any application for a permit, map, or other matter based upon its condition of compliance or noncompliance with the adopted regulations and requirements. The Board shall utilize the regulations and procedures contained in this Division, the purpose and intent of this Division, and the supplemental findings for development in the Planned District in evaluating the appropriateness of any development under this Division. It shall also be the duty of the Board to recommend to the Planning Commission any changes to the development regulations contained in this Division, provided such changes are necessary for the proper execution of the purpose and intent of this Division and the adopted Old Town San Diego Community Plan, and to adopt rules of procedure to supplement those contained within this Division.~~

§1516.0106 Administrative Regulations

(a) Any permit or any work within the Old Town San Diego Planned District, including erection of any new building or structure, or repainting of exterior surfaces, remodeling or repair, alteration, addition to or demolition of any existing building or structure, or relocation of any structure may be reviewed by the City Manager ~~and the Design Review Board.~~

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

§1516.0112 Use Regulations for Old Town San Diego Residential Zones

The uses allowed in the Old Town San Diego Residential zones are shown in

Table 1516-01B:

Legend for Table 1516-01B

[No change in text.]

Table 1516-01B

Use Regulations for Old Town Residential Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator 1st & 2nd >> 3rd >> 4th >>	Zones			
		OTRS-		OTRM-	
		1-	1-	2-	
		1	1	1	2
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]			
<u>Continuing Care Retirement Communities</u>		=	=	=	
Employee Housing: 6 or Fewer Employees through Employee Housing: Greater than 12 Employees [No change in text.]		[No change in text.]			
Fraternities; <u>and</u> Sororities and Student Dormitories		-	-	-	
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]		[No change in text.]			
<u>Student Housing</u>		=	=	=	
Separately Regulated Residential Uses, Transitional Housing: 7 or more persons through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Homeless Day Centers [No change in text.]		[No change in text.]			
Hospitals, Intermediate Care Facilities & Nursing Facilities		[No change in text.]			
<u>Intermediate Care Facilities & Nursing Facilities</u>		=	=	=	
Interpretive Centers through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]			

Footnotes for Table 1516-01B

¹ through ⁵ [No change in text.]

⁶ Only one exterior receiving antenna per dwelling unit is permitted. Any satellite antennas as described in Land Development Code Section 141.0405 shall be screened from view and are subject to review by the Design Review Board and approval by the City Manager.

⁷ [No change in text.]

§1516.0117 Use Regulations Table for Old Town San Diego Commercial Zones

The uses allowed in the Old Town San Diego Commercial zones are shown in

Table 1516-01D:

Legend for Table 1516-01D

[No change in text.]

Table 1516-01D

Use Regulations for Old Town San Diego Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones								
		OTCC-						OTMCR-		
		1-		2-		3-		1		
		1	1	2	3	1	2	1	2	3
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]								
<u>Continuing Care Retirement Communities</u>		=	=	=	=	=	=	=	=	=
Employee Housing: 6 or Fewer Employees through Employee Housing: Greater than 12 Employees [No change in text.]		[No change in text.]								
Fraternities, <u>and</u> Sororities <u>and</u> Student Dormitories		-	-	-	-	-	-	-	-	-
Garage, Yard, & Estate Sales through Live/Work Quarters [No change in text.]		[No change in text.]								
Residential Care Facilities:										
6 or Fewer Persons [No change in text.]		[No change in text.]								
7 or More Persons		-	-	-	-	-	-	-	-	€ <u>L</u>
<u>Student Housing</u>		=	=	=	=	=	=	=	=	=
Transitional Housing										
6 or Fewer Persons [No change in text.]		[No change in text.]								

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones								
	1st & 2nd >>	OTCC-						OTMCR-		
	3rd >>	1-	2-		3-		1			
	4th >>	1	1	2	3	1	2	1	2	3
7 or More Persons		-	-		-		<u>-L</u>			
Watchkeeper Quarters through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Homeless Day Centers [No change in text.]		[No change in text.]								
Hospitals, Intermediate Care Facilities & Nursing Facilities		-	-		-		-			
<u>Intermediate Care Facilities & Nursing Facilities</u>		<u>-</u>	<u>-</u>		<u>-</u>		<u>-</u>			
Institutional, Separately Regulated Institutional Uses, Interpretive Centers through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]								

Footnotes for Table 1516-01D

- ¹ [No change in text.]
- ² Only one exterior receiving antenna per dwelling unit is permitted. Any satellite antennas as described in Land Development Code Section 141.0405 shall be screened from view and are subject to review by the Design Review Board and approval by the City Manager.
- ³ through ⁷ [No change in text.]

§1516.0121 Use Regulations for Old Town San Diego Open Space-Park Zones

- (a) [No change in text.]
- (b) Within the Old Town San Diego Open Space-Park zones, no structure or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any premises be used or maintained, except for one or more of the purposes or activities listed in Table 1516-01F. It is unlawful to establish, maintain, or use any premises for any purpose or activity not listed in this Section 1516.0121 or Table 1516-01F.
- (c) through (f) [No change in text.]

§1516.0122 Use Regulations for Old Town San Diego Open Space-Park Zones

The uses allowed in the Old Town San Diego Open Space-Park zones are shown in Table 1516-01F:

Legend for Table 1516-01F

[No change in text.]

Table 1516-01F

Use Regulations for Old Town San Diego Open Space-Park Zones

Use Categories/ Subcategories [See Section 131.0112 for Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones	
	1st & 2nd >>	OTOP-	
	3rd >>	1-	2-
	4th >>	1	1
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]	
<u>Continuing Care Retirement Communities</u>		=	=
Employee Housing: 6 or Fewer Employees through Employee Housing: Greater than 12 Employees [No change in text.]		[No change in text.]	
Fraternities; and Sororities and Student Dormitories		-	-
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]		[No change in text.]	
<u>Student Housing</u>		=	=
Transitional Housing: 6 or more persons through Institutional, Separately Regulated Institutional Uses , Homeless Facilities: Homeless Day Centers [No change in text.]		[No change in text.]	
Hospitals, Intermediate Care Facilities & Nursing Facilities		[No change in text.]	
<u>Intermediate Care Facilities & Nursing Facilities</u>		=	=

Use Categories/ Subcategories [See Section 131.0112 for Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones	
	1st & 2nd >>	OTOP-	
	3rd >>	1-	2-
	4th >>	1	1
Interpretive Centers through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]	

Footnotes for Table 1516-01F

¹ through ² [No change in text.]

³ Only one exterior receiving antenna per dwelling unit is permitted. Any satellite antennas as described in Land Development Code Section 141.0405 shall be screened from view and are subject to ~~review by the Design Review Board~~ and approval by the City Manager.

⁴ [No change in text.]

§1516.0139 Sign Requirements

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

Table 1516-01H

Sign Maximum Size, Maximum Number, and Placement Requirements

Sign Type	Maximum Size	Maximum Number Allowed ⁽¹⁾	Placement
Primary <i>identification sign</i> through Neighborhood identification sign [No change in text.]	[No change in text.]		
<i>Temporary sign</i>	4 square feet; larger signs subject to review by Design Review Board and approval based on consistency shall be consistent with Section 1516.0139(a)	4	May be permitted in public right-of-way with appropriate City permits

Sign Type	Maximum Size	Maximum Number Allowed ⁽¹⁾	Placement
<i>Miscellaneous sign</i> [No change in text.]	[No change in text.]		

Footnotes for Table 1516-01H

¹ through ² [No change in text.]

(h) through (k) [No change in text.]

(l) Sign Lettering Typefaces and Design, Symbols, and Graphical Designs

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

(5) Graphical designs may be used as embellishment to complement lettering and fill empty space around lettering. Symbols and graphical designs shall constitute secondary content, except for hanging projecting signs. The area covered by symbols and graphical designs shall not exceed 30 percent of a sign's surface area and 2 1/4 square feet.

(i) Symbols shall be limited to common symbols used on signs pre-1872. Refer to Table 1516-01K. ~~Additional symbols may be permitted with a recommendation from the Design Review Board.~~

(ii) [No change in text.]

(iii) Use of two-dimensional cutouts of wood or a material with the appearance of wood as features on signs is permitted but shall be limited to common symbols used on signs pre-

1872. Refer to Table 1516-01K. ~~Additional symbols may be permitted with a recommendation from the Design Review Board.~~

- (iv) [No change in text.]
- (m) [No change in text.]
- (n) Unpermitted Sign Illumination
 - (1) Use of internal illumination of any type, including light emitting diodes (LED), fluorescent tubing, and neon, is prohibited, ~~except such use may be permitted for community entry signs with a recommendation from the Design Review Board.~~
 - (2) [No change in text.]

§1516.0140 Specific Sign Design Requirements by Sign Type

Additional design and material requirements apply to the following sign types.

- (a) through (f) [No change in text.]

Table 1516-01I

Permitted Sign Colors for Backgrounds, Lettering, and Details

[No change in text.]

Table 1516-01J

Permitted Sign Backgrounds and Lettering Color Combinations

[No change in text.]

Table 1516-01K

Permitted Non-Text Symbols for Use on Signs⁽⁺⁾

Business Type	Symbol
Auction House through Watchmaker/Jeweler [No change in text.]	Elephant through Pocket Watch [No change in text.]

Footnote for Table 1516-01K

- + Per Section 1516.0139(1)(5), additional symbols may be permitted with a recommendation from the Design Review Board.

LHS:nja:cm:nja
 01/25/2024
 Or. Dept: DSD
 Doc. No. 3600956

DRAFT

STRIKEOUT ORDINANCE**OLD LANGUAGE: ~~Struck Out~~****NEW LANGUAGE: Double Underline**

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 156.0302, 156.0304, 156.0305, 156.0307, 156.0308, 156.0309, 156.0310, 156.0311, 156.0313, AND 156.0315, AMENDING CHAPTER 15, BY AMENDING THE TITLE OF ARTICLE 7, AMENDING THE TITLE OF DIVISION 1, AMENDING SECTIONS 157.0101, 157.0103, 157.0104, AND ADDING SECTIONS 157.0105, 157.0106, 157.0107, 157.0108, 157.0109, 157.0110, 157.0111, 157.0112, 157.0113, 157.0114, 157.0115, 157.0116, 157.0117, 157.0118, 157.0119 AND FIGURE A, AND REPEALING CHAPTER 15, ARTICLE 7, DIVISIONS 2, 3, 4 AND FIGURE A, ALL RELATING TO THE DOWNTOWN LAND DEVELOPMENT CODE UPDATE.

Article 6: Planned Districts**Division 3: The Centre City Planned District****§156.0302 Definitions**

The following definitions apply to this Article. Where not otherwise specified, the definitions found in Chapter 11, Article 3, Division 1 of the Land Development Code shall apply. Each word or phrase that is defined in this Division or in Chapter 11, Article 3, Division 1 of the Land Development Code appears in the text in italicized letters.

Active commercial uses through Floor plate [No change in text.]

Fragrant planter means either a moveable or permanently affixed planter or container with a minimum height of 30 inches intentionally planted with any

combination of the following plants: California Primrose (Oenothera californica), Coyote Mint (Monardella villosa), Hummingbird Sage (Salvia spathacea), California Sagebrush (Artemisia californica), Catalina Currant (Ribes viburnifolium), Cleveland Sage (Salvia clevelandii), Pink Jasmine (Jasminum polyanthum), Star Jasmine (Trachelospermum jasminoides), Lavender (Lavandula), or Rosemary (Salvia Rosmarinus).

Greenway through Living unit development [No change in text.]

Living wall means a non-structural trellis that is fixed to an existing or proposed structure and intentionally covered by vegetation.

Logo through Private open space [No change in text.]

~~*Public open space* means an area owned by the City of San Diego intended for use by the general public, or an area on private property for which a *public park*, open space, or similar easement or covenant has been recorded in favor of the City of San Diego for use by the general public.~~

Pushcart through Urban open space [No change in text.]

§156.0304 Administration and Permits

(a) [No change in text.]

(b) Permit Required Requirements

~~The following permits are subject to the *development* review and permit procedures in this Article: Neighborhood Development Permits,~~

~~Neighborhood Use Permits, Conditional Use Permits, Coastal~~

~~Development Permits, Site Development Permits, Planned Development~~

~~Permits, and Variances. Applications for *development* within the Centre~~

City Planned District shall be decided in accordance with one of the five decision processes in accordance with Chapter 11, Article 2, Division 5.

- (1) [No change in text.]
- (2) *Tenant improvements* Development exceeding \$250,000 in value shall include *public improvements* consistent with the Centre City Streetscape Manual.
- (3) *Development* that exceeds \$20 million in value, located along a *greenway*, shall meet all the following requirements, as applicable:
 - (A) through (F) [No change in text.]
 - (G) An *applicant* that provides *public improvements* in accordance with this ~~section~~ Section shall either be exempt from or subject to a proportionate share credit of the DIF for the Citywide Park Development Impact Fee as set forth in Section 142.0640(b)(6) or shall be eligible for an *FAR bonus* of ~~2.0~~ to be added to the maximum *Base FAR* as set forth in Section 156.0309(d)(9). For purposes of this subsection, to be exempt or partially exempt from the requirement to pay the Citywide Park DIF, the requirements set forth in Section 142.0640(b)(~~98~~)(A)-(C) shall not apply.
- (4) [No change in text.]

(e) ~~Decision Process~~

~~Applications for *development* within the Centre City Planned District shall be decided in accordance with one of the five decision processes as outlined in Chapter 11, Article 2, Division 5.~~

(d) Public Facilities Exemption

Public facilities, whether provided by a government agency, nonprofit, or private property owner, including fire stations, schools, parks, greenways, active sidewalks, promenades, recreational amenities, urban plazas, pedestrian and bicycle-supporting amenities, transit improvements, public buildings and facilities, police department facilities, and ~~structures within public open space areas~~ *development on public agency-owned sites*, shall be allowed at any location within the Centre City Planned District and shall be exempt from the requirement to obtain a *development permit* with the exception of Coastal Development Permits and Site Development Permits for *historical resources*. Public facilities shall be exempt from 156.0307(b)(2)-(12). Any required *development permits* or *construction permits* issued for public facilities shall be granted an automatic extension of an additional 24 months from the expiration date of the permit.

Applicants developing on public agency-owned sites shall seek to maximize density through the use of affordable housing and child care density bonuses. Operational improvements to streets, including vehicular directional conversions and the removal of vehicular parking and travel lanes to accommodate pedestrian and bicycle-supporting amenities, shall

be allowed at any location, satisfactory to the City Engineer. Where feasible, the City Engineer shall seek to reduce the number of vehicular travel lanes on all streets throughout the Centre City Planned District to no more than two, notwithstanding any other policies or planning documents.

§156.0305 Rules of Calculation and Measurement

The Rules of Measurement provided in Chapter 11, Article 3, Division 2 of this Code shall apply to the Centre City Planned District.

- (a) [No change in text.]
- (b) *Gross floor area* shall be calculated in accordance with Section 113.0234, with the following modifications:
 - (1) Phantom *floors*, as defined in Section 113.0234(b)(43) shall not count as *gross floor area* in either residential or commercial buildings.
 - (2) *Roof decks* shall not be counted as *gross floor area* pursuant to Section 113.0234(b)(54) unless the perimeter walls enclosing the area exceed 6 feet in height for non-transparent materials or 8 feet for transparent materials.
 - (3) through (4) [No change in text.]

§156.0307 Land Use Districts

The following land use districts, shown in Figure B, define geographic areas that are subject to specific land use classifications. In addition, twelve overlay districts, shown in Figures C, D, and F, establish areas where additional requirements apply. Permitted land use classifications within each land use

district are shown on Table 156-0308-A. Specific requirements for minimum percentages of *active commercial uses* and commercial uses on the ground-floor along *street frontages* are provided.

(a) Base Districts

The purpose of each base district is as follows:

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

~~(5) Waterfront/Marine (WM). This district permits a range of maritime-related uses, including ocean-related industry, major tourist and local visitor attractions, trade, office, eating and drinking establishments, retail, parking facilities, *cultural institutions*, and *hotels*.~~

~~(6)~~ (65) Mixed Commercial (MC). This district accommodates a diverse array of uses, including residential, artist studios, live/work spaces, *hotels*, offices, research and development, and retail. Commercial and service uses, including light industrial and repair, warehousing and distribution, transportation, and communication services that are essential for the livelihood of businesses and residents of the downtown area are also permitted.

~~(7)~~ (76) Residential Emphasis (RE). This district accommodates primarily residential *development*. Small-scale businesses, offices, services, and ground-floor *active commercial uses* are allowed, subject to size and area limitations.

Within the RE District, at least 80 percent of the *gross floor area* must be occupied by residential uses. Non-residential uses may occupy no more than 20 percent of the *gross floor area*. Small *lots* of 5,000 square feet or less may apply for a deviation to the percentage requirements of the RE District through the Conditional Use Permit process.

- (87) Industrial (I). This district permits a range of industrial uses, including light manufacturing, transportation services, repair and storage, and energy-generation facilities.
- (98) Transportation (T). This district accommodates uses related to trolley, passenger and freight rail operations, maintenance and repair, and associated activities.
- ~~(10) Convention Center/Visitor (CC). This district provides an area for convention centers, hotels, and parks and open spaces for visitor uses.~~
- (119) Public/Civic (PC). This district provides a center for government, civic uses, *cultural institutions*, educational facilities, and public and support services, and it accommodates residential uses. Within the PC District, a minimum of 40 percent of the *ground-floor street frontage* shall contain commercial uses.
- (1210) Park/Open Space (OS). This district provides areas for *public parks* and open spaces. Below-ground parking facilities, eating and

drinking establishments, arts and *cultural uses*, and community centers are also permitted.

(b) [No change in text]

§156.0308 Base District Use Regulations

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

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS														
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS = Commercial Street; E = Employment Overlay														
Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	EE ⁷	Additional Regulations	MS/CS & E Overlays ¹⁵
Public Park/ Plaza/Open Space	P	P	P	P	P	P	P	P	P	P	P	P		
<u>Placemaking on Private Property</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	--	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	--		
Agriculture	--	--	--	--	--	--	--	--	--	--	--	--		
Community Gardens	P	P	P	P	--	P	P	--	--	P	P	--	§141.0203	
Residential¹														
Rooming House	L	L	L	L	--	L	L	--	--	L	--	--		
Multiple Dwelling Units	P	P	P	P	--	P	P	--	--	P	--	--		
Shopkeeper Units	P	P	P	P	--	P	P ²	--	--	P	--	--		
Separately Regulated Residential Uses														
Continuing Care Retirement Communities	L	L	L	L	--	L	L	--	--	L	--	--	§141.0303	
Fraternities, Sororities and Dormitories	N	N	N	N	--	N	N	--	--	N	--	--	§141.0305 (c)-(e)	
Home Occupations	P	P	P	P	--	P	P	--	--	P	--	--	§141.0308	
Live/Work Quarters	P	P	P	P	--	P	P	--	--	P	--	--	§141.0311	
<u>Low Barrier Navigation Center</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	--	<u>L</u>	<u>L</u>	<u>--</u>	<u>--</u>	<u>L</u>	<u>--</u>	<u>--</u>	<u>§141.0317</u>	
Living Units	P	P	P	P	--	P	P	--	--	P	--	--	§156.0315(b)	

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS

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 S = Site Development Permit Required; MS = Main Street; CS = Commercial Street;
 E = Employment Overlay

Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	EE ⁷	Additional Regulations	MS/CS & E Overlays ¹⁵
<i>Residential Care Facilities</i>	EL	EL	EL	EL	--	EL	EL	--	--	EL	--	--	§141.0312	
<i>Transitional Housing</i> <i>Transitional Housing</i>	L	L	L	L	--	L	L	--	--	L	--	--	§141.0313	
<i>Permanent Supportive Housing</i>	L	L	L	L	--	L	L	--	--	L	--	--	§141.0315	
Separately Regulated Institutional Uses														
<i>Satellite Antennas</i>	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	§141.0405	
<i>Correctional Placement Centers</i>	C	--	--	--	--	C	--	--	--	C	--	--	§141.0406	
<i>Cultural Institutions</i>	P	P	P	P	P	P	P	--	--	P	P	P		MS, CS, E
<i>Educational Facilities</i>	P	P	P	P	P	P	P	--	--	P	--	P		CS, E
<i>Energy Generation & Distribution Stations</i>	C	C	C	C	C	C	--	C	C	C	--	C	§141.0408	
<i>Exhibit Halls & Conventional Facilities</i>	--	--	--	--	--	C	--	C	C	C	--	P		E
<i>Historical Buildings Occupied by Uses Not Otherwise Allowed</i>	C	C	C	C	C	C	C	C	C	C	C	C	§156.0315(ej)	
<i>Homeless Facilities⁶</i>	C	--	C	C	--	C	--	--	--	C	--	--	§141.0412 §156.0315(ej)	
<i>Hospitals, Intermediate Care Facilities, and Nursing Facilities</i>	P	C	P	P	--	P	C	--	--	P	--	P	§141.0413	CS, E

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS

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 S = Site Development Permit Required; MS = Main Street; CS = Commercial Street;
 E = Employment Overlay

Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CE ⁷	Additional Regulations	MS/CS & E Overlays ¹⁵
<u>Intermediate Care Facilities and Nursing Facilities</u>	P	P	P	P	-	P	P	--	--	P	-	-	§141.0413	CS, E
Major Transmission, Relay or Communication Switching Station	C	--	C	C	-	C	--	C	C	--	--	-	§141.0416	
<i>Social Service Institutions</i>	C	--	C	C	-	C	--	--	--	C	--	-	§156.0315(ej)	CS
<i>Wireless Communication Facilities</i>	See Section 141.0420													
Retail Sales	P	P	P	P	P	P	P	P	--	P	--	P	§156.0307(a), (b) & Figure C	MS, CS, E
Separately Regulated Retail Sales Uses														
<i>Cannabis Outlets</i>	-	-	-	-	€	-	-	C	C	-	-	€	§141.0504	
Off-Site Alcohol Beverage Sales	C	C	C	C	€	C	--	--	--	C	C	€	§156.0315 (b)(1)	MCMS , CS, E
Commercial Services														
Animal Grooming & Veterinary Offices	P	P	P	P	P	P	P	--	--	P	--	-		CS, E
Assembly & Entertainment	P	P	P	P	P	P	--	--	--	P	P	P		CS, E
With <i>Live Entertainment</i>	N/ C	N/ C	N/ C	N/ C	N/ €	N/ C	--	--	--	N/ C	N/ C	N/ €	§156.0315(c)	
With Outdoor Use Area	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	--	--	--	L/ N	L/ N	L/ N	§156.0315(d)	
Building Services	P	P	P	P	P	P	--	--	--	P	--	-		CS, E
Business Support	P	P	P	P	P	P	P	--	--	P	--	P		CS, E

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS

LEGEND: P = Permitted by Right; C = Conditional Use Permit Required;
 -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required;
 S = Site Development Permit Required; MS = Main Street; CS = Commercial Street;
 E = Employment Overlay

Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CE ⁷	Additional Regulations	MS/CS & E Overlays ¹⁵
Eating & Drinking Establishments ¹⁴														
<i>Bona-Fide Eating Establishments</i>	P	P	P	P	P	P	P	--	--	P	P	P	§156.0315(a)	MS, CS, E
<i>Brewpubs</i>	P	P	P	P	P	P	P	--	--	P	P	P	§156.0315 (b)(2)	MS, CS, E
<i>Non-Bona Fide Eating Establishments w/ Alcohol</i>	P	P	P	P	P	P	--	--	--	P	--	P	§156.0315 (a)	MS, CS, E
<i>Brewery Tasting Rooms</i>	P	P	P	P	P	P	P	--	--	P	--	P	§156.0315 (b)(4)	MS, CS, E
<i>Brewpub Tasting Rooms</i>	P	P	P	P	P	P	P	--	--	P	--	P	§156.0315 (b)(3)	MS, CS, E
<i>With Outdoor Use Area</i>	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	--	--	L/ N	P	L/ N	§156.0315(d)	
<i>With Live Entertainment</i>	L/ N/ C	L/ N/ C	L/ N/ C	L/ N/ C	L/ N/ C	L/ N/ C	--	--	--	L/ N/ C	--	L/ N/ C	§156.0315(c)	
<i>Mobile Food Trucks</i>	L	L ¹¹	L	L	L	L	L	L	L	L	L	L	§123.0601-0606	
Financial Institutions	P	P	P	P	P	P	P	--	--	P	--	P		MS, CS, E
Funeral & Mortuary Services	P	--	P	--	--	P	--	--	--	--	--	--		CS, E
Instructional Studios	P	P	P	P	P	P	P	--	--	P	--	P		MS, CS, E
Maintenance & Repair	P	P	P	P	P	P	P	P	P	P	--	P		CS, E
Off-Site Services	P	P	P	P	P	P	--	P	--	--	--	P		
Personal Services	P	P	P	P	P	P	P	--	--	P	--	P		MS, CS, E
Radio & Television Studios	P	P	P	P	P	P	P	--	--	P	--	P		CS, E

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS														
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Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	EE ⁷	Additional Regulations	MS/CS & E Overlays ¹⁵
Visitor Accommodations														
<i>Hotels and Motels</i>	P	P ³	P	P	P	P	P ¹³	--	--	P	--	P		CS, E
Separately Regulated Commercial Service Uses														
Boarding Kennels/Pet Day Care Facilities	L	L	L	L	L	L	L	--	--	L	--	--	§141.0604	CS, E
Veterinary Clinics & Animal Hospitals	L	L	L	L	--	L	L	--	--	--	--	--	§141.0625	CS, E
Assembly Uses, including Places of Religious Assembly	P	P	P	P	P	P	C	--	--	P	--	P	<u>§141.0602</u>	CS
Child Care Facilities	P	P	P	P	P	P	P	--	--	P	--	P	<u>§141.0606</u>	CS, E
<i>Outdoor Activities</i>	N/ C	N/ C	N/ C	N/ C	N/ C	N/ C	N/ C	--	--	N/ C	N/ C	N/ C	§156.0315(de)	MS, CS
Parking Facilities (<i>structure or surface</i>) ⁸	C	C	C	C	C	C	C	C	C	C	C	C	§156.0313	CS
Private Clubs, Lodges and Fraternal Organizations	P	P	P	P	P	P	P	--	--	P	--	P		
<i>Pushcarts on private property</i>	L	L	L	L	L	L	--	--	L	L	L	L	§141.0619	
<i>Recycling Facilities</i>														
Drop-Off Facilities	L	L	L	L	L	L	L	L	L	L	--	L	§141.0620(b)	
Reverse Vending Machines	L	L	L	L	L	L	L	L	L	L	--	L	§141.0620(c)	

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 E = Employment Overlay

Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	EE ⁷	Additional Regulations	MS/CS & E Overlays ¹⁵
Large Collection Facilities and Processing Facilities	--	--	--	--	--	C	--	C	C	--	--	--	§141.0620(e)	
Small Collection Facilities	L	L	L	L	L	L	L	L	L	L	--	L	§141.0620(d)	
Small and Large Processing Facilities	--	--	--	--	--	C	--	C	C	--	--	--	§141.0620(f)	
Sidewalk Cafes ¹⁰ , Streetaries, and Active Sidewalks	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	--	--	L/ N	L/ N	L/ N	§141.0621	
SRO Hotels	P	P ³	P	P	--	P	P	--	--	--P	--	--	§143.0510- §143.0590	
Urgent Care Facilities	P	P	P	P	--	P	P	--	--	P	--	--	§141.0624	CS, E
Offices ⁽⁹⁾	P	P	P	P	P	P	P	--	--	P	--	P		CS, E
Vehicle & Vehicular Equipment Sales & Service														
Personal Vehicle Sales & Rental Offices	P	P	P	P	P	P	--	P	--	P	--	P		CS, E
All Other Vehicle & Vehicular Equipment Sales & Services	--	--	--	--	--	C	--	C	C	--	--	--		
Separately Regulated Vehicle & Vehicular Equipment & Service Uses														
Automobile Service Stations	--	--	EE	EE	E	C	--	C	C	--	--	--	§141.0801	

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS														
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS = Commercial Street; E = Employment Overlay														
Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CE ⁷	Additional Regulations	MS/CS & E Overlays ¹⁵
Distribution and Storage														
Distribution Facilities	L ⁴ ₌	--	L ⁴ ₌	L ⁴ ₌	P	P ⁴	--	P	P	--	--	--		
Moving & Storage Facilities	L ⁴ ₌	--	L ⁴ ₌	L ⁴ ₌	P	P ⁴	--	P	P	--	--	--		
Separately Regulated Distribution and Storage Uses														
Temporary Construction Yards	N	N	N	N	N	N	N	N	N	N	--	N		
Industrial														
Artisan Food and Beverage Producer ¹²	L	L	L	L	L	L	--	L	L	L	L	L	§141.1001	CS, E
Heavy Manufacturing	--	--	--	--	--	--	--	C	--	--	--	--		
Light Manufacturing	--	--	--	--	P	P	--	P	P	--	--	--		
Marine Industry	--	--	--	--	--	C	--	C	--	--	--	--		
Research & Development	P	P	P	P	P	P	--	P	P	P	--	--		E
Trucking and Transportation Terminals	--	--	--	--	--	C	--	C	C	--	--	--		
Separately Regulated Industrial Uses														
Cannabis Production Facilities	-	-	-	-	-	-	-	-	-	-	-	-		
Signs														
Allowable Signs	P	P	P	P	P	P	P	P	P	P	P	P	§142.1201 §142.1292 §156.0314	

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS

LEGEND: P = Permitted by Right; C = Conditional Use Permit Required;
 -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required;
 S = Site Development Permit Required; MS = Main Street; CS = Commercial Street;
 E = Employment Overlay

Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	EE ⁷	Additional Regulations	MS/CS & E Overlays ¹⁵
Separately Regulated Signs Uses														
Community Entry or Neighborhood Identification Signs	N	N	N	C	N	N	N	N	N	N	N	N	§141.1101 §141.1104	
Reallocation of Sign Area Allowance	N	N	N	C	N	N	N	N	N	N	N	N	§141.1103	
Revolving Projecting Signs	N	N	N	C	N	N	N	N	N	N	N	N	§141.1104	
Automatic Changing Copy	N	N	N	C	N	N	N	N	N	N	N	N	§141.1105	
Theater Marquees	N	N	N	C	N	N	--	--	N	N	N	N	§141.1106	
Other Use Requirements														
Temporary Uses and Structures	L	L	L	L	L	L	L	L	L	L	L	L	§123.0401	

Footnotes for Table 156-0308-A

¹ through ³ [No change in text.]

⁴ Limited to 20 percent gross floor area above grade. Not permitted within the San Diego Promise Zone.

⁵ through ¹⁴ [No change in text.]

¹⁵ Development, where the building permit application is submitted prior to January 1, 2029, that converts commercial ground-floor street frontage in an existing structure to residential uses, where all of the dwelling units are affordable at a cost that does not exceed 30 percent of 150 percent of the area median income, shall be allowed subject to all applicable regulations.

§156.0309 FAR Regulations and TDRs

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

(d) FAR Bonuses

Development may exceed the maximum *base FAR* for the site established by Figure H if the *applicant* provides certain public benefits or *development* amenities. ~~Table 156-0309-A shows the maximum amount of *FAR bonus* that may be earned by providing benefits or amenities, and Figure J shows the maximum *FAR bonus* that may be purchased for a site through the *FAR Payment Bonus Program* (exclusive of bonuses for affordable housing as described in Section 156.0309(d)(1)).~~ The increased *density* earned through each *FAR bonus* shall be in addition to any other increase in *density* allowed by any other *density* bonus program. Any *development* that earns an *FAR bonus* through any of the *FAR bonus* provisions of this Section shall either record covenant restrictions, CC&Rs, or an easement on the property to ensure that the requirements of each *FAR Bonus* are met.

The public benefits and *development* amenities that may earn a *FAR bonus* are the following:

TABLE 156-0309-A: FAR BONUS	
Public Benefit/Development Amenity	<i>FAR Bonus</i> (to be added to maximum Base FAR)
Affordable Housing	See Section 156.0309(d)(1)
<i>Urban-Open Space</i>	Up to 6.0—See Section 156.0309(d)(2)
Three <i>bedroom</i> units	See Section 156.0309(d)(3)
<i>Eco-Roofs</i>	Up to 1.0—See Section 156.0309(d)(4)
<i>Employment Uses</i>	See Section 156.0309(d)(5)
<i>Child Care Facilities</i>	See Section 156.0309(e)(6)
<i>FAR Payment Bonus Program</i>	See Section 156.0309(d)(6) and Figure J

TABLE 156-0309-A: FAR BONUS	
Public Benefit/Development Amenity	<i>FAR Bonus (to be added to maximum Base FAR)</i>
Sustainable Building	Up to 2.0 — See Section 156.0309(d)(7)
<i>Public Improvements along a Greenway</i>	2.0 — See 156.0309(d)(8)

(1) Affordable Housing. An *applicant* proposing a residential *development* that is entitled to a *density* bonus pursuant to the Affordable Housing Regulations (AHR), Chapter 14, Article 3, Division 7 of the Land Development Code, may increase the permitted *FAR* as specified below.

(A) [No change in text.]

(B) *Development* may provide either rental or for-sale affordable *dwelling units*, regardless of whether the market rate *dwelling units* within the *development* are for rent or sale. *Development* under these provisions shall be subject to the following requirements in addition to those in the AHR:

(i) through (iv) [No change in text.]

(v) For *development* meeting the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(d)(1), 143.0720(d)(2), 143.0720(d)(3), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(i); where the *premises* contains any of the following uses as of January 1, 2023: Vehicle & Vehicular Equipment Sales & Services, Automobile

Service Stations, Car Wash, Oil Change and Lubrication Service, Moving & Storage Facilities, Parking Facilities, Surface Parking lots, Maintenance & Repair Facilities, or Drive-Throughs Restaurants, and those uses are to be replaced with residential *development*, the *development shall receive* an additional *density* bonus of 50 percent ~~shall be added to~~ of the AHR bonus ~~percentage~~.

(C) [No change in text.]

(2) *Urban Open Space. Development* that reserves a portion of their site for the *development* of public *urban open space* may qualify for an FAR bonus of 2.0, 4.0, ~~or 6.0~~, or 8.0, subject to the following criteria:

(A) The amount of *FAR bonus* shall be based on the following criteria:

(i) *Development* that provides Active Sidewalks in accordance with Section 141.0621(c) and includes amenities which achieve a minimum of 3.5 points per Appendix D of the Parks Master Plan shall receive an *FAR Bonus* of 2.0 or 4.0 if the length of the Active Sidewalk is greater than 150 linear feet.

(ii) *Urban open space* that is at least 10 percent of the site and includes amenities which achieve a minimum of 7 points per Appendix D of the Parks Master Plan shall receive an *FAR Bonus* of ~~2.0~~ 4.0.

(iii) *Urban open space* that is at least 15 percent of the site and includes amenities which achieve a minimum of 10.5 points per Appendix D of the Parks Master Plan shall receive an *FAR Bonus* of ~~4.0~~ 6.0.

(iv) *Urban open space* that is at least 20 percent of the site and includes amenities which achieve a minimum of 14 points per Appendix D of the Parks Master Plan shall receive an *FAR Bonus* of ~~6.0~~ 8.0.

(v) [No change in text.]

(B) through (C) [No change in text.]

(3) Three *Bedroom Units*. To encourage larger *dwelling units* and accommodate larger *families, developments* that provide at least ~~five~~ 5 three *bedroom* units, with each *bedroom* containing a minimum of 70 square feet and have *CC&Rs* recorded on the property requiring the number of *bedrooms* in those units shall be entitled to an FAR bonus, subject to the following criteria:

- (A) Development providing at least 5 percent of the total amount of dwelling units within the development as three bedroom units shall receive an FAR bonus of 1.0.
- (AB) Development providing at least 10 percent of the total amount of dwelling units within the development as three bedroom units shall receive an FAR bonus of 1.0 3.0.
- (BC) Development providing at least 20 percent of the total amount of dwelling units within the development as three bedroom units shall receive an FAR bonus of 2.0 5.0.
- (D) Development providing at least 30 percent of the total amount of dwelling units within the development as three bedroom units shall receive an FAR bonus of 7.0.
- (CE) Development providing at least 50 percent of the total amount of dwelling units within the development as three bedroom units, with at least 20 10 percent of those units affordable up to 30 percent of 150 percent of the area median income, shall have no limit on density.

(4) through (6) [No change in text]

- (7) FAR Payment Bonus Program. An FAR Payment Bonus Program has been established to permit applicants to purchase additional FAR. The maximum amount of FAR which may be purchased through this program shall be as shown in Figure J. Up to 4.0 of additional FAR above the maximum FAR identified in Figure J

may be purchased at 1.5 times the price-per-square-foot of the FAR Bonus Payment Program. Further, an FAR Payment Bonus Program payment may be used to waive a requirement of Section 156.0310(g)(1) through (4) at an amount equal to the purchase of 1.0 FAR for each requirement waived.

(8) Sustainable Building. *Development* that demonstrates a high level of building sustainability by achieving a targeted level of performance may qualify for an FAR bonus of 1.0 or 2.0, subject to the following criteria:

(A) California Green Building Standard Code (CALGreen): As adopted by the State of California, CALGreen includes voluntary performance tiers. *Development* that complies with CALGreen Tier II ~~may earn a~~ and provides a double row of canopy trees along each street frontage, triangulated with required street trees at the curblines, shall receive an FAR bonus of 1.0.

(B) LEED®: The US Green Building Council (USGBC) manages LEED® Core & Shell and LEED® for new construction. *Development* that provides a double row of canopy trees along each street frontage, triangulated with required street trees at the curblines, shall receive an FAR bonus of 1.0 if it also achieves LEED® Silver certification ~~may earn a FAR bonus of 1.0 and development that, or an~~

FAR bonus of 2.0 if it achieves a LEED® Gold or higher certification ~~may earn a FAR bonus of 2.0.~~

- (C) *CC&Rs* shall be recorded on the property providing for the *development* and perpetual maintenance of all measures that are identified to earn a *FAR Bonus*. Prior to the issuance of any Building Permits the applicant shall provide a financial surety to ensure the timely completion of the LEED® certification process to the satisfaction of the City Manager. Within 180 days of receiving the final Certificate of Occupancy for a *development*, the *applicant* shall submit documentation that demonstrates achievement of the applicable *LEED®* rating, to the satisfaction of the City Manager. If the *applicant* fails to submit documentation, equivalent payment shall be made to the *FAR Bonus Fund*.

- (9) *Greenways*. *Development* that includes *public improvements* consistent with Section 156.0304(b)(3)(A) through (D), shall be entitled to an *FAR Bonus* of 2.0 or 4.0 if the public improvement is greater than 150 linear feet.

- (10) *Development* that includes a minimum of 100 residential *dwelling units* where 20 percent of the total residential *dwelling units* are affordable up to 30 percent of 150 percent of the area *median*

income shall have no limit on density. Non-residential uses may occupy no more than 20 percent of the gross floor area.

- (11) For development which utilizes any of the FAR Bonus provisions in Section 156.0309(d)(1) through (9) where the premises contains existing development which is less than the Base Minimum FAR, as identified on Figure H, as of January 1, 2024, the development shall receive an additional density bonus of 30 percent of the FAR Bonus. If the building permit application is deemed complete between January 1, 2024 and January 1, 2029, the development shall receive an additional density bonus of 50 percent of the FAR Bonus.

(e) Exemptions from FAR Calculations

The following exemptions apply to the calculations for FAR:

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

- (3) ~~Public Parking. Above grade parking areas permanently available for public use shall not be counted as gross floor area for the purposes of calculating the FAR for the development. A public parking easement shall be executed for such facilities with restrictions and covenants acceptable to the City Manager.~~ Child Care. All floor area that is dedicated to a child care facility in compliance with the requirements of Section 141.0606 shall not be counted as gross floor area for the purposes of calculating the FAR for the development.

(4) ~~*Main Streets Active Commercial Uses*~~. All floor area located on the ground floor or ground-floor mezzanine that is directly accessible to the street and is dedicated to active commercial uses and is located either on main streets, on C Street, or within the San Diego Promise Zone, shall not be counted as gross floor area for the purposes of calculating the FAR for the development.

(5) [No change in text.]

(f) [No change in text.]

§156.0310 Development Regulations

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

(d) Building Bulk. Building bulk is divided into three main areas of the building: the *building base*, the *mid-zone*, and the *tower*. The *mid-zone* shall be applicable only in the areas within the Large Floorplate and Employment Overlay Districts, as illustrated in Figure C. The *development* standards for building bulk are summarized in Table 156-0310-A:

Table 156-0310-A: Development Standards

[No change in text.]

(1) *Building Base*

(A) [No change in text.]

(B) *Street Wall Frontage*. A *street wall* containing habitable space shall be provided along 100 percent of the *street frontage*, with the following exceptions:

(i) through (iii) [No change in text.]

(iv) ~~Internal entry courts, auto courts, or auto drop-offs~~
~~may be allowed behind the required *street wall*~~

Preservation of existing mature trees;

(v) through (viii) [No change in text.]

(C) through (G) [No change in text.]

(2) through (3) [No change in text.]

(e) *Ground-floor Heights*

The minimum *ground-floor* height for buildings, measured from the average *grade* of the adjoining public sidewalk, in increments of no more than 100 feet along a *street* frontage, to the finished elevation of the second *floor*, and for a depth of at least 15 feet, shall be the average of:

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

(f) through (j) [No change in text.]

§156.0311 Urban Design Regulations

The following urban design standards are intended to create a distinct urban character for the Centre City Planned District, ensure that *development* is designed with a pedestrian orientation, and foster a vital and active street life.

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

(e) *Blank Walls*

Blank walls on the ground level of buildings are limited in order to provide a pleasant and rich pedestrian experience.

- (1) No more than 30 percent of the linear frontage of the first-story street wall may consist of blank walls. The maximum length of any continuous blank wall is 20 feet, or 40 feet if the blank wall includes artwork either living walls or fragrant planters along 30 percent of the blank wall frontage.

(2) through (5) [No change in text.]

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

§156.0313 Parking, Loading, Traffic and Transportation Demand Management Standards

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

~~(e) North Embarcadero Off-Street Parking Space Requirements~~

~~The parking requirements in Table 156-0313-C shall apply to developments located west of California Street between Harbor Drive and West Laurel Street. Reasonable accommodations to the parking requirements shall be granted if necessary to afford disabled persons equal housing opportunities under state or federal law, in accordance with Section 131.0466.~~

- ~~(1) Bicycle Storage. Secured bicycle storage shall be provided at a ratio of one area reasonably sized to accommodate one bicycle for every five dwelling units. Bicycle storage areas shall be enclosed with access restricted to authorized persons. Any common storage area to serve more than one dwelling unit shall provide racks or fixtures on which to lock individual bicycles.~~

- (2) ~~Provided Parking. If one or more *off-street parking spaces* are provided in a *development*, then the following requirements apply:~~
- ~~(A) The *off-street parking spaces* shall consist only of *unbundled parking*.~~
 - ~~(B) The number of accessible *off-street parking spaces* shall be provided in accordance with Title 24 of the California Code of Regulations (California Building Standards Code).~~
 - ~~(C) The number of off-street electric vehicle charging spaces shall be provided in accordance with the California Green Building Standards Code.~~
 - ~~(D) One motorcycle parking space shall be provided for every ten parking spaces.~~
- (3) ~~Maximum Parking. *Off-street parking spaces* in tandem or within a mechanical automobile lift are not counted as additional *off-street parking space*. A *development* may exceed the maximum *off-street parking spaces* identified in Table 156-0313-C if all of the following apply:~~
- ~~(A) The *development floor area ratio* is no less than 80 percent of the base maximum *floor area ratio*; and~~
 - ~~(B) At least 20 percent of the total *off-street parking spaces* provided include electric vehicle supply equipment for the ready installation of charging stations; and~~

- (C) The *development* provides transportation amenities in accordance with Section 142.0528(c) worth at least four points; and
- (D) All *off-street parking spaces* that exceed the allowed maximum shall be within an underground parking garage on the same *premises*.

TABLE 156-0313-C

NORTH EMBARCADERO OFF-STREET PARKING REQUIREMENTS

Use Category	Minimum		Maximum		Notes
<i>Dwelling units including Permanent Supportive Housing</i>	0		1 space per <i>dwelling unit</i>		
<i>Living Units & Single Room Occupancy Hotel Rooms</i>	Market rate unit	0	Market rate unit	0.5 spaces per unit	Maximum parking shall be based on the occupancy or rent restriction applied to the specific unit.
	50% AMI	0	50% AMI	0.2 spaces per unit	
	At or below 40% AMI	0	At or below 40% AMI	0	
<i>Group Living</i>	0		0.1 spaces per room		
<i>Live/Work or Shopkeeper Unit</i>	0		1 space per unit		
<i>Residential Care Facilities</i>	0		1 space per every ten beds		
<i>Transitional Housing Facilities</i>	0		1 space per every 6 beds and 1 space per on-site employee		
Office	0				
<i>Hotel</i>	0				
Warehouse & Storage	0				
Retail	0				
Restaurant	0				

(~~dc~~) Enclosed Parking

All parking provided within a *development* shall be enclosed and architecturally integrated into, or on top of, a *structure*.

(~~ed~~) Below-Grade Parking

At least three levels of below-*grade* parking shall be provided prior to the provision of any above-*grade* parking, with the following exceptions:

(1) through (5) [No change in text.]

(~~fe~~) Existing Buildings

Buildings may be converted from one land use to another without providing additional parking spaces.

(~~gf~~) *Structured Parking Facility Standards*

~~The following standards apply to all~~ All parking must be provided below-*grade*. Above-*grade* parking facilities may only be allowed if all of the following requirements are met:

(1) [No change in text.]

(2) All parking located above the ground level shall meet the following standards:

(A) ~~Development located on a site of less than 30,000 square feet does not require encapsulated parking~~ shall include no less than 100 percent of the Base Maximum *Floor Area Ratio*;

(B) *Development* located on a site of 30,000 square feet or more shall encapsulate at least 50 percent of the cumulative

building façades directly abutting *street frontages* with habitable residential or non-residential uses.

(C) For each *street frontage* in which at least 50 percent of the above-grade parking is not encapsulated, one of the following shall be provided:

(i) An active sidewalk with either a double row of canopy trees or *fragrant planters* along the *street frontage*;

(ii) Living walls on at least 30% of the above-grade parking along the *street frontage*; or

(iii) An *FAR bonus* payment in an amount equal to the purchase of 0.5 *FAR*.

(D) Public parking within a *development* is allowed without additional permits so long as it makes up less than 50 percent of the total number of provided parking spaces.

(EE) Roof-top parking is allowed if all parking spaces, excluding drive aisles, are covered with a roof rooftop mounted solar photovoltaic panels or a landscaped trellis structure.

(~~DF~~) Parking levels located above the ground level shall be shielded from view by a solid wall or headlight-obscuring *screen* a minimum height of 42 inches, measured from the finished *floor* of the adjoining parking space.

(~~EG~~) Any open areas in the exterior *building façade* of the *structure* shall be designed as an integral component of the overall architecture of the *development*.

(~~FH~~) All above-*grade* parking facilities directly abutting a public *street* shall exhibit level floor areas for a minimum distance of 40 feet from the *property line* to allow for future conversion to habitable uses.

(3) through (7) [No change in text.]

(hg) Surface Parking Lot Standards

Surface parking lots are interim land uses and shall be designed according to the following standards:

(1) Temporary surface parking lots may be permitted with approval of a Conditional Use Permit in accordance with Process Three for a maximum period of two years subject to the following standards:

(A) through (D) [No change in text.]

(E) For parking lots of 30,000 square-feet or more, at least 30 percent of the public *street frontage* shall include *placemaking or outdoor activities with a minimum depth of 10 feet.*

(2) [No change in text.]

(i) ~~Off Site Parking Provisions~~

~~Developments may provide required off-street parking spaces at an off-site location. The off-site location shall be within 500 feet of the development served by the parking, measured property line to property line, and shall be secured by CC&Rs recorded on both properties in a form acceptable to the City Attorney's Office that ensure the parking facility's use without reduction in spaces in perpetuity (unless another off-site location is secured in compliance with this Section).~~

(h) Parking Space Standards

All parking spaces required by this Division shall meet City standards in accordance with Section 142.0560 of the Land Development Code.

(k) Vehicular Access

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

(j) Driveway Slopes and Security Gates

Driveway slopes shall meet the requirements of Section 142.0560(j)(9) of the Land Development Code. There shall be a transition behind the *public right-of-way* not to exceed a gradient of 5 percent for a distance of 10 feet. Security gates for parking garages shall be located a minimum distance of 10 feet from the front *property line*, and the door swing of any security gate shall not encroach into the 10-foot required minimum distance from the front *property line*. Security gates shall be constructed of an upgraded screening material that is at least 80% non-transparent.

(m) ~~Centre City Cumulative Trip Generation Rates~~

~~Centre City Trip Generation Rates are as specified in the City of San Diego Land Development Manual, Appendix N.~~

(nk) *Transportation Demand Management (TDM)*

To reduce single-occupant vehicle trips into the Centre City Planned District, *applicants* for proposed commercial and *hotel development* containing over 50,000 square feet of *gross floor area* shall achieve a minimum of 25 points by implementing *TDM* measures contained in Table 156-0313-D.

TABLE 156-0313-D: TRANSPORTATION DEMAND MANAGEMENT (TDM)

[No change in text.]

§156.0315 Separately Regulated Uses

(a) On-Site Alcohol Beverage Sales

~~The sale of alcoholic beverages for on-site consumption shall be subject to the following regulations and permits, in addition to applicable state and local regulations:~~ is permitted by right at *bona-fide eating establishments*. *Non bona-fide eating establishments*, bars, assembly and entertainment uses, *outdoor activities*, and other similar commercial establishments of 5,000 square feet or greater, that provide alcoholic beverages for consumption on the *premises*, shall obtain a Neighborhood Use Permit in accordance with Process Two.

~~(1) *Bona-fide eating establishments* that offer made-to-order food during all business hours may provide alcoholic beverages on the premises by right.~~

~~(2) *Non-bona-fide eating establishments, bars, assembly and entertainment uses, outdoor activities and other similar commercial establishments that provide alcoholic beverages for consumption on the premises* shall be required to obtain a Neighborhood Use Permit in accordance with Process Two.~~

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

(d) *Outdoor Use Areas*

Outdoor Use Areas are subject to the following regulations:

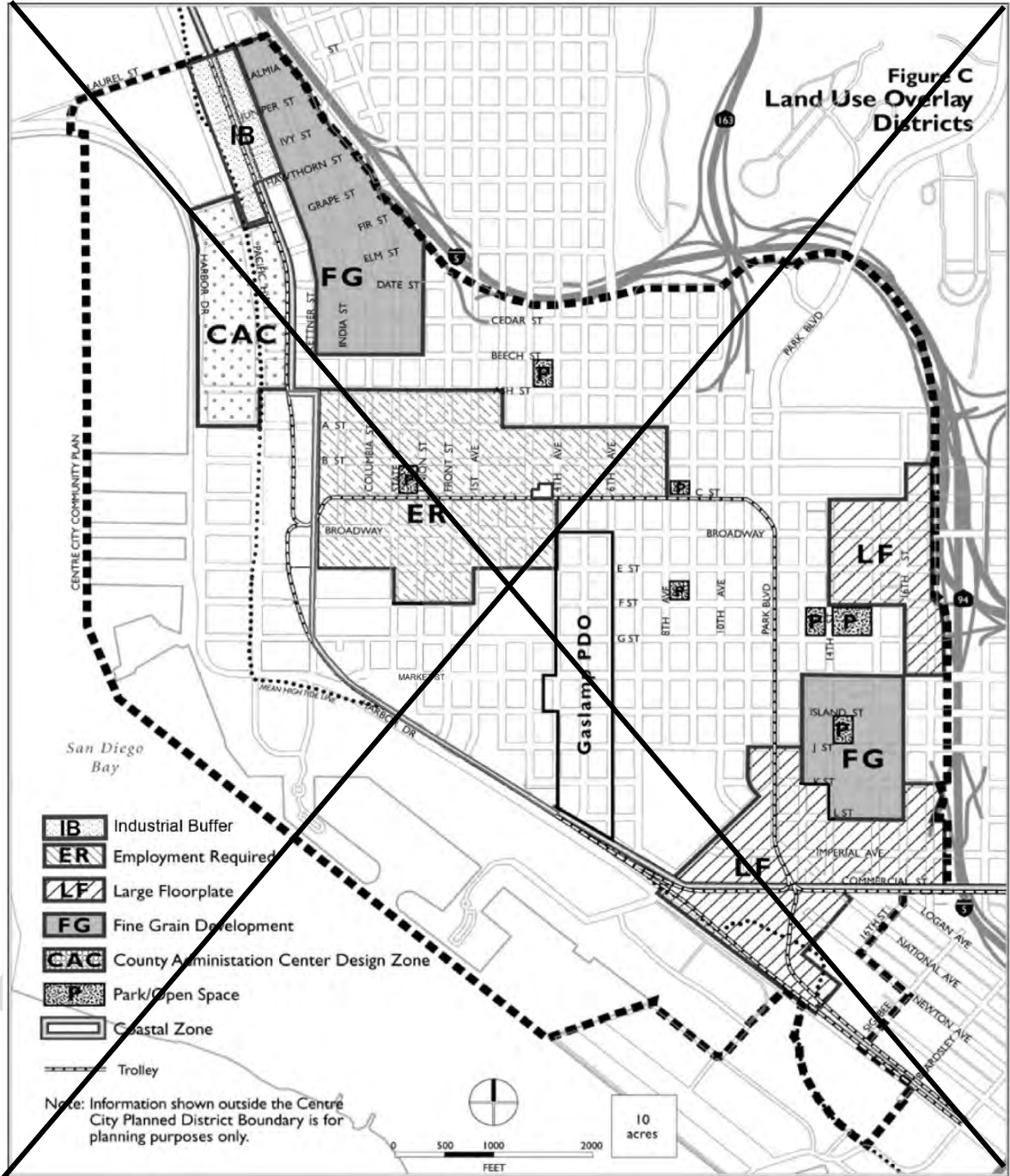
(1) through (2) [No change in text.]

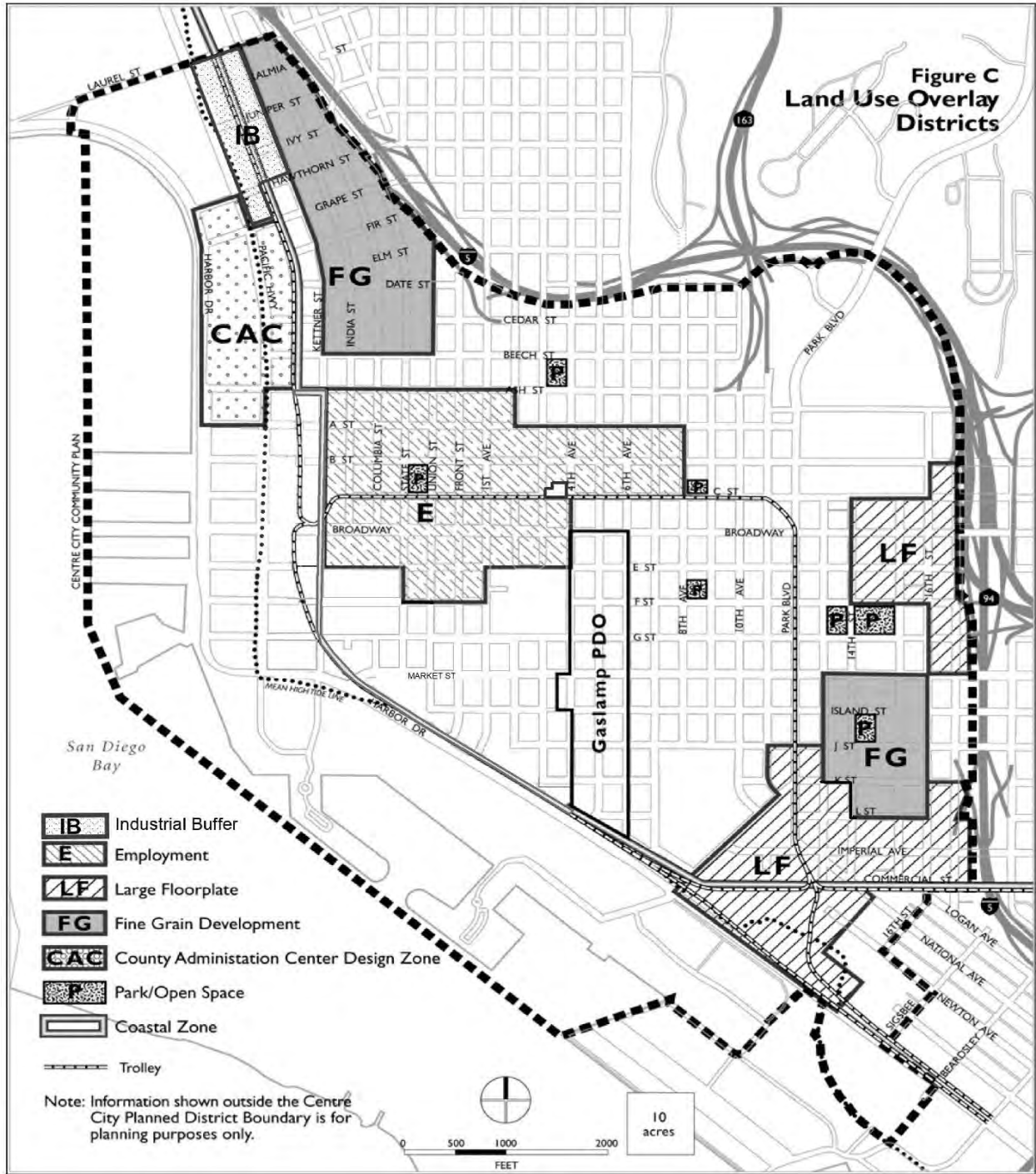
(3) Any establishment with an *Outdoor Use Area* located above the ground-level and/or that is greater than ~~350~~ 2,000 square feet in area shall obtain a Neighborhood Use Permit in accordance with a Process Two.

(e) through (k) [No change in text.]

Figure B: Land Use Districts

[No change in text.]





**Figure D: Main Street Overlay and Commercial Street Overlay through Figure H: Base
Minimum & Maximum FAR**

[No change in text.]

Figure J: Maximum FAR Through Bonus Payment

[No change in text.]

**Figure M: Public Park Sun Access Height Limits through Figure N: Little Italy Sun Access
Maximum Building Envelope**

[No change in text.]

Article 7: ~~Gaslamp Quarter~~ Planned Districts

Division 1: ~~General Rules~~ Gaslamp Quarter Planned District

§157.0101 Purpose and Intent

~~The downtown area of the City of San Diego began within the area currently known as the Gaslamp Quarter Planned District and contains the highest concentration of historically significant commercial *structures* in the City of San Diego. In 1980, the entire Gaslamp Quarter Planned District was listed as a *historical district* on the National Register of Historic Places. The National Register designation includes, but it not limited to, architecturally significant *structures* built between 1873 and 1930. The purpose of the Gaslamp Quarter Planned District Ordinance is to establish design and *development* criteria to ensure that the *development* and redevelopment of the Gaslamp Quarter Planned District (District) and Gaslamp Quarter Historical District implement the goals of the Downtown Community Plan.~~

The distinctive historical character of the District will be retained and enhanced by established procedures and regulations that are deemed necessary to:

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

§157.0103 Administration

The City Manager is responsible for the planning and zoning functions of the City of San Diego within the Gaslamp Quarter Planned District. The City Manager, or his or her designee, shall administer the Gaslamp Quarter Planned District Ordinance as set forth in this Article and ensure compliance with the regulations and procedures of this Article, the Gaslamp Quarter Planned District Design Guidelines, the Downtown Community Plan, the Centre City Streetscape Manual, ~~the Centre City Redevelopment Plan~~, and any other policies or guidelines adopted by the City of San Diego to implement the Downtown Community Plan.

§157.0104 Applicable Regulations

Where not otherwise specified in this Article, the following regulations of the Land Development Code, including all Articles and Divisions within each Chapter unless otherwise stated, shall apply.

- Chapter 11 Land Development Procedures
- Chapter 12 Land Development Reviews
- Chapter 13 Zones
- Chapter 14 General Regulations
- Chapter 15 Planned Districts, Article 1, Division 1

Where there is a conflict between the applicable regulations of the Land Development Code and this Article, the regulations of this Article shall govern.

(a) Gaslamp Quarter Planned District Design Guidelines

(1) The Gaslamp Quarter Planned District Design Guidelines supplement the regulations set forth in this Article and include review procedures, standards, and guidelines for *development* within the Gaslamp Quarter Planned District. Where there is a conflict between ~~regulations of the Gaslamp Quarter Planned~~ District Design Guidelines and this Article, the regulations of this Article shall govern.

(2) The Gaslamp Quarter Planned District Design Guidelines may be amended as needed to ~~comply with revisions to local, state or federal law. The document may be amended~~ in either one of the following ways:

(A) Minor amendments shall be approved by the City Manager and shall be filed in the office of the City Clerk as errata sheets to Document No. RR-306002. Minor amendments shall include changes ~~to clarify language or concepts, to reformat or reorganize language, or to reflect new or outdated technology or techniques~~ that do not qualify as a major amendment; or

- (B) Major amendments shall be reviewed by the Planning Commission and the Historical Resources Board and approved by the City Council. Major amendments shall include any changes that ~~do not qualify as a minor amendment~~. Major amendments shall be reviewed by the ~~Planning Commission and the Historical Resources Board~~ prior to approval by the City Council modify general design regulations for new buildings or designated historical resources.

§157.0105 Gaslamp Quarter Approvals and Permits

(a) Approvals

- (1) The City Manager's or their designee's approval is required, in accordance with the processes set forth in this Division, prior to the commencement of any of the following activities:

- (A) New construction of any structure;
(B) Grading;
(C) Demolition of any structure;
(D) Additions to any existing structures;
(E) Alterations or remodeling of the exterior of any existing structures;
(F) Installation of any awning;
(G) Installation of any sign;
(H) Painting the exterior of any structures;

- (I) Installation of any sidewalk café;
- (J) Installation of any exterior utilities visible from or within the public right-of-way; or
- (K) Installation of any exterior mechanical equipment or ductwork.

(2) The City Manager’s or their designee’s approval, in accordance with Process One, is required for minor alterations to a historical resource consistent with the Secretary of the Interior’s Standards and in accordance with Chapter 14, Article 3, Division 2 of the Land Development Code, this Article, and the Gaslamp Quarter Planned District Design Guidelines. For purposes of this section, “Minor alterations” means activities that:

- (A) Enhance, restore, maintain, repair or allow adaptive reuse of a historical resource;
- (B) Do not adversely affect the special character or special historical, architectural, archeological, or cultural value of the resource; and
- (C) Will conform to the standards embodied in the designation of the historical district.

(b) Permits

(1) Conditional Use Permit

- (A) A Conditional Use Permit, in accordance with Process Three, is required for the following uses:

(i) Establishments providing live music, entertainment or dancing, as provided in Section 157.0111(c)(2) and (4);

(ii) Establishments engaged in the sale of alcoholic beverages for consumption off the premises; and

(iii) Ground floor uses over 10,000 square feet.

(B) Conditional Use Permits shall be reviewed and considered pursuant to this Article and consistent with applicable provisions of Chapter 12, Article 6, Division 3 of the Land Development Code and Chapter 14, Article 1 of the Land Development Code.

(2) Site Development Permit

(A) A Site Development Permit, in accordance with Process Four, is required for substantial alterations, as defined in Section 143.0250 of the Land Development Code, to a historical resource.

(B) Site Development Permits for substantial alterations shall be reviewed and considered pursuant to this Article and Chapter 14, Article 3, Divisions 2 and 3 of the Land Development Code and consistent with applicable provisions of Chapter 12, Article 6, Division 5 of the Land Development Code.

§157.0106 **Removal of Damaged Historical Resources**

If any-designated or contributing *historical resource* is damaged by earthquake, fire, or act of God and is determined unsafe by the Building Official, the property owner may apply for a *development* permit to demolish the resource. The permit shall be referred to the Historical Resources Board pursuant to Chapters 11, 12, and 14 of the Land Development Code. Alternatively, the property owner may apply for a permit to restore or reconstruct the *historical resource* in accordance with the Secretary of the Interior's Standards and the Land Development Code. In the case of an emergency, the City Manager, in consultation with the Building Official and the staff of the Historical Resources Board, may authorize without a public hearing, the minimum amount of work necessary to protect the public health, safety, and welfare, pursuant to Section 143.0214 of the Land Development Code.

§157.0107 **Character of the Area**

The Gaslamp Quarter Planned District is unique in that it marks the beginning area of development for downtown San Diego. The area retains much of the original architecture of its early history as a collection of late 19th and early 20th century *structures*. The District is valued for its historical significance not only at the local level by the City of San Diego and also on a national level by the United States Department of the Interior.

The architecture of the area is characterized by *structures* erected during a 57 year period from 1873 to 1930. The *structures* are typically 2 to 4 *stories* high and are constructed of common brick with continuous facades at the *property line*.

Ground-floors are frequently 20 feet high with cornices separating them from the upper floors. Corbeling is very often found at the terminal cornice, particularly in the case of brick buildings. The front sides of the structures are often designed with closely set bays framed with segmental, stilted, or flat arches that are 10 to 12 feet apart. The openings are deep-set and the entrances are typically inset. Heavy ornate cornices and spandrels, carefully detailed parapets, and bay windows are also typical design elements of the structures.

§157.0108 **General Design Regulations for New Buildings**

The City Council has adopted the Gaslamp Quarter Planned District Design Guidelines which contain architectural and design guidelines to be used in evaluating the appropriateness of any development for which a permit is applied under this Article. Nothing in this Division shall preclude the use of any affordable housing density bonus programs identified in Chapter 14, Article 3, Division 7 of the Land Development Code so long as the development maintains consistency with the Secretary of Interior's Standards for historical resources.

(a) **Building Height Regulations**

Building heights in the Gaslamp Quarter Planned District are measured from the average grade of the adjoining public sidewalk grades, to the top of the parapet of the highest habitable floor.

Uninhabited roof structures that conceal mechanical equipment or elevator or stair overruns are exempt from this requirement when they are set back from the front property line by at least 15 feet, are not visible from the right-of-way, and do not project above a 45-degree plane inclined inward

from the top of the parapet(s) of any street wall adjoining a public *right-of-way*; up to a maximum height of 30 feet.

- (1) All structures must maintain a minimum height of 30 feet at the *property line*.
- (2) Building heights shall be a maximum of 75 feet.
- (3) Building height may be increased to a maximum of 101 feet on parcels 20,000 square feet or more subject to the following:
 - (A) The site contains no contributing *historical structures*.
 - (B) The *development* shall not exceed an *FAR* of 6.0.
 - (C) Building elements greater than 75 feet in height shall be set back a minimum of 50 feet from Fifth Avenue.
 - (D) The additional stories comply with all applicable *massing*, *architectural style*, *material use*, *articulation*, *setbacks*, and *fencing standards* set forth in the *Gaslamp Quarter Planned District Design Guidelines*.
- (4) Building height may be increased to a maximum of 125 feet on parcels 30,000 square feet or more subject to the following:
 - (A) The maximum *FAR* shall not exceed 6.0; building elements greater than 75 feet in height shall be set back a minimum of 50 feet from the Fifth Avenue *public right-of-way*.
 - (B) The site contains no contributing *historic structures*.
 - (C) On sites containing any contributing *historic structures*, the *development* shall be approved in accordance with *Process*

5, provided that the City Council finds that the proposed project offers significant architectural, aesthetic, and community benefits to the District.

(b) Street Wall Requirements

Buildings shall provide a continuous street wall plane and strong street edge definition at the property line.

(1) The street wall of all buildings shall be continuous at the property line except for storefront entry. Doors shall not project into the public right-of-way by more than 12 inches.

(2) Street wall glazing shall be deeply recessed with detailed window frames permitted to protrude beyond the front face of the building. Cornices, bay windows, and ornamentation may project into the public right-of-way at upper levels to a distance no greater than 4 feet.

(3) Ground floor treatment shall have a traditional storefront character and pedestrian scale in the details.

(4) Façades located along Fourth, Fifth and Sixth avenues shall incorporate at least one primary entrance from the public right-of-way within that façade. A minimum of 60 percent of the street facing building façades along Fourth, Fifth and Sixth avenues shall contain storefronts allowing views of indoor space and direct access from the street.

(c) Floor-to-Floor Heights

- (1) The ground-floor height shall be no less than 12 feet and no greater than 20 feet, measured from finish floor to finish floor.
- (2) The exterior façades of new construction and infill buildings must respect the floor-to-floor heights typical of adjoining structures. A lesser floor height may be permitted to allow for mezzanines and design expression for other contemporary uses.

(d) Building Façade Design Criteria

- (1) All buildings in the Gaslamp Quarter Planned District shall observe the dominant *historical building* pattern which is characterized by a delineation of a building base, middle, and top.
- (2) The building base shall be defined by a projecting band and/or articulated recess in a continuous horizontal direction across the *building façade*.
- (3) A kickplate or bulkhead shall be included, which shall be a minimum of 12 inches and a maximum of 30 inches.
- (4) Storefronts shall consist of large glass panels with bulkheads below.
- (5) Storefront frames shall be set back from the building surface by 3 inches. Glass panels shall be set back from the storefront frame a minimum of 1 inch.
- (6) Above the ground-floor, the building shall contain the window openings which coincide with the horizontal floor bands and may be capped with a cornice.

(7) All windows above the ground-floor shall have a longer vertical dimension than horizontal dimension and shall be punched into the wall plane, with the window glass set back a minimum of 4 inches from the outside plane.

(e) Architectural Fabric and Materials

(1) The use of plaster shall be limited to 20 percent of the base and 60 percent of the overall building facade.

(2) Reflective silver aluminum storefront window systems are not permitted.

(3) Frameless storefront systems are not permitted.

(4) Permanent, temporary or retractable grates, grills or bars are not permitted on windows, doors or alcoves.

(f) Additional Stories Requirements

Additional stories are not permitted for development on sites that contain contributing historical structures. Additional stories shall comply with the following criteria:

(1) The additional stories are limited to a flat roofed volume containing a maximum height of 26 feet. The height of the additional stories will be measured from the top of the adjacent building roof to the top of the highest additional stories parapet.

(2) The minimum setback for additional stories is 15 feet from any building facade adjoining a public right-of-way.

- (3) At the maximum additional *stories* height of 26 feet, the volume shall be set back 30 feet from any *building façade* adjoining a *public right-of-way*.
- (4) The volume shall be set back a minimum of 50 feet from any *building façade* adjoining Fifth Avenue.
- (5) The parapet of all street facing *building facades* shall be solid and a minimum of 24 inches tall.
- (6) Open grill fences and/or solid *screen* walls are allowed in the setback zone provided the following conditions are met:
- (A) Open grill fences (minimum 60 percent open) shall not exceed a height of 5 feet.
- (B) Solid *screen* walls shall not exceed a height of 4 feet.
- (C) No *fences* or *screen* walls are permitted within 8 feet of any *building façade* adjoining a *public right-of-way*.
- (7) Any stair enclosures, mechanical equipment, or other equipment located on the roof of the additional *stories* volume shall be set back a minimum of 25 feet from any street-facing additional *stories* parapet, which is parallel to a *public right-of-way* rather than an interior property line.
- (8) Mechanical equipment and enclosures must not occupy more than 30 percent of the additional *stories* roof area. The maximum height for any mechanical equipment or enclosures atop the additional *stories* is 15 feet.

(9) All mechanical equipment shall be fully screened from all views including from above, with solid walls or screens with a maximum of 50 percent transparency.

Refer to the Gaslamp Quarter Design Guidelines for specific guidelines and figures.

§157.0109 **General Guidelines for Designated Historical Structures**

(a) General Considerations

Contributing buildings in the Gaslamp Quarter Planned District are those that have been individually designated or designated by the Historical Resources Board as part of the Gaslamp Quarter Planned District nomination to the National Park Service. Typical alterations of contributing buildings range from the repainting of façades or building elements to the construction of additions to the buildings. The appendix of the Gaslamp Quarter Planned District Design Guidelines provides a comprehensive list of the contributing buildings in the Gaslamp Quarter Planned District. Refer to the San Diego Register of Historical Resources and the National Register of Historic Places for newly listed *historical buildings* and resources in the Gaslamp Quarter Planned District. Any proposed alterations to contributing resources shall follow the appropriate Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historical Buildings.

(b) Code and Zoning Considerations

The California Historical Building Code (Chapter 8, Title 24, California Code of Regulations) applies to reviews of qualified *historical structures*.

§157.0110 Permitted Uses

No building or improvement or portion thereof shall be used except as permitted by this Division. Permitted ground-floor uses in the Gaslamp Quarter Planned District are limited to active commercial uses such as restaurants and retail of consumer goods and services. No single user or business shall occupy more than 10,000 square feet on the ground-floor of a building except as provided in Section 157.0111(d).

The uses allowed in the Gaslamp Quarter Planned District are shown in Table 157-0110-A, below. The “Additional Regulations” column references additional regulations applicable to certain uses, which are found in this Article or in the Land Development Code.

<u>Table 157-0110-A: GASLAMP QUARTER PLANNED DISTRICT USE REGULATIONS</u>				
<u>LEGEND: P = Permitted by Right; C = Conditional Use Permit Required;</u>				
<u>-- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required;</u>				
<u>S = Site Development Permit Required</u>				
<u>Use Categories/ Subcategories</u>	<u>Any Floor of a Building</u>	<u>Only Above or Below the First Floor of a Building</u>	<u>Specialized Uses on Any Floor</u>	<u>Additional Regulations</u>
<u>Antique shops</u>	<u>P</u>	<u>==</u>	<u>==</u>	
<u>Art galleries</u>	<u>P</u>	<u>==</u>	<u>==</u>	
<u>Bakeries including combination retail/wholesale establishments</u>	<u>P</u>	<u>==</u>	<u>==</u>	
<u>Barber shops</u>	<u>P</u>	<u>==</u>	<u>==</u>	
<u>Beauty shops</u>	<u>P</u>	<u>==</u>	<u>==</u>	
<u>Bicycle shops</u>	<u>P</u>	<u>==</u>	<u>==</u>	
<u>Bookstores</u>	<u>P</u>	<u>==</u>	<u>==</u>	
<u>Boutiques</u>	<u>P</u>	<u>==</u>	<u>==</u>	

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<u>Use Categories/ Subcategories</u>	<u>Any Floor of a Building</u>	<u>Only Above or Below the First Floor of a Building</u>	<u>Specialized Uses on Any Floor</u>	<u>Additional Regulations</u>
<u>Camera shops/photographic equipment, supplies and film processing</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Clothing stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Computer and copy services stores (including sales, display and copy reproduction) for uses involving printing presses or other large commercial equipment</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Confectionaries (candy stores)</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Condominium sales offices and apartment leasing offices which are utilized primarily for those residential units on the same premises</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Decorator and home accessory shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Delicatessens</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Drafting and blueprint services</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Drug stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Entertainment centers, either freestanding or operating in conjunction with any other permitted use</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Entertainment establishments, as defined in §33.1502 of the San Diego Municipal Code</u>	<u>P</u>	<u>--</u>	<u>--</u>	<u>§157.0111</u>
<u>Financial institutions</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Florists</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Food stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Furniture stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Hardware stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Hobby shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Hotel lobbies</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Ice cream parlors</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Import and art objects stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Jewelry stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Locksmith shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Leather goods stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Luggage shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Medical appliance sales</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Music stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	

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S = Site Development Permit Required				
<u>Use Categories/ Subcategories</u>	<u>Any Floor of a Building</u>	<u>Only Above or Below the First Floor of a Building</u>	<u>Specialized Uses on Any Floor</u>	<u>Additional Regulations</u>
<u>Office furniture and equipment sales</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Pawn shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Personal services</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Pet shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Photographic studios</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Post offices</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Radio and television studios</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Restaurants (excluding drive-in and drive-thru restaurants)</u>	<u>P</u>	<u>--</u>	<u>--</u>	<u>§157.0111</u>
<u>Retail produce markets for the sale of fresh fruit, produce, flowers, plants, meat, poultry and groceries</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Shoe stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Shoe repair shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Shoe shine parlors</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Sporting goods stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Stationers and card shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Theaters</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Tobacco shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Travel agencies</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Variety stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Wedding shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Addressing, secretarial and telephone answering services</u>	<u>--</u>	<u>P</u>	<u>--</u>	
<u>Business and professional office uses (such as accountants, advertising agencies, architects, attorneys, contractors, doctors, real estate agencies, engineers, insurance brokers, securities brokers, surveyors, and graphic artists)</u>	<u>--</u>	<u>P</u>	<u>--</u>	
<u>Dwelling units</u>	<u>--</u>	<u>P</u>	<u>--</u>	
<u>Electronic data processing, tabulating, and record keeping</u>	<u>--</u>	<u>P</u>	<u>--</u>	
<u>Funeral parlors</u>	<u>--</u>	<u>P</u>	<u>--</u>	
<u>Hotel guest rooms</u>	<u>--</u>	<u>P</u>	<u>--</u>	
<u>Labor unions and trade associations</u>	<u>--</u>	<u>P</u>	<u>--</u>	
<u>Lithography shops</u>	<u>--</u>	<u>P</u>	<u>--</u>	
<u>Medical, dental, biological, and x ray laboratories</u>	<u>--</u>	<u>P</u>	<u>--</u>	

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<u>Use Categories/ Subcategories</u>	<u>Any Floor of a Building</u>	<u>Only Above or Below the First Floor of a Building</u>	<u>Specialized Uses on Any Floor</u>	<u>Additional Regulations</u>
<u>Newspaper plants</u>	--	<u>P</u>	--	
<u>Photographic equipment, supplies, and film processing in connection with wholesale uses only</u>	--	<u>P</u>	--	
<u>Private clubs, fraternal organizations, and lodges</u>	--	<u>P</u>	--	
<u>Wholesaling and warehousing</u>	--	<u>P</u>	--	
<u>Charitable organizations (nonprofit or otherwise) and accessory uses</u>	--	--	<u>P</u>	
<u>Churches as an accessory use only</u>	--	--	<u>P</u>	
<u>Museums</u>	--	--	<u>P</u>	
<u>Tourists and historical information centers which are facilities where visitors or residents are given assistance and information about the historical nature of the Gaslamp Quarter Planned District and downtown area of the City of San Diego</u>	--	--	<u>P</u>	
<u>Transitional housing facilities</u>	--	--	<u>L</u>	<u>§141.0313</u>
<u>Permanent supportive housing</u>	--	--	<u>L</u>	<u>§141.0313</u>

(a) Prohibited Uses

The following uses shall be prohibited in the entire District as both
primary and accessory uses:

- (1) Card rooms, defined as any establishment open to the public
wherein games of any kind are played with cards for any
consideration;
- (2) Correctional placement facilities pursuant to Section 141.0406;
- (3) Drive-through businesses; and
- (4) Mobile food trucks as described in Section 141.0612.

(b) Special Regulations for Ground-Floor Uses

Uses may not occupy more than 10,000 square feet on the ground-floor of any building unless a Conditional Use Permit has been approved for such a use pursuant to Section 157.0111(d).

Previously conforming ground-floor uses occupying more than 10,000 square feet may continue to exist on the ground-floor as a previously conforming use subject to Chapter 12, Article 7, Division 1 of the Land Development Code. The ground-floor use may expand into a basement or upper floor only if permitted in accordance with this Division.

(c) Specialized Uses in the Public Right-of-Way

Specialized uses in the public right -of-way which are consistent with the 1873-1930 era may be considered on all streets with the exception of Broadway. Specialized uses to be considered include sidewalk cafes and moveable encroachments such as flower stalls, newsstands, and shoe shine stands. Prior to the use of the public right-of-way for a specialized use, an encroachment permit shall have first been obtained in accordance with Chapter 12, Article 9, Division 7 of the San Diego Municipal Code. A clear separation of the encroachment area and the remainder of the sidewalk shall be provided. Encroachments shall not be allowed to extend out into the public right-of-way for more than half the width of the sidewalk from property line to curb.

§157.0111 Separately Regulated Uses(a) Alcoholic Beverage Sales for On-Site Consumption

(1) Restaurants which offer made-to-order food products during all business hours shall not be required to obtain a Conditional Use Permit for the sale of alcoholic beverages for on-site consumption.

(2) A Neighborhood Use Permit shall be required for the restaurants, including brew pubs or micro-breweries, engaged in the sale of alcoholic beverages for on-site consumption during business hours when made-to-order food products are not available.

(b) Alcoholic Beverage Sales for Off-Site Consumption

(1) Stores greater than 10,000 square feet in floor area where the shelving allocated to alcoholic beverages does not exceed 10 percent of the total shelving within the store, shall not be required to obtain a Conditional Use Permit.

(2) Establishments engaged in the sale of alcoholic beverages for off-site consumption shall be required to obtain a Conditional Use Permit and shall be an *accessory use* to the following *primary uses*:

(A) Delicatessens;

(B) Drug stores/convenience stores;

(C) Food and retail stores;

(D) Restaurants; or

(E) Micro breweries or brew pub.

(3) No wine or distilled spirits shall be sold in containers of less than seven-hundred-fifty (750) milliliters.

- (4) No malt beverage products shall be sold in less than six-pack quantities per sale.
- (5) Quarterly gross sales of alcoholic beverages shall not exceed 25 percent of the quarterly gross sales of the *primary use*.
- (6) No alcoholic beverages shall be sold except between the hours of 10:00 a.m. and 10:00 p.m. of each day of the week.
- (7) After considering the facts presented in the application, a Hearing Officer may grant a Conditional Use Permit at the hearing if it is concluded that all of the applicable criteria set forth in this Division have been met. The Hearing Officer may grant exceptions to sections 157.0111(b)(5) and (6) above if notice of the proposed exception is included in the public notice of the hearing and if the Hearing Officer finds that the proposed use and operations are compatible with existing and planned surrounding land uses. In granting the Conditional Use Permit, the Hearing Officer may impose additional conditions as deemed necessary and desirable to protect the public health, safety, and welfare which address the following issues to ensure compliance with the provisions of this Division:
- (A) Entertainment uses or activities or amusement devices on the *premises*;
- (B) Hours of operation for sales of alcoholic beverages;
- (C) Security measures;

- (D) Potential noise impacts to residential occupants; and
- (E) Lighting, litter and nuisance abatement or any other special requirements for the premises.

(c) Live entertainment

Live entertainment means live performances by musicians, singers, dancers, disc jockeys, or similar entertainers, and may include dancing by customers of an establishment. The provision of live entertainment shall comply with Chapter 3, Article 3, Division 15 of this Code, as applicable, and shall be subject to the following additional regulations and permits:

(1) Acoustic live entertainment

(A) Restaurants which offer made-to-order food products during all business hours may offer performances by live acoustic musicians, dancers, or similar performers as an accessory use up to 11:00 p.m., if the entertainment is not audible outside of the establishment.

(B) Any other establishment offering performances by live acoustic musicians, dancers, or similar performers shall obtain a Neighborhood Use Permit in accordance with Process Two. The performances shall not be audible outside the establishment.

(2) Non-acoustic live entertainment

(A) Any establishment offering performances within an enclosed building by live non-acoustic musicians, disc

jockeys, or patron dancing, shall obtain a Conditional Use Permit in accordance with Process Three.

(B) If located upon or adjacent to a premises containing residential land uses the establishment shall provide a noise impact analysis to the decision-maker for consideration before approval of the Conditional Use Permit. The noise impact analysis shall be prepared by a qualified acoustical engineer and shall evaluate potential noise and vibration impacts to the surrounding neighborhood.

(3) Hotels and motels offering live entertainment in an area completely enclosed within the building and accessed solely through the lobby area are not subject to Section 157.0111(c)(1) or (2), if the live entertainment is not audible outside of the building.

(4) Live entertainment located outside of an enclosed building shall obtain a Conditional Use Permit in accordance with Process Three. The establishment shall provide a noise impact analysis to the decision-maker for consideration before approval of the Conditional Use Permit. The noise impact analysis shall be prepared by a qualified acoustical engineer and shall evaluate noise and vibration impacts to the surrounding neighborhood.

(5) Sound and amplification equipment associated with live entertainment shall conform to the noise abatement and control regulations of Chapter 5, Article 9.5 of this Code.

(d) Ground-Floor Uses Over 10,000 Square Feet

The following findings must be made for approval of a Conditional Use Permit for uses occupying more than 10,000 square feet on the ground floor:

- (1) Uses shall not occupy more than 150 feet of continual linear *street frontage* including around block corners;
- (2) Additional pedestrian entrances shall be provided for *street frontages* greater than 100 feet; and
- (3) The proposed use and the design will create a lively pedestrian experience consistent with the goals and policies adopted for the Gaslamp Quarter Planned District.

§157.0112 Off-Street Parking Requirements

- (a) There shall be no required minimum parking for any uses in the Gaslamp Quarter Planned District. The maximum parking requirements as outlined in Table 157-0112-A shall apply.
- (b) Bicycle Storage. Secured bicycle storage shall be provided at a ratio of one area reasonably sized to accommodate one bicycle for every five *dwelling units*. Bicycle storage areas shall be enclosed with access

restricted to authorized persons. Any common storage area to serve more than one dwelling unit shall provide racks or fixtures on which to lock individual bicycles.

(c) Provided Parking. If one or more off-street parking spaces are provided in a development, then the following requirements apply:

- (1) The off-street parking spaces shall consist only of unbundled parking.
- (2) The number of accessible off-street parking spaces shall be provided in accordance with Title 24 of the California Code of Regulations (California Building Standards Code).
- (3) The number of off-street electric vehicle charging spaces shall be provided in accordance with the California Green Building Standards Code.
- (4) One motorcycle parking space shall be provided for every ten parking spaces.
- (5) Reasonable accommodations to the parking requirements shall be granted if necessary, to afford disabled persons equal housing opportunities under state and federal law, in accordance with Section 131.0466.

(d) Maximum Parking. Off-street parking spaces in tandem or within a mechanical automobile lift are not counted as additional off-street parking space. A development may exceed the maximum off-street parking spaces identified in Table 157-0112-A if all of the following apply:

- (1) At least 20 percent of the total off-street parking spaces provided include electric vehicle supply equipment for the ready installation of charging stations;
- (2) The development provides transportation amenities in accordance with Section 142.0528(c) worth at least four points; and
- (3) Any off-street parking spaces shall be within an underground parking garage.

<u>TABLE 157-0112-A: OFF-STREET PARKING REQUIREMENTS</u>	
<u>Use Category</u>	<u>Maximum</u>
<u>Office</u>	<u>1.5 spaces per 1,000 sf</u>
<u>Commercial/Retail</u>	<u>1.0 spaces per 1,000 sf</u>
<u>Hotel</u>	<u>0.3 spaces per room</u>
<u>Dwelling Units including Permanent Supportive Housing</u>	<u>1.0 spaces per dwelling unit</u>

§157.0113 Signs

The Gaslamp Quarter Design Guidelines set forth design standards for structure, content, lettering, location, size, number, illumination, color, projection and other characteristics for all signs in the Gaslamp Quarter. All signage shall be designed in compliance with the Gaslamp Quarter Design Guidelines.

§157.0114 Awnings and Canopies

Awnings and canopies were used historically in the Gaslamp Quarter Planned District. All new awnings and canopies shall be designed in compliance with the Gaslamp Quarter Design Planned District Guidelines which set forth standards for configuration, placement, and materials.

§157.0115 Sidewalk Cafés

Sidewalk cafes shall comply with Sections 141.0621 and 157.0111(c) of the Land Development Code and the Gaslamp Quarter Planned District Design Guidelines.

§157.0116 Automatic Teller Machines (ATM's)

In general, ATM's (or other similar electronic ticketing or video displays) are not considered to be compatible with the *historical district*. However, as a desirable convenience in today's society, such devices shall be located to minimize their visual impact. Such devices may be installed only on the exterior of a non-contributing building provided they meet the criteria set forth in the Gaslamp Quarter Planned District Design Guidelines.

§157.0117 Public Facilities, Structures and Area

All open spaces, *streets*, sidewalks, street furniture, street *signs*, lighting installations, and any incidental *structures* or monuments, shall conform with the intent of this Article, which is to complement the history and character of the Gaslamp Quarter Planned District in general accord with the period between 1873 to 1930 and shall be subject to the same regulations, conditions and standards established herein.

§157.0118 Rooftop Antennae and Satellite Dishes

Cellular telephone *antennas* or satellite dishes are permitted on *historical buildings* or contributing *structures*, to the extent required by federal or state law. Cellular telephone *antenna*, satellite dishes, and associated screening enclosures on newly constructed buildings shall not be visible from the *public right-of-way*, unless required by federal or state law.

§157.0119 **Previously Conforming Structures**

All signs, awnings, canopies, sidewalk cafés, ATM's, rooftop antennae and satellite dishes, or similar elements which are previously conforming structures which do not conform to the provisions of this Article or the Gaslamp Quarter Planned District Design Guidelines shall be required to be revised, altered, or removed in order to comply with this Article or the Gaslamp Quarter Planned District Design Guidelines no later than five years from September 11, 2010.

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Figure A

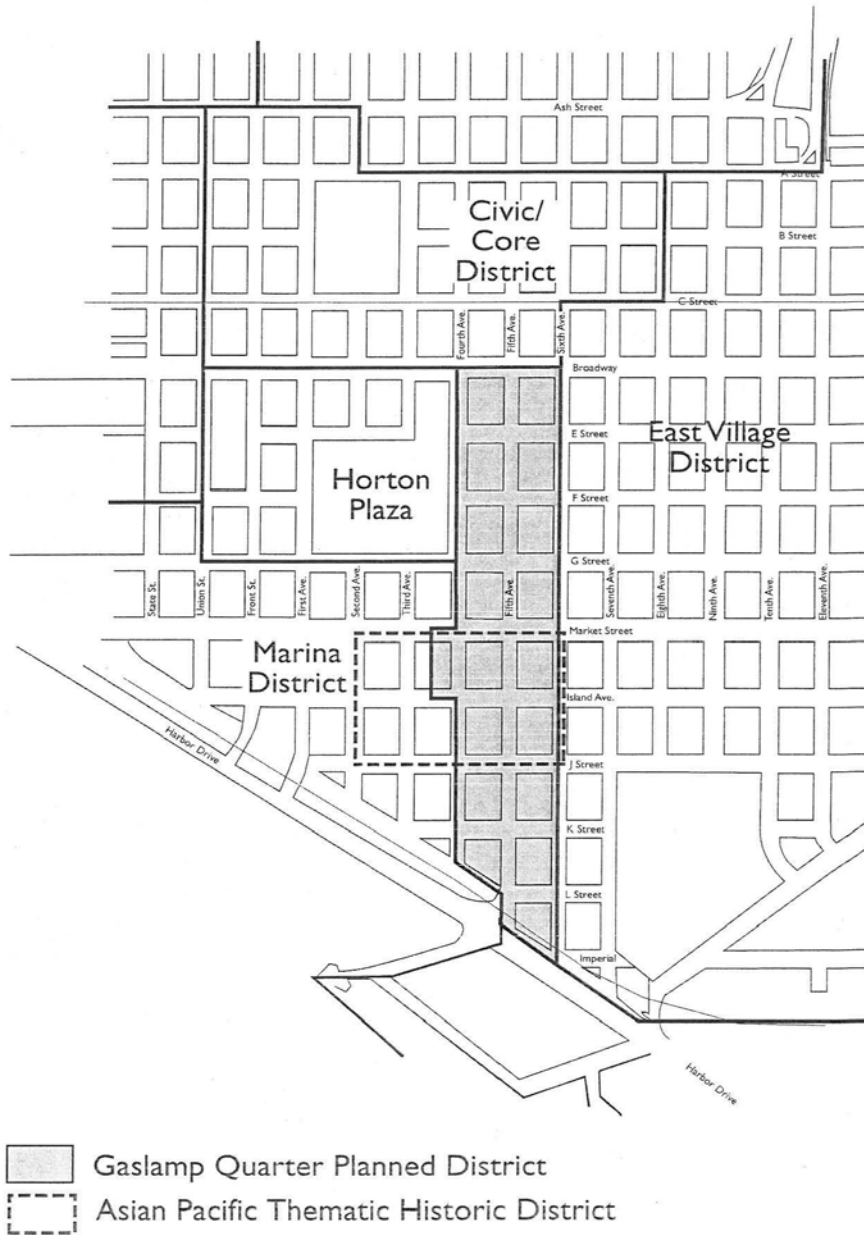


Figure A

Article 7: Gaslamp Planned District

Division 2: Permits and Procedures

§157.0201 Gaslamp Quarter Approvals and Permits

(a) Approvals

(1) ~~The City Manager's or his or her designee's approval is required, in accordance with the processes set forth in this Division, prior to the commencement of any of the following activities:~~

- (A) ~~new construction of any *structure*;~~
- (B) ~~*grading*;~~
- (C) ~~demolition of any *structure*;~~
- (D) ~~additions to any existing *structures*;~~
- (E) ~~alterations or remodeling of the exterior of any existing *structures*;~~
- (F) ~~installation of any *awning*;~~
- (G) ~~installation of any *sign*;~~
- (H) ~~painting the exterior of any *structures*;~~
- (I) ~~installation of any sidewalk café;~~
- (J) ~~installation of any exterior utilities visible from or within the *public right of way*; or~~
- (K) ~~installation of any exterior mechanical equipment or ductwork.~~

(2) ~~The City Manager's or his or her designee's approval, in accordance with Process One, is required for minor alterations to a *historical resource* consistent with the Secretary of the Interior's Standards and in accordance with Chapter 14, Article 3, Division 2~~

of the Land Development Code, this Article, and the Gaslamp Quarter Planned District Design Guidelines. For purposes of this section, “Minor alterations” means activities that:

- (A) enhance, restore, maintain, repair or allow adaptive reuse of a historical resource;
- (B) do not adversely affect the special character or special historical, architectural, archeological, or cultural value of the resource; and
- (C) will conform to the standards embodied in the designation of the *historical district*.

The City Manager or his or her designee, may refer the application to the Historical Resources Board for its recommendation prior to taking action on an application for a minor alteration. The provisions of this Section shall not affect the authority of the Historical Resources Board as set forth in Section 111.0206 of the Land Development Code in connection with development permits.

(b) Permits

(1) Gaslamp Quarter Development Permit

A Gaslamp Quarter Development Permit, in accordance with Section 157.0203, is required for new construction involving 1,000 square feet or more of *gross floor area* (GFA) not within an existing *building envelope*.

(2) Neighborhood Use Permit

- (A) ~~A Neighborhood Use Permit, in accordance with Process Two, is required for the following uses:~~
- ~~(i) Sidewalk cafés in the *public right-of-way* or any other outdoor area for eating or drinking on private property used in connection with a commercial establishment;~~
 - ~~(ii) Deviations to parking requirements pursuant to Section 157.0401(f); or~~
 - ~~(iii) Restaurants, including brew pubs or micro-breweries, engaged in the sale of alcoholic beverages for on-site consumption during business hours when made-to-order food products are not available, as provided in Section 157.0305(a)(2).~~

~~(B) Neighborhood Use Permits shall be reviewed and considered pursuant to this Article and consistent with applicable provisions of Chapter 12, Article 6, Division 2 of the Land Development Code.~~

(3) Conditional Use Permit

- ~~(A) A Conditional Use Permit, in accordance with Process Three, is required for the following uses:~~
- ~~(i) Establishments providing live music, entertainment or dancing, as provided in Section 157.0305(c)(2) and (4);~~

~~(a) Process One~~

~~An application for a permit or approval processed in accordance with Process One may be approved or denied by the City Manager, or his or her designee, based upon criteria outlined in this Article, the Downtown Community Plan, the Gaslamp Quarter Planned District Design Guidelines, the Centre City Streetscape Manual, and any requirements of the City of San Diego to implement the Downtown Community Plan. A public hearing will not be held.~~

~~(b) Process Two~~

~~An application for a permit or approval processed in accordance with Process Two may be approved, conditionally approved, or denied by the City Manager, or his or her designee, consistent with Section 112.0503 of the Land Development Code. Applicants may appeal Process Two decisions in accordance with Section 112.0504 of the Land Development Code.~~

~~(c) Process Three~~

~~An application for a permit or approval processed in accordance with Process Three may be approved, conditionally approved, or denied by a Hearing Officer consistent with Section 112.0505 of the Land Development Code. Applicants may appeal Process Three decisions in accordance with Section 112.0506 of the Land Development Code.~~

(d) ~~Process Four~~

~~An application for permit or approval processed in accordance with Process Four may be approved, conditionally approved, or denied by the Planning Commission consistent with Section 112.0507 of the Land Development Code. Applicants may appeal Process Four decisions to the City Council in accordance with Section 112.0508 of the Land Development Code.~~

(e) ~~Process Five~~

~~An application for permit or approval processed in accordance with Process Five may be approved, conditionally approved, or denied by the City Council consistent with the procedures set forth in Section 112.0509 of the Land Development Code.~~

§157.0203 ~~Gaslamp Quarter Development Permit Procedures~~

(a) ~~Permit Review Process~~

~~All projects requiring a Gaslamp Quarter Development Permit pursuant to Section 157.0201(b)(1) shall be processed as follows:~~

- ~~(1) The City Manager may approve, conditionally approve, or deny new construction of buildings proposed under Section 157.0302(a)(2) in accordance with Process Two.~~
- ~~(2) The City Manager may approve, conditionally approve, or deny new construction proposed under Section 157.0302(a)(3) in~~

~~accordance with Process Two. The Historical Resources Board shall review and make recommendations on the *development* to the City Manager prior to making a decision on the project.~~

- ~~(3) The City Council may approve, conditionally approve or deny new construction of buildings up to 125 feet in height with an FAR of up to 6.0 on sites of 30,000 square feet or more located south of Island Avenue, subject to Section 157.0302(a)(4), in accordance with Process Five. The *development* shall be reviewed, and a recommendation provided by the Historical Resources Board and the Planning Commission prior to consideration by the City Council.~~

~~(b) Permit Notice Procedures~~

~~For all projects requiring a Gaslamp Quarter Development Permit, public notice of the application for a Gaslamp Quarter Development Permit shall be provided in accordance with Chapter 11, Article 2, Division 3 of the Land Development Code:~~

~~(c) Permit Determination~~

- ~~(1) A Gaslamp Quarter Development Permit may be approved or conditionally approved based upon written findings that the project, as submitted or modified, is consistent with this Article, the Centre City Redevelopment Plan, the Downtown Community Plan, the Gaslamp Quarter Planned District Design Guidelines, the~~

~~San Diego Municipal Code and any other adopted plans or policies of the City of San Diego applicable to the Gaslamp Quarter Planned District.~~

~~(2) A Gaslamp Quarter Development Permit may be denied based upon written findings that the project is not consistent with this Article, the Centre City Redevelopment Plan, the Downtown Community Plan, the Gaslamp Quarter Planned District Design Guidelines, the San Diego Municipal Code and any other adopted plans or policies of the City of San Diego applicable to the Gaslamp Quarter Planned District.~~

~~(d) Permit Time Limits~~

~~A Gaslamp Quarter Development Permit approved under this Division will be valid for a period of 3 years from the date of issuance. If a Gaslamp Quarter Development Permit has not been utilized in accordance with Section 126.0108 of the Land Development Code, the Gaslamp Quarter Development Permit may be extended for a period of 3 years pursuant to Section 126.0111 of the Land Development Code.~~

~~(e) Permit Issuance~~

~~Upon approval and issuance of a Gaslamp Quarter Development Permit, the applicant shall be responsible for obtaining all additional permits or licenses necessary for the applicant to complete the project. These additional permits and licenses shall conform to all other applicable regulations and ordinances.~~

§157.0205 ~~Removal of Damaged Historical Resources~~

~~If any designated or contributing *historical resource* is damaged by earthquake, fire, or act of God and is determined unsafe by the Building Official, the property owner may apply for a *development* permit to demolish the resource. The permit shall be referred to the Historical Resources Board pursuant to Chapters 11, 12, and 14 of the Land Development Code. Alternatively, the property owner may apply for a permit to restore or reconstruct the *historical resource* in accordance with the Secretary of the Interior's Standards and the Land Development Code. In the case of an emergency, the City Manager, in consultation with the Building Official and the staff of the Historical Resources Board, may authorize without a public hearing, the minimum amount of work necessary to protect the public health, safety, and welfare, pursuant to Section 143.0214 of the Land Development Code.~~

~~Article 7: Gaslamp Planned District~~**~~Division 3: Zoning and Subdistricts~~****§157.0301 ~~Character of the Area~~**

~~The Gaslamp Quarter Planned District is unique in that it marks the beginning area of development for downtown San Diego. The area retains much of the original architecture of its early history as a collection of late 19th and early 20th century *structures*. The District is valued for its historical significance not only at the local level by the City of San Diego and also on a national level by the United States Department of the Interior.~~

The architecture of the area is characterized by *structures* erected during a 57 year period from 1873 to 1930. The *structures* are typically 2 to 4 *stories* high and are constructed of common brick with continuous facades at the *property line*. Ground floors are frequently 20 feet high with cornices separating them from the upper floors. Corbeling is very often found at the terminal cornice, particularly in the case of brick buildings. The front sides of the *structures* are often designed with closely set bays framed with segmental, stilted, or flat arches that are 10 to 12 feet apart. The openings are deep set and the entrances are typically inset. Heavy ornate cornices and spandrels, carefully detailed parapets, and bay windows are also typical design elements of the *structures*.

§157.0302 General Design Regulations for New Buildings

The City Council has adopted the Gaslamp Quarter Planned District Design Guidelines which contain architectural and design guidelines to be used in evaluating the appropriateness of any *development* for which a permit is applied under this Article.

(a) **Building Height Regulations**

Building heights in the Gaslamp Quarter Planned District are measured from the average grade of the adjoining public sidewalk grades, to the top of the parapet of the highest habitable floor.

Uninhabited roof *structures* that conceal mechanical equipment or elevator or stair overruns are exempt from this requirement when they are set back from the front *property line* by at least 15 feet, are not visible from the

right-of-way, and do not project above a 45-degree plane inclined inward from the top of the parapet(s) of any street wall adjoining a public *right-of-way*; up to a maximum height of 30 feet.

- (1) ~~All structures must maintain a minimum height of 30 feet at the property line.~~
- (2) ~~Building heights may be increased from 1 foot to 60 feet subject to the provisions of Section 157.0203(a)(1).~~
- (3) ~~Building height may be increased from 61 feet to 75 feet subject to the provisions of Section 157.0203(a)(2).~~
- (4) ~~Building height may be increased to a maximum of 125 feet on parcels 30,000 square feet or more located south of Island Avenue, pursuant to Section 157.0203(a)(3), provided that:~~
 - (A) ~~the maximum FAR shall not exceed 6.0; building elements greater than 75 feet in height shall be set back a minimum of 50 feet from the Fifth Avenue public right-of-way; and~~
 - (B) ~~the City Council finds that the proposed project offers significant architectural, aesthetic, and community benefits to the District.~~
- (5) ~~Building height may be increased on sites that are north of Island Avenue no more than two additional stories that do not exceed 26 feet above the 75 foot maximum allowable building height subject to the provisions of Section 157.0203(a)(2) and as follows:~~

- (A) on sites 20,000 square feet or greater containing no contributing *historical structures*;
- (B) the development does not exceed an *FAR* of 6.0;
- (C) the additional stories must be set back a minimum of 50 feet from Fifth Avenue; and
- (D) the additional stories comply with all applicable height, massing, architectural style, material use, articulation, setbacks, and fencing standards set forth in the Gaslamp Quarter Planned District Design Guidelines.

(b) *Street Wall Requirements*

Buildings shall provide a continuous *street wall* plane and strong *street* edge definition at the *property line*.

(1) The *street wall* of all buildings shall be continuous at the *property line* except for storefront entry. Doors shall not project into the *public right of way* by more than 12 inches.

(2) *Street wall* glazing shall be deeply recessed with detailed window frames permitted to protrude beyond the front face of the building. Cornices, bay windows, and ornamentation may project into the *public right of way* at upper levels to a distance no greater than 4 feet.

(3) Ground floor treatment shall have a traditional storefront character and pedestrian scale in the details.

(4) ~~Facades located along Fourth, Fifth and Sixth avenues shall incorporate at least one primary entrance from the *public right-of-way* within that façade. A minimum of 60 percent of the street facing building façades along Fourth, Fifth and Sixth avenues shall contain storefronts allowing views of indoor space and direct access from the street.~~

(e) ~~Floor to Floor Heights~~

(1) ~~The ground floor height shall be no less than 12 feet and no greater than 20 feet, measured from finish floor to finish floor.~~

(2) ~~The exterior facades of new construction and infill buildings must respect the floor to floor heights typical of adjoining *structures*. For projects requiring a Gaslamp Quarter Development Permit, a lesser floor height may be permitted to allow for mezzanines and design expression for other contemporary uses.~~

(d) ~~Facade Design Criteria~~

(1) ~~All buildings in the Gaslamp Quarter Planned District shall observe the dominant *historical building* pattern which is characterized by a delineation of a building base, middle, and top.~~

(2) ~~The building base shall be defined by a projecting band and/or articulated recess in a continuous horizontal direction across the *building façade*.~~

(3) ~~A kickplate or bulkhead shall be included, which shall be a minimum of 12 inches and a maximum of 30 inches.~~

- (4) ~~Storefronts shall consist of large glass panels with bulkheads below.~~
- (5) ~~Storefront frames shall be set back from the building surface by 3 inches. Glass panels shall be set back from the storefront frame a minimum of 1 inch.~~
- (6) ~~Above the ground floor, the building shall contain the window openings which coincide with the horizontal floor bands and may be capped with a cornice.~~
- (7) ~~All windows above the ground floor shall have a longer vertical dimension than horizontal dimension and shall be punched into the wall plane, with the window glass set back a minimum of 4 inches from the outside plane.~~
- (e) ~~Architectural Fabric and Materials~~
 - (1) ~~The use of plaster shall be limited to 20 percent of the base and 60 percent of the overall *building facade*.~~
 - (2) ~~Reflective silver aluminum storefront window systems are not permitted.~~
 - (3) ~~Frameless storefront systems are not permitted.~~
 - (4) ~~Permanent, temporary or retractable grates, grills or bars are not permitted on windows, doors or alcoves.~~
- (f) ~~Additional *Stories* Requirements~~

Additional *stories* are not permitted for development on sites that contain contributing *historical structures*. Additional *stories* shall comply with the following criteria:

- (1) The additional *stories* are limited to a flat roofed volume containing a maximum height of 26 feet. The height of the additional *stories* will be measured from the top of the adjacent building roof to the top of the highest additional *stories* parapet.
- (2) The minimum setback for additional *stories* is 15 feet from any building façade adjoining a *public right of way*.
- (3) At the maximum additional *stories* height of 26 feet, the volume shall be set back 30 feet from any building façade adjoining a *public right of way*.
- (4) The volume shall be set back a minimum of 50 feet from any facade adjoining Fifth Avenue.
- (5) The parapet of all street facing building facades shall be solid and a minimum of 24 inches tall.
- (6) Open grill fences and/or solid screen walls are allowed in the setback zone provided the following conditions are met:
 - (A) Open grill fences (minimum 60 percent open) shall not exceed a height of 5 feet.
 - (B) Solid screen walls shall not exceed a height of 4 feet.
 - (C) No fences or screen walls are permitted within 8 feet of any building façade adjoining a *public right of way*.

- (7) ~~Any stair enclosures, mechanical equipment, or other equipment located on the roof of the additional *stories* volume shall be set back a minimum of 25 feet from any street-facing additional *stories* parapet, which is parallel to a *public right-of-way* rather than an interior property line.~~
- (8) ~~Mechanical equipment and enclosures must not occupy more than 30 percent of the additional *stories* roof area. The maximum height for any mechanical equipment or enclosures atop the additional *stories* is 15 feet.~~
- (9) ~~All mechanical equipment shall be fully screened from all views including from above, with solid walls or screens with a maximum of 50 percent transparency.~~

§157.0303 General Guidelines for Designated Historical Structures

(a) ~~General Considerations~~

~~Contributing buildings in the Gaslamp Quarter Planned District are those that have been individually designated or designated by the Historical Resources Board as part of the Gaslamp Quarter Planned District nomination to the National Park Service. Typical alterations of contributing buildings range from the repainting of facades or building elements to the construction of additions to the buildings. The appendix of the Gaslamp Quarter Planned District Design Guidelines provides a comprehensive list of the contributing buildings in the Gaslamp Quarter Planned District. Refer to the San Diego Register of Historical Resources~~

~~and the National Register of Historic Places for newly listed *historical buildings* and resources in the Gaslamp Quarter Planned District. Any proposed alterations to contributing resources shall follow the appropriate Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historical Buildings.~~

(b) ~~Code and Zoning Considerations~~

~~The California Historical Building Code (Chapter 8, Title 24, California Code of Regulations) applies to reviews of qualified *historical structures*.~~

§157.0304 Permitted Uses

~~Notwithstanding the uses allowed in Chapter 15, Article 1, Divisions 1 and 4, no building or improvement or portion thereof shall be used except as permitted by this Division. Permitted ground floor uses in the Gaslamp Quarter Planned District are limited to active commercial uses such as restaurants and retail of consumer goods and services. No single user or business shall occupy more than 10,000 square feet on the ground floor of a building except as provided in Section 157.0305(d).~~

(a) ~~Permitted Uses on Any Floor of a Building~~

~~Retail of consumer convenience goods and dispensing of consumer services from the following establishments located on any floor of a building:~~

- (1) ~~antique shops;~~
- (2) ~~art galleries;~~

- (3) ~~bakeries including combination retail/wholesale establishments;~~
- (4) ~~barber shops;~~
- (5) ~~beauty shops;~~
- (6) ~~bicycle shops;~~
- (7) ~~bookstores;~~
- (8) ~~boutiques;~~
- (9) ~~camera shops/photographic equipment, supplies and film processing;~~
- (10) ~~clothing stores;~~
- (11) ~~computer and copy services stores (including sales, display and copy reproduction) for uses involving printing presses or other large commercial equipment;~~
- (12) ~~confectionaries (candy stores);~~
- (13) ~~condominium sales offices and apartment leasing offices which are utilized primarily for those residential units on the same premises;~~
- (14) ~~decorator and home accessory shops;~~
- (15) ~~delicatessens;~~
- (16) ~~drafting and blueprint services;~~
- (17) ~~drug stores;~~
- (18) ~~entertainment centers, either freestanding or operating in conjunction with any other permitted use;~~

- (19) ~~entertainment establishments, as defined in Section 33.1502 of the San Diego Municipal Code, subject to the provisions of Section 157.0305;~~
- (20) ~~financial institutions;~~
- (21) ~~florists;~~
- (22) ~~food stores;~~
- (23) ~~furniture stores;~~
- (24) ~~hardware stores;~~
- (25) ~~hobby shops;~~
- (26) ~~hotel lobbies;~~
- (27) ~~ice cream parlors;~~
- (28) ~~import and art objects stores;~~
- (29) ~~jewelry stores;~~
- (30) ~~locksmith shops;~~
- (31) ~~leather goods stores;~~
- (32) ~~luggage shops;~~
- (33) ~~medical appliance sales;~~
- (34) ~~music stores;~~
- (35) ~~office furniture and equipment sales;~~
- (36) ~~pawn shops;~~
- (37) ~~personal services;~~
- (38) ~~pet shops~~
- (39) ~~photographic studios;~~

- ~~(40) post offices;~~
- ~~(41) radio and television studios;~~
- ~~(42) restaurants (excluding drive-in and drive-thru restaurants), subject to the provisions of Section 157.0305;~~
- ~~(43) retail produce markets for the sale of fresh fruit, produce, flowers, plants, meat, poultry and groceries;~~
- ~~(44) shoe stores;~~
- ~~(45) shoe repair shops;~~
- ~~(46) shoe shine parlors;~~
- ~~(47) sporting goods stores;~~
- ~~(48) stationers and card shops;~~
- ~~(49) theaters;~~
- ~~(50) tobacco shops;~~
- ~~(51) travel agencies;~~
- ~~(52) variety stores; and~~
- ~~(53) wedding shops.~~

~~(b) Permitted Uses Only Above or Below the First Floor of a Building~~

- ~~(1) addressing, secretarial and telephone answering services;~~
- ~~(2) business and professional office uses (such as accountants, advertising agencies, architects, attorneys, contractors, doctors, real estate agencies, engineers, insurance brokers, securities brokers, surveyors, and graphic artists);~~
- ~~(3) dwelling units;~~

- (4) ~~electronic data processing, tabulating, and record keeping;~~
 - (5) ~~funeral parlors;~~
 - (6) ~~hotel guest rooms;~~
 - (7) ~~labor unions and trade associations;~~
 - (8) ~~lithography shops;~~
 - (9) ~~medical, dental, biological, and x-ray laboratories;~~
 - (10) ~~newspaper plants;~~
 - (11) ~~photographic equipment, supplies, and film processing in connection with wholesale uses only;~~
 - (12) ~~private clubs, fraternal organizations, and lodges; and~~
 - (13) ~~wholesaling and warehousing.~~
- (e) ~~Permitted Specialized Uses on Any Floor~~
- (1) ~~charitable organizations (nonprofit or otherwise) and *accessory uses*;~~
 - (2) ~~*churches as an accessory use only*;~~
 - (3) ~~museums; and~~
 - (4) ~~tourists and historical information centers which are facilities where visitors or residents are given assistance and information about the historical nature of the Gaslamp Quarter Planned District and downtown area of the City of San Diego.~~
 - (5) ~~transitional housing facilities, which are permitted as a Limited Use in accordance with Section 141.0313.~~

~~(6) permanent supportive housing, which is permitted as a Limited Use in accordance with Section 141.0315.~~

~~(d) Prohibited Uses~~

~~The following uses shall be prohibited in the entire District as both primary and accessory uses:~~

- ~~(1) card rooms, defined as any establishment open to the public wherein games of any kind are played with cards for any consideration;~~
- ~~(2) correctional placement facilities pursuant to Section 141.0406;~~
- ~~(3) drive-through businesses; and~~
- ~~(4) mobile food trucks as described in Section 141.0612.~~

~~(e) Special Regulations for Ground Floor Uses~~

~~Uses may not occupy more than 10,000 square feet on the ground floor of any building unless a Conditional Use Permit has been approved for such a use pursuant to Section 157.0305(d).~~

~~Previously conforming ground floor uses occupying more than 10,000 square feet may continue to exist on the ground floor as a previously conforming use subject to Chapter 12, Article 7, Division 1 of the Land Development Code. The ground floor use may expand into a basement or upper floor only if permitted in accordance with this Division.~~

~~(f) Specialized Uses in the Public Right-of-Way~~

~~Specialized uses in the public right-of-way which are consistent with the 1873-1930 era may be considered on all streets with the exception of~~

~~Broadway. Specialized uses to be considered include sidewalk cafes and moveable encroachments such as flower stalls, newsstands, and shoe shine stands. Prior to the use of the *public right-of-way* for a specialized use, an encroachment permit shall have first been obtained in accordance with Chapter 12, Article 9, Division 7 of the San Diego Municipal Code. A clear separation of the encroachment area and the remainder of the sidewalk shall be provided. Encroachments shall not be allowed to extend out into the *public right-of-way* for more than half the width of the sidewalk from *property line* to curb.~~

§157.0305 Separately Regulated Uses

- ~~(a) Alcoholic Beverage Sales for On-Site Consumption~~
- ~~(1) Restaurants which offer made-to-order food products during all business hours shall not be required to obtain a Conditional Use Permit for the sale of alcoholic beverages for on-site consumption.~~
- ~~(2) A Neighborhood Use Permit shall be required for the restaurants, including brew pubs or micro-breweries, engaged in the sale of alcoholic beverages for on-site consumption during business hours when made-to-order food products are not available.~~
- ~~(b) Alcoholic Beverage Sales for Off-Site Consumption~~
- ~~(1) Stores greater than 10,000 square feet in floor area where the shelving allocated to alcoholic beverages does not exceed 10 percent of the total shelving within the store, shall not be required to obtain a Conditional Use Permit.~~

~~(2) Establishments engaged in the sale of alcoholic beverages for off-site consumption shall be required to obtain a Conditional Use Permit and shall be an *accessory use* to the following *primary uses*:~~

- ~~(A) delicatessens;~~
- ~~(B) drug stores/convenience stores;~~
- ~~(C) food and retail stores;~~
- ~~(D) restaurants; or~~
- ~~(E) micro breweries or brew pub.~~

~~(3) No wine or distilled spirits shall be sold in containers of less than seven hundred fifty (750) milliliters.~~

~~(4) No malt beverage products shall be sold in less than six pack quantities per sale.~~

~~(5) Quarterly gross sales of alcoholic beverages shall not exceed 25 percent of the quarterly gross sales of the *primary use*.~~

~~(6) No alcoholic beverages shall be sold except between the hours of 10:00 a.m. and 10:00 p.m. of each day of the week.~~

~~(7) After considering the facts presented in the application, a Hearing Officer may grant a Conditional Use Permit at the hearing if it is concluded that all of the applicable criteria set forth in this Division have been met. The Hearing Officer may grant exceptions to sections 157.0305(b)(5) and (6) above if notice of the proposed exception is included in the public notice of the hearing and, if the~~

Hearing Officer finds that the proposed use and operations are compatible with existing and planned surrounding land uses. In granting the Conditional Use Permit, the Hearing Officer may impose additional conditions as deemed necessary and desirable to protect the public health, safety, and welfare which address the following issues to ensure compliance with the provisions of this Division:

- (A) entertainment uses or activities or amusement devices on the premises;
- (B) hours of operation for sales of alcoholic beverages;
- (C) security measures;
- (D) potential noise impacts to residential occupants; and
- (E) lighting, litter and nuisance abatement or any other special requirements for the premises.

(e) Live entertainment

Live entertainment means live performances by musicians, singers, dancers, disc jockeys, or similar entertainers, and may include dancing by customers of an establishment. The provision of live entertainment shall comply with Chapter 3, Article 3, Division 15 of this Code, as applicable, and shall be subject to the following additional regulations and permits:

(1) Acoustic live entertainment

- (A) Restaurants which offer made to order food products during all business hours may offer performances by live

~~acoustic musicians, dancers, or similar performers as an accessory use up to 11:00 p.m., if the entertainment is not audible outside of the establishment.~~

~~(B) Any other establishment offering performances by live acoustic musicians, dancers, or similar performers shall obtain a Neighborhood Use Permit in accordance with Process Two. The performances shall not be audible outside the establishment.~~

~~(2) Non-acoustic live entertainment~~

~~(A) Any establishment offering performances within an enclosed building by live non-acoustic musicians, disc jockeys, or patron dancing, shall obtain a Conditional Use Permit in accordance with Process Three.~~

~~(B) If located upon or adjacent to a premises containing residential land uses the establishment shall provide a noise impact analysis to the decision-maker for consideration before approval of the Conditional Use Permit. The noise impact analysis shall be prepared by a qualified acoustical engineer and shall evaluate potential noise and vibration impacts to the surrounding neighborhood.~~

~~(3) Hotels and motels offering live entertainment in an area completely enclosed within the building and accessed solely through the lobby~~

~~area are not subject to Section 156.0315(e)(1) or (2), if the live entertainment is not audible outside of the building.~~

~~(4) Live entertainment located outside of an enclosed building~~

~~Establishments offering live entertainment outside of an enclosed building shall obtain a Conditional Use Permit in accordance with Process Three. The establishment shall provide a noise impact analysis to the decision maker for consideration before approval of the Conditional Use Permit. The noise impact analysis shall be prepared by a qualified acoustical engineer and shall evaluate noise and vibration impacts to the surrounding neighborhood.~~

~~(5) Sound and amplification equipment associated with live entertainment shall conform to the noise abatement and control regulations of Chapter 5, Article 9.5 of this Code.~~

~~(d) Uses Containing Outdoor Areas for Eating or Drinking~~

~~Establishments with outdoor areas for eating or drinking located either on private property or in the *public right of way* in connection with a commercial establishment shall be required to obtain a Neighborhood Use Permit in accordance with Process Two.~~

~~(e) Ground Floor Uses Over 10,000 Square Feet~~

~~The following findings must be made for approval of a Conditional Use Permit for uses occupying more than 10,000 square feet on the ground floor:~~

- (1) ~~uses shall not occupy more than 150 feet of continual lineal *street frontage* including around block corners;~~
- (2) ~~pedestrian entrances shall be provided for *street* frontages greater than 100 feet; and~~
- (3) ~~the proposed use and the design will create a lively pedestrian experience consistent with the goals and policies adopted for the Gaslamp Quarter Planned District.~~

Article 7: Gaslamp Planned District

Division 4: General and Supplemental Regulations

§157.0401 Off Street Parking Requirements

- (a) ~~There shall be no required minimum parking for any uses in the Gaslamp Quarter Planned District. The maximum parking requirements as outlined in Table 157-0401-A shall apply.~~
- (b) ~~Bicycle Storage. Secured bicycle storage shall be provided at a ratio of one area reasonably sized to accommodate one bicycle for every five *dwelling units*. Bicycle storage areas shall be enclosed with access restricted to authorized persons. Any common storage area to serve more than one *dwelling unit* shall provide racks or fixtures on which to lock individual bicycles.~~
- (c) ~~Provided Parking. If one or more *off street parking spaces* are provided in a *development*, then the following requirements apply:~~
 - (1) ~~The *off street parking spaces* shall consist only of *unbundled parking*.~~

- (2) ~~The number of accessible *off-street parking spaces* shall be provided in accordance with Title 24 of the California Code of Regulations (California Building Standards Code).~~
- (3) ~~The number of off-street electric vehicle charging spaces shall be provided in accordance with the California Green Building Standards Code.~~
- (4) ~~One motorcycle parking space shall be provided for every ten parking spaces.~~
- (5) ~~*Reasonable accommodations* to the parking requirements shall be granted if necessary, to afford *disabled persons* equal housing opportunities under state and federal law, in accordance with Section 131.0466.~~
- (d) ~~Maximum Parking. *Off-street parking spaces* in tandem or within a mechanical automobile lift are not counted as additional *off-street parking space*. A *development* may exceed the maximum *off-street parking spaces* identified in Table 157-0401-A if all of the following apply:~~
- (1) ~~At least 20 percent of the total *off-street parking spaces* provided include electric vehicle supply equipment for the ready installation of charging stations;~~
- (2) ~~The *development* provides transportation amenities in accordance with Section 142.0528(e) worth at least four points; and~~
- (3) ~~Any *off-street parking spaces* shall be within an underground parking garage.~~

Use Category	Minimum	Maximum	Notes
Office		1.5 spaces per 1,000-sf	
Commercial/Retail		1.0 spaces per 1,000-sf	
Hotel		0.3 spaces per room	
<i>Dwelling Units including Permanent Supportive Housing</i>		1.0 spaces per <i>dwelling unit</i>	

§157.0402 Signs

The Gaslamp Quarter Design Guidelines set forth design standards for structure, content, lettering, location, size, number, illumination, color, projection and other characteristics for all *signs* in the Gaslamp Quarter. All signage shall be designed in compliance with the Gaslamp Quarter Design Guidelines.

§157.0403 Awnings and Canopies

Awnings and canopies were used historically in the Gaslamp Quarter Planned District. All new *awnings* and canopies shall be designed in compliance with the Gaslamp Quarter Design Planned District Guidelines which set forth standards for configuration, placement, and materials.

§157.0404 Sidewalk Cafés

Sidewalk cafes shall comply with Sections 141.0621 and 157.0305(c) of the Land Development Code and the Gaslamp Quarter Planned District Design Guidelines.

§157.0405 ~~Automatic Teller Machines (ATM's)~~

~~In general, ATM's (or other similar electronic ticketing or video displays) are not considered to be compatible with the *historical district*. However, as a desirable convenience in today's society, such devices shall be located to minimize their visual impact. Such devices shall ATMS may be installed only on the exterior of a non-contributing building provided they meet the criteria set forth in the Gaslamp Quarter Planned District Design Guidelines.~~

§157.0406 ~~Public Facilities, Structures and Area~~

~~All open spaces, *streets*, sidewalks, street furniture, street *signs*, lighting installations, and any incidental *structures* or monuments, shall conform with the intent of this Article, which is to complement the history and character of the Gaslamp Quarter Planned District in general accord with the period between 1873 to 1930 and shall be subject to the same regulations, conditions and standards established herein.~~

§157.0407 ~~Rooftop Antennae and Satellite Dishes~~

~~Cellular telephone *antennas* or satellite dishes are permitted on *historical buildings* or contributing *structures*, to the extent required by federal or state law. Cellular telephone *antenna*, satellite dishes, and associated screening enclosures on newly constructed buildings shall not be visible from the *public right-of-way*, unless required by federal or state law.~~

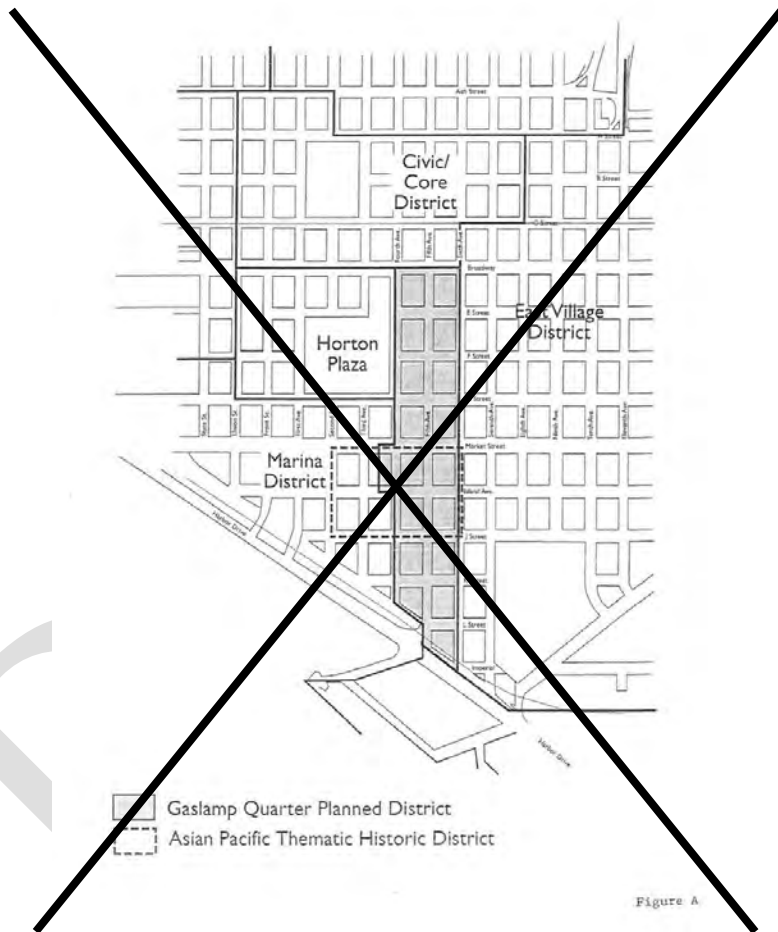
§157.0408 ~~Previously Conforming Structures~~

~~All *signs*, *awnings*, canopies, sidewalk cafés, ATM's, rooftop *antennae* and satellite dishes, or similar elements which are *previously conforming structures*~~

which do not conform to the provisions of this Article or the Gaslamp Quarter Planned District Design Guidelines shall be required to be revised, altered, or removed in order to comply with this Article or the Gaslamp Quarter Planned District Design Guidelines no later than five years from September 11, 2010.

Article 15: Gaslamp Quarter Planned District

Figure A



CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 18 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.1801; AMENDING CHAPTER 2, ARTICLE 2, DIVISION 24 BY AMENDING THE TITLE OF DIVISION 24, AND BY RETITLING AND AMENDING SECTION 22.2402; AMENDING CHAPTER 8, ARTICLE 6, DIVISION 21 BY AMENDING SECTION 86.2102; AMENDING CHAPTER 9, ARTICLE 8, DIVISION 6 BY AMENDING SECTION 98.0607; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 1 BY AMENDING SECTION 112.0103; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 3 BY AMENDING SECTION 112.0310; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2 BY AMENDING SECTIONS 113.0222, 113.0234 AND 113.0246; AMENDING CHAPTER 12, ARTICLE 2, DIVISION 1 BY AMENDING SECTION 122.0107; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 4 BY AMENDING SECTION 125.0410; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 9 BY AMENDING SECTION 125.0950; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 10 BY AMENDING SECTION 125.1050; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 1 BY AMENDING SECTIONS 126.0108 AND 126.0113, AND BY ADDING NEW SECTION 126.0109; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0502; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTION 126.0702; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 1 BY ADDING NEW SECTION 129.0122; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 2 BY AMENDING SECTION 129.0203; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTION 129.0742; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY REPEALING SECTION 131.0402, AMENDING SECTIONS 131.0420 AND 131.0422, RETITLING AND AMENDING SECTION 131.0423, AND BY AMENDING SECTIONS 131.0431, 131.0442, 131.0443, 131.0445, 131.0446, 131.0449, AND 131.0464; AMENDING CHAPTER 13, ARTICLE 1,

DIVISION 5 BY AMENDING SECTIONS 131.0522, 131.0531, 131.0543 AND 131.0546; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 131.0622 AND 131.0631, AND BY ADDING NEW SECTION 131.0632; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 7 BY AMENDING SECTIONS 131.0702, 131.0703, 131.0704, 131.0707, 131.0709 AND 131.0710, AND BY ADDING NEW SECTION 131.0719; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 4 BY AMENDING SECTION 132.0402; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 12 BY AMENDING SECTIONS 132.1202 AND 132.1205; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14 BY AMENDING SECTION 132.1403, AND BY ADDING NEW SECTIONS 132.1404 AND 132.1405; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 15 BY AMENDING SECTIONS 132.1510, 132.1515, AND 132.1550; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 141.0302, 141.0311, 141.0312, AND 141.0314; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY RETITLING AND AMENDING SECTIONS 141.0413 AND 141.0421, AND BY ADDING NEW SECTION 141.0423; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 141.0606, 141.0622, 141.0624, AND 141.0628; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 7 BY AMENDING SECTION 141.0702; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 3 BY AMENDING SECTIONS 142.0305 AND 142.0360, AND BY ADDING NEW SECTION 142.0390; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 142.0510, 142.0520, 142.0525, AND 142.0560; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 9 BY AMENDING SECTION 142.0910; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 10 BY AMENDING SECTION 142.1010; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12 BY AMENDING SECTIONS 142.1230, 142.1235, AND 142.1240; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 13 BY AMENDING SECTION 142.1305; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0350; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 4 BY AMENDING SECTION 143.0420; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 7 BY AMENDING SECTIONS 143.0720, 143.0740, 143.0742, 143.0743, 143.0744, 143.0746, AND BY ADDING NEW SECTION 143.0748; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 10 BY AMENDING SECTIONS 143.1010, 143.1020, AND 143.1025; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 11 BY AMENDING SECTION 143.1103; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 13 BY

AMENDING SECTIONS 143.1303 AND 143.1310; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 14 BY RETITLING DIVISION 14, AND BY AMENDING SECTION 143.1403; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTIONS 155.0231, 155.0238, 155.0242, AND BY ADDING NEW SECTION 155.0243; AMENDING CHAPTER 15, ARTICLE 9, APPENDIX C; AMENDING CHAPTER 15, ARTICLE 10, DIVISION 2 BY AMENDING SECTION 1510.0201; AMENDING CHAPTER 15, ARTICLE 13, DIVISION 3 BY AMENDING SECTION 1513.0304; AMENDING CHAPTER 15, ARTICLE 13, DIVISION 4 BY AMENDING SECTION 1513.0402; AND AMENDING CHAPTER 15, ARTICLE 16, DIVISION 1 BY REPEALING SECTION 1516.0103, AND BY AMENDING SECTIONS 1516.0106, 1516.0112, 1516.0117, 1516.0121, 1516.0122, 1516.0139, AND 1516.0140, RELATING TO THE 2024 LAND DEVELOPMENT CODE UPDATE.

This Ordinance is an update to the Land Development Code (2024 Code Update) in the San Diego Municipal Code (Municipal Code). The amendments are part of a code monitoring program directed by the Mayor and the City Council (Council) intended to simplify the land development regulations, make the Municipal Code regulations more adaptable, eliminate redundancies and increase predictability in the application of the land development regulations.

The 2024 Code Update addresses 72 issues that are divided into the following categories: regulatory reforms, clarifications, corrections, compliance with state law, and amendments to align the Municipal Code with the City's climate, equity, and housing goals.

The 2024 Code Update generally address the following issues: base zone regulations, Community Plan Implementation Overlay Zones, consolidating of processing, homes and housing incentive programs, landscape regulations, monitored perimeter security fence systems, residential care facilities, rules for calculations and measurements, specific plans, sports arenas and stadiums, tentative maps, urgent care facilities, and corresponding amendments to the Central Urbanized, La Jolla Shores, Mission Beach and Old Town Planned Districts. The

amendments in this 2024 Update are divided into the following categories: regulatory reforms, clarifications, corrections, compliance with state law, and amendments to align the Municipal Code with the City's climate, equity, and housing goals.

This Ordinance contains a notice that a full reading of this Ordinance is dispensed with prior to passage, a written copy having been available to the Council and the public prior to the day of its passage.

Prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority acting as the Airport Land Use Commission (ALUC) for a consistency determination.

If the ALUC finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station (MCAS) Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this Ordinance shall take effect and be in force on the thirtieth day from and after the ALUC's finding of consistency, or on the sixtieth day from and after its final passage, whichever is later, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

If the ALUC determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the Council for reconsideration.

If the ALUC determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the Council may

amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the sixtieth day from and after its final passage, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

A proposed decision by the Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the ALUC, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

If the Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the sixtieth day from and after that final decision, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

No permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless a deemed complete application for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

For the amendments associated in Section 131.0422, Table 131-04B, footnote 10; Section 131.0522, Table 131-05B, footnote 21; and Section 131.0707, Table 131-07A, footnote 10, development permitted as visitor accommodations submitted prior to the effective date of this Ordinance shall not be subject to the 30-length of stay limitation.

San Diego Ordinances O-21432, O-21439, and O-21719 have been recently considered by the Council; and that Ordinances O-XXX-XX and O-XXX-XX will be considered by the Council in the near future which amend the Municipal Code sections also amended by this Ordinance; therefore, the City Clerk, with the written approval and concurrence of the City Attorney, is authorized to reconcile the numbering of sections and placement of text within these sections upon the final passage of the Ordinances, without further action by the Council, pursuant to San Diego Charter section 275.

A complete copy of this Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

LHS:nja
01/25/2024
Or. Dept: DSD
Doc. No. 3540477



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: April 18, 2024

TO: Liz Saidkhanian, Development Project Manager III, City Planning Department

FROM: Jordan Moore, Senior Planner, City Planning Department
Zaira Marquez, Associate Planner, City Planning Department

SUBJECT: 2024 Land Development Code Update – CEQA Guidelines Section 15162 Evaluation

The Environmental Policy Section of the City Planning Department has completed a California Environmental Quality Act (CEQA) Guidelines Section 15162 consistency evaluation in compliance with Public Resources Code Section 21166 for the 2024 Land Development Code (LDC) Update (“Project”). This evaluation was performed to determine if conditions specified in CEQA Guidelines Section 15162 would require preparation of a subsequent Environmental Impact Report (EIR) or subsequent negative declaration (ND) for the project.

As outlined in this memo, the City Planning Department has determined that the Project is consistent with the following certified environmental documents:

1. Final Environmental Impact Report (EIR) for the Land Development Code (DEP No. 96- 033/SCH No. 1996081056) certified by the San Diego City Council on November 18, 1997 (Resolution R-289458);
2. Final Program EIR (PEIR) for the General Plan (Project No. 104495/SCH No. 2006091032) certified by the San Diego City Council on March 10, 2008 (Resolution R-303472);
3. Addendum to the General Plan PEIR for the Housing Element Update (Project No. 104495/SCH No. 2006091032) certified by the San Diego City Council on June 16, 2020 (Resolution R- 313099);
4. Final PEIR for Complete Communities: Housing Solutions and Mobility Choices (SCH No. 2019060003) certified by the San Diego City Council on November 9, 2020 (Resolution R- 313279);
5. Final EIR for the Downtown Community Plan (SCH No. 2003041001) certified by the former Redevelopment Agency and San Diego City Council on March 14, 2006 (Resolution No. R-04001 and R-301265, respectively);
6. Final Supplemental EIR (SEIR) for the Downtown San Diego Mobility Plan (SCH No. 2014121002) certified by the San Diego City Council on June 21, 2016 (Resolution R- 310561);

7. Final PEIR for the Climate Action Plan (Project No. 416603/SCH No. 2015021053) certified by the San Diego City Council on December 15, 2015 (Resolution R-310176);
8. Addendum to the Final PEIR for the Climate Action Plan Update (Project No. 416603/SCH No. 2015021053) certified by the San Diego City Council on August 2, 2022 (Resolution R-314298); and
9. Notice of Exemption (NOE) for Spaces as Places certified by the San Diego City Council on October 26, 2021 (Resolution R-313761).

Implementation of the Project would not result in new or more severe significant impacts over and above those disclosed in the previously certified environmental documents.

Background

The LDC provides the City's regulations for the development and use of property within the City of San Diego and provides information on zoning, subdivisions, grading and other related land use activities. The LDC consolidated development regulations into a sequence of chapters of the San Diego Municipal Code (Chapters 11-15) to simplify the City's land development regulations; make the land development regulations more objective; make the code more adaptable; eliminate redundancies and contradictions; standardize the code framework; and increase predictability in the application of land development regulations.

Project Scope and Description

The 2024 Code Update includes 96 amendments which include 71 Citywide amendments and 25 amendments to the Centre City Planned District Ordinance (CCPDO) for Downtown San Diego. The Citywide amendments are separated into four categories: 1) Align Policy; 2) Corrections/Clarifications; 3) Regulatory Reforms; and 4) Compliance with State Law. The CCPDO amendments are separated into 5 categories: 1) Align Policy with City's Climate, Equity and Housing Goals; 2) Clarifications; 3) Compliance with State Law; 4) Corrections; and 5) Regulatory Reforms. The topics of the amendments relate to the following areas of the Land Development Code: Sports Arenas and Stadiums, Environmental Documents, Rules for Calculation and Measurement, Calculating Gross Floor Area, Development Regulations, Development Permits, Traffic Control Permits, Visitor Accommodations, Commercial Zones, Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), Density Calculation Exclusions, Sign Regulations, Affordable Housing Regulations, Transit Priority Area (TPA) Clarifications, Complete Communities Housing Solutions, Climate Action Plan, La Jolla Shores, Mission Beach, Central Urbanized, Centre City and Old Town Planned Districts, Calculating Maximum Permitted Density, Affordable Housing Regulations, Childcare Facilities, City Planning Department Name Change, Airport Approach Overlay Zone and Airport Environs Overlay Zone, Coastal Overlay Zone, RE/ RS/ RM Zones, Commercial Zones, Mixed Use Base Zones, Community Plan Implementation Overlay Zone (CPIOZ), Airport Land Use Compatibility Plan (ALUCP), Sustainable Development Areas (SDA), Consolidating of Processing, Determining Property Lines, Exemptions from Building Permit, Residential Zones, Behavioral Health Facilities, Urgent Care Facilities, Community Plan Implementation Zones, Security Fence Systems, Off-Street Loading Spaces, Indemnifications, Tentative Maps, Driveway and Access Regulations, Typographic and Formatting Corrections, Fraternities and Sororities and Student Dormitories Cleanup, and Single Dwelling Unit Residential Uses.

Items specific to the Centre City Planned District Ordinance (CCPDO) for Downtown San Diego related to the following areas: Urban Design Regulations, Base District Use Regulations, Active Commercial Uses Floor Area Ratio (FAR), Temporary Surface Parking Lot Activation, Decision Process Consolidation, Street Wall Frontage and Tree Preservation, Minimum Ground-Floor Heights, Structured Parking Facility Standards, Gaslamp Quarter Planned District Ordinance Consolidation, Low Barrier Navigation Centers, Behavioral Health Facilities, Rules of Calculation and Measurement, Removal of Waterfront/ Marine and Convention Center District, Placemaking on Private Property, Parking, Loading, Traffic and Transportation Demand Management Standards Consistency Updates, On-Site Alcoholic Beverage Sales at Non-Bona-Fide Eating Establishments, Land Use Overlay Districts, Public Facilities Exemption, Hospital and Urgent Care Facility Expansion, SRO (Single Room Occupancy), Floor Area Ratio (FAR) Exemptions, and Outdoor Use Areas. The proposed amendments streamline regulatory requirements, reduce constraints, and provide additional incentives to increase the supply of housing.

Table 1: CEQA Guidelines Section 15162 Consistency Evaluation Matrix provides a description of the proposed amendments to the LDC and the associated CEQA determinations.

Previously Certified CEQA Documents

Final EIR for the LDC (1997)

The LDC EIR analyzed the environmental effects associated with adoption and implementation of the proposed LDC, related regulations, amendments, and appeals. The LDC EIR identified significant unmitigated impacts in the following issue areas: Land Use, Biological Resources, Landform Alteration, Historical Resources, Paleontological Resources, and Human Health and Public Safety. Cumulative impacts were also identified to Soils/Erosion Hazard, Air Quality, Hydrology/Water Quality, Biological Resources, Land Use, Transportation/Circulation, Landform Alteration, Historical Resources, and Paleontological Resources. A Mitigation Monitoring and Reporting Program (MMRP) was adopted with the LDC EIR to reduce potentially significant impacts to Land Use, Biological Resources, Historical Resources, Landform Alteration/Neighborhood Character, Paleontological Resources, Natural Resources, and Human Health and Safety.

Final PEIR for the General Plan (2008) and Addendum to the General Plan PEIR for the Housing Element Update (2020)

The Final PEIR for the General Plan found that, although significant impacts could be mitigated through a review of discretionary projects, implementation of the General Plan would result in significant and unavoidable impacts to Agricultural Resources, Air Quality, Biological Resources, Geologic Conditions, Health and Safety, Historic Resources, Hydrology, Land Use, Mineral Resources, Noise, Paleontological Resources, Population and Housing, Public Facilities, Public Utilities, Transportation/Traffic/Circulation/Parking, Visual Effects and Neighborhood Character, and Water Quality as site-specific details of future development projects are unknown at this time. An MMRP was adopted with the General Plan Final PEIR to reduce potentially significant impacts.

The Addendum to the General Plan for the Housing Element Update found that implementation of the Housing Element Update would not result in new or more severe significant impacts than what was previously analyzed in the Final PEIR for the General

Plan.

Final PEIR for Complete Communities: Housing Solutions and Mobility Choices (2020)

The Final PEIR for Complete Communities: Housing Solutions and Mobility Choices found that implementation of the project would result in significant and unavoidable impacts to Air Quality; Biological Resources; Historical, Archaeological, and Tribal Cultural Resources; Hydrology and Water Quality; Noise; Public Services and Facilities; Transportation; Public Utilities and Infrastructure; Wildfire; and Visual Effects and Neighborhood Character.

Final EIR for the Downtown Community Plan (2006) and Final SEIR for the Downtown San Diego Mobility Plan (2016)

The Final EIR for the Downtown Community Plan identified significant and unavoidable impacts related to Air Quality, Historical Resources, Land Use, Noise, Traffic and Circulation, Visual Quality, and Water Quality. The 2016 Final Supplemental EIR for the Downtown San Diego Mobility Plan found that implementation of the Downtown San Diego Mobility Plan would result in significant and unavoidable impacts to Traffic and Circulation. An MMRP was adopted with the Final EIR for the Downtown Community Plan and the Final Supplemental EIR for the Downtown San Diego Mobility Plan to reduce potentially significant impacts associated with implementation of these plans.

Final PEIR for the Climate Action Plan (2015) and Addendum to the Climate Action Plan PEIR for the Climate Action Plan Update (2022)

The Final PEIR for the Climate Action Plan (CAP) identified significant and unavoidable impacts related to Visual Effects and Neighborhood Character, Air Quality, Historic Resources, and Transportation and Circulation. An MMRP was adopted with the Final PEIR to reduce potentially significant impacts associated with implementation of the CAP.

The Addendum to the CAP PEIR for the CAP Update found that implementation of the CAP Update would not result in new or more severe significant impacts than what was previously analyzed in the Final PEIR for the CAP.

Notice of Exemption (NOE) for the Spaces as Places Program (2021)

The Notice of Exemption (NOE) for the Spaces as Places program identified that the program would not have the potential for causing a significant effect on the environment pursuant to State CEQA Guidelines Sections 15301(c)(Existing Facilities), 15303 (New Construction or Conversion of Small Structures), 15304(h)(Minor Alterations to Land), and 15311 (Accessory Structures).

CEQA Guidelines Section 15162 Criteria

CEQA Guidelines Section 15162 states:

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

None of the three criteria listed above has occurred, therefore the Environmental Policy Section of the City Planning Department has determined that there is no need to prepare subsequent or supplemental environmental documents for the project.

CEQA Guidelines Section 15162 Consistency Evaluation

Final EIR for the LDC (1997)

The Final EIR for the LDC anticipated that regular updates of the LDC would need to occur to improve the clarity of the regulations; ensure objectivity, consistency, and predictability in the regulations; and allow for flexibility in tailoring the regulations to fit the City's needs.

The proposed amendments will improve the clarity of the LDC:

- Amendment 3: Clarifies that when a development includes dedications for streets or alleys, the property lines used to calculate maximum permitted density, maximum gross floor area, and applicable setbacks are those in place before the dedication;
- Amendment 8: This clarifies that a traffic control permit must be obtained concurrently with a public right-of-way permit before work in the public right-

of-way can begin to ensure public safety;

- Amendment 9: Clarifies that visitor accommodations shall not be used for more than 30 consecutive days and exempts SRO hotels and SRO hotel rooms from this stay limitation. Visitor accommodations or development with a deemed complete application submitted for visitor accommodations prior to the effective date of the 2024 LDC Update shall not be subject to the length of stay limitations;
- Amendment 10: Clarifies which uses within the Commercial-Neighborhood zones are prohibited from operating before to 6 a.m. and after midnight. Allows uses such as vehicle charging stations to operate at all times;
- Amendment 11: Clarifies that a lot, with a combination of two or more ADUs and any JADU located in the Open Space-Residential zone or on a parcel that contains environmentally sensitive lands, can calculate the required number of street trees based on the allowable developable area;
- Amendment 12: Provides clarification that the square footage from live/work quarters and watchkeeper's quarters do not count toward the maximum allowable density of the underlying base zone or land use plan;
- Amendment 14: It adds language specifying that affordable housing density bonus projects that use the land use plan density to calculate a bonus are eligible for a FAR exemption;
- Amendment 20: Clarifies that the following types of development in La Jolla Shores Planned District may be determined to be minor in scope and can be approved or denied in accordance with a Process One Building Permit: applications for improvements, additions, or alterations that increase the existing floor area by 10 percent or less and applications for improvements to patio covers, decks, fences, retaining walls, uncovered swimming pools, unlighted tennis courts, or single family residences; and
- Amendment 21: Clarifies that a structure with a height of 20 feet or less above the existing or proposed grade, whichever is lower, may observe a 3 foot setback and be placed anywhere between the standard 5 foot setback or the 3 foot reduced setback exception. In addition, if any portion of the structure's facade exceeds 20 feet, it shall not exceed a vertical plane established by a 45-degree angle sloping inward from the 3 foot reduced setback to the maximum permitted 30 foot height limit.

The following proposed amendments will allow for adaptability in tailoring the regulations to fit the City's needs:

- Amendment 4: Clarifies the applicability of an exemption for parking structures from gross floor area calculations if the parking structure contains certain design guidelines. The gross floor area of garages or carports that serve single family homes or duplex developments will continue to apply to a development's gross floor area, and changes are not being proposed to this provision;

- Amendment 5: Specifies that when there is a conflict between the development regulation of an applicable base zone and the supplemental development regulations for an approved specific plan or a CPIOZ in Chapter 13, Article 2, Division 14, the supplemental development regulations for an approved specific plan or a CPIOZ applies;
- Amendment 13: Streamlines and simplifies the development regulations for signs with two or more faces by stating that signs may have more than two faces but cannot exceed twice the permitted sign area for projecting signs, roof signs, and ground signs in commercial and industrial zones;
- Amendment 22: Provides additional details regarding the planting area requirements in rear yards, including that ground cover must be living, the planting areas should be at grade, plants must be drought-tolerant and native or non-invasive plant species and amenities are limited to a height of 3 feet;
- Amendment 24: Streamlines the limited use regulations for small and large family child care homes to ensure they align with the CA Health and Safety Code and allows small and large child care homes as a limited use in the RM-5-12 (Residential-Multi Unit) Zone;
- Amendment 31: Adds the Density Bonus and Incentives for Commercial Development program to the Affordable Housing Regulations. This program currently expires on January 1, 2028;
- Amendment 37: Corrects the development regulations for the RM zones to specify that the RM-3-7 through RM-4-11 zones do not have a maximum lot coverage consistent with the RM-1-1 through RM-2-6 zones;
- Amendment 38: Edits Diagram 131-05B (Maximum Setback Requirement) to align it with the setback requirements currently in Section 131.0543(a)(2) to clarify that the maximum setback of the base zone applies to only 70 percent of the street frontage. The remaining 30 percent is not required to observe the maximum setback, and it may be located farther from the property line for the Commercial-Community, Commercial-Neighborhood, Commercial-Office, and Commercial-Visitor zones;
- Amendment 48: Allows flexibility by not consolidating public right-of-way vacations and public service easements with other development applications unless the applicant requests it. In addition, the amendment requires the public right-of-way vacation or public service easement approvals that are not consolidated to be recorded before any other associated construction or building permits are approved;
- Amendment 49: Removes the requirement to include the square footage of at-grade unenclosed spaces, located beneath a structure, when calculating the floor area ratio for a residential development;
- Amendment 50: Determines the property lines for corner lots in residential zones by applying the interior side setback to the newly created side setback and amends

Diagram 113-02DD (Setbacks for Resubdivided Corner Lots) to reflect this change;

- Amendment 52: Streamlines the permitting process for Residential Care Facilities and strengthens the City's commitment to fair housing by permitting Continuing Care Retirement Communities, Transitional Housing, and Intermediate Care Facilities & Nursing Facilities in a similar process. Appropriate regulations for these facilities based on the location and zone of the facility are proposed to ensure compatibility with surrounding land uses. No changes are being proposed to residential care facilities in single family zones. Residential care facilities for seven or more people in multifamily and commercial zones within 500 feet of a school, playground or childcare will continue to require a conditional use permit. In addition, this item separates Hospitals, Intermediate Care Facilities, & Nursing Facilities into two separate uses;
- Amendment 53: Modifies the Commercial Use Regulations for residential zones to include that the commercial use may only be on the ground floor of a mixed-use development only and take up 10% of the gross floor area of the building. These regulations are also applied to Wearing Apparel & Accessories and Instructional Studios. In addition, it adds Eating and Drinking Establishments as a permitted use but limits this use to a maximum of 2,000 square feet;
- Amendment 54: Streamlines project reviews by replacing the percentage of lot width with a static number for minimum side and street side setbacks in the RS-1-1 through RS-1-7 zones. In addition, it specifies minimums for reallocated side and street side setbacks;
- Amendment 55: Reduces the process level for Urgent Care Facilities in all commercial zones from a Neighborhood Use Permit to a Limited Use. This will ensure that regulations are applied consistently to Urgent Care Facilities;
- Amendment 56: Allows the primary use to be new residential in an EMX zone if the development is located on a premises or adjacent premises where the total gross floor area is occupied by retail sales or eating and drinking establishment uses, or both, of at least 500,000 square feet;
- Amendment 57: Requires that the recording of a CPIOZ exemption with a project's development permit. This improves efficiency by deleting the requirement for a separate filing process;
- Amendment 58: Amends the CPIOZ regulations in Chapter 13, Article 2, Division 14 to allow for alternative compliance through the payment into a citywide infrastructure fund if the City Engineer determines the installation of a supplemental development regulation for a public right-of-way improvement would create undesirable drainage, traffic or pedestrian circulation conditions;
- Amendment 59: Requires applicants within Review Area 1 of the ALUCP to submit rezones and land use plan amendments that do not have an associated development project to the Airport Land Use Commission to obtain a consistency determination;

- Amendment 61: Adds design and general regulations for Monitored Perimeter Security Fence Systems. These fence systems would only be permitted in industrial zones;
- Amendment 62: Reduces the required number of off-street parking spaces for Research and Development Uses and aligns the requirements with the Commercial Use Subcategory. In addition, other clarifying changes were made to Table 142-10B (Required Off-Street Loading Spaces);
- Amendment 66: Codifies standard indemnification language for development permits to provide greater transparency to applicants and extends its application to construction permits to ensure consistent application;
- Amendment 67: Expands the child care FAR bonus to more zones that allow child care facilities. The child care FAR bonus allows for 10 square feet of additional gross floor area for each 1 square foot of gross floor area developed for a child care facility. The area designated for the child care facility must maintain an 'E' occupancy permit for at least ten years and comply with the additional separately regulated use requirements. No changes to setbacks or height regulations are included;
- Amendment 68: Implements the Subdivision Map Act to require a tentative map when a proposed subdivision creates 5 or more lots under certain circumstances and makes changes to reflect when a parcel is required. For any subdivision, the City Engineer may require dedications and public improvements;
- Amendment 69: Allows industrial uses within industrial zones to exceed the maximum driveway widths on lots greater than 50 feet in width if they can submit technical documentation that the increase in driveway width is necessary for freight-carrying vehicles and that the proposed driveway would not result in adverse impacts;
- Amendment D13: Streamlines the permitting process for Residential Care Facilities and strengthens the City's commitment to fair housing by permitting Continuing Care Retirement Communities, Transitional Housing, and Intermediate Care Facilities & Nursing Facilities in a similar process. Appropriate regulations for these facilities based on the location and zone of the facility are proposed to ensure compatibility with surrounding land uses. In addition, this item separates Hospitals, Intermediate Care Facilities & Nursing Facilities into two separate uses;
- Amendment D16: Adds Placemaking on Private Property as a permitted use within the Centre City Planned District consistent with the Citywide LDC;
- Amendment D23: Expands access to health care facilities by allowing Urgent Care Facilities as a permitted use in most land use districts and allows hospitals as a conditional use in the Residential Emphasis district; and
- Amendment D24: Adds SRO Hotels as a permitted use in the Public/Civic (PC) district to provide additional flexibility to encourage the development of more

home opportunities.

The proposed amendments fulfill the goals of the LDC by providing consistency and improving clarity, reducing complexity, and allowing for flexibility within the City's regulations. Thus, they would not result in new or more severe significant impacts than what was previously identified in the Final EIR of the LDC.

Final PEIR for the General Plan (2008)

The City's General Plan provides a long-range, comprehensive policy framework for how the City will grow and develop and provide public services. The 2024 LDC Update will implement policies within the City's General Plan that call for creating diverse and balanced neighborhoods through proposed amendments.

Proposed amendments will: extend the Process One allowance currently granted to projects that comply with the Affordable Housing Regulations to projects that comply with Complete Communities Housing Solutions Regulations. To ensure that Complete Communities Housing Solutions projects, with a utilized development permit, can remain a Process One ministerial building permit when altering the scope of a utilized development permit if the project adheres to the development regulations of the base zone and overlay zone (amendment 7); clarify that visitor accommodations shall not be used for more than 30 consecutive days and exempts SRO hotels and SRO hotel rooms from this stay limitation. Visitor accommodations or development with a deemed complete application submitted for visitor accommodations prior to the effective date of the 2024 LDC Update shall not be subject to the length of stay limitations (amendment 9); add language specifying that affordable housing density bonus projects that use the land use plan density to calculate a bonus are eligible for a FAR exemption (amendment 14); specify that state-mandated density bonus programs and the Multi-Dwelling Unit and Urban Lot Split Regulations apply to projects within the SDA and TPA. This proposal does not expand the use of either of these programs (amendment 15); clarify that the greatest number of units allowed shall be used when calculating the density bonus for a development if the applicable land use plan and the base zone density are inconsistent (amendment 23); streamline the limited use regulations for small and large family child care homes to ensure they align with the CA Health and Safety Code and allows small and large child care homes as a limited use in the RM-5-12 (Residential-Multi Unit) Zone (amendment 24); state that a front yard setback can not be used to prohibit the construction of an ADU home that is 800 square feet or less on a premises with an existing or proposed dwelling unit (amendment 25); amend JADU kitchen requirements to state they must include a cooking facility with appliance and storage cabinets and a food preparation counter that are reasonably sized to the JADU (amendment 26); and expand incentives and bonuses available to projects containing for-sale units to ensure consistent application of State Density Bonus Law (amendment 28).

Proposed amendments would also update the State Density Bonus Law provisions in the Affordable Housing Regulations to include that granting a density bonus will not trigger a study and that granting an incentive will not trigger a land use plan amendment, zoning change, study or other discretionary approval (amendment 29); update the Affordable Housing Regulations and Complete Communities Housing Solutions by removing physical

environment as a reason to deny an incentive, concession, or waiver and ensures the language is consistent (amendment 30); add the Density Bonus and Incentives for Commercial Development program to the Affordable Housing Regulations. This program currently expires on January 1, 2028 (amendment 31); modify the Commercial Use Regulations for residential zones to include that the commercial use may only be on the ground floor of a mixed-use development only and take up 10% of the gross floor area of the building. These regulations are also applied to Wearing Apparel & Accessories and Instructional Studios. In addition, it adds Eating and Drinking Establishments as a permitted use but limits this use to a maximum of 2,000 square feet (amendment 53); allow the primary use to be new residential in an EMX zone if the development is located on a premises or adjacent premises where the total gross floor area is occupied by retail sales or eating and drinking establishment uses, or both, of at least 500,000 square feet (amendment 56); align the setbacks for ADU structures over 16 feet in height that abut a residential use by allowing the ADU to follow the base zone side setback or the standard ADU 4 foot setback, whichever is less, for the interior side yard and rear yard setbacks (amendment 60); expand the child care FAR bonus to more zones that allow child care facilities. The child care FAR bonus allows for 10 square feet of additional gross floor area for each 1 square foot of gross floor area developed for a child care facility. The area designated for the child care facility must maintain an 'E' occupancy permit for at least ten years and comply with the additional separately regulated use requirements. No changes to setbacks or height regulations are included (amendment 67); and align certain land uses in Table 156-0308-A (Centre City Planned District Use Regulations) with the minimum density requirements by excluding low-intensity auto-oriented uses in the Employment/Residential Mixed-Use, Ballpark Mixed-Use districts, and the Core districts, and any within the San Diego Promise Zone. This will encourage the efficient use of property through development that meets density requirements and will bring more housing and employment opportunities to the San Diego Promise Zone (amendment D2).

Additional proposed amendments would add a footnote Table 156-0308-A (Centre City Planned District Use Regulations) to clarify that ground floor commercial spaces can be converted to residential by right in the Neighborhood Commercial district and Main Street and Commercial Street overlays if they are restricted to middle income (30 percent of 150 percent of the area median income). This will further the City's housing goals by allowing residential uses in additional ground floor locations (amendment D4); add a requirement for temporary surface parking lots that are larger than 30,000 square feet to provide placemaking or outdoor activation along 30 percent of the street frontage. This amendment increases neighborhood opportunities for recreational or commercial activities at surface parking lot sites to improve the pedestrian experience (amendment D6); align above-ground parking standards with the allowed density by requiring a project to maximize Floor Area Ratio (FAR) before allowing above-ground parking. Further, this amendment provides for alternative design standards to discourage blank walls and encourage safe and enjoyable public spaces (amendment D10); add Placemaking on Private Property as a permitted use within the Centre City Planned District consistent with the Citywide LDC (amendment D16); clarify the types of facilities that are exempt from the requirement to obtain a development permit. This includes active sidewalks, promenades, recreational amenities, urban plazas, pedestrian and bicycle amenities, street operational improvements, and development on

public agency-owned sites. In addition, amendments consolidate language that was previously in the definitions section for public open space (amendment D21); add SRO Hotels as a permitted use in the Public/Civic (PC) district to provide additional flexibility to encourage the development of more home opportunities (amendment D24); enhance the FAR Bonus program by increasing FAR Bonus numbers, expanding program applicability, providing clarifications to the covenant and financial surety requirements and removing redundant language (amendment D25); add an FAR exemption for child care facilities to incentivize the development of child care facilities (amendment D26); and accommodate more outdoor spaces on private property in the Centre City Planned District by increasing the size threshold for a Neighborhood Use Permit from 350 square feet to 2,000 square feet for outdoor use areas (amendment D27).

Thus, the proposed amendments fall within the scope of the General Plan and would not result in new or more severe significant impacts than what was previously analyzed in the Final PEIR.

Addendum to the General Plan Final PEIR for the Housing Element Update (2020)

The Housing Element of the General Plan provides a coordinated strategy for addressing the comprehensive housing needs of the City. The 2024 LDC Update includes amendments to: extend the Process One allowance currently granted to projects that comply with the Affordable Housing Regulations to projects that comply with Complete Communities Housing Solutions Regulations. To ensure that Complete Communities Housing Solutions projects, with a utilized development permit, can remain a Process One ministerial building permit when altering the scope of a utilized development permit if the project adheres to the development regulations of the base zone and overlay zone (amendment 7); clarify that visitor accommodations shall not be used for more than 30 consecutive days and exempts SRO hotels and SRO hotel rooms from this stay limitation. Visitor accommodations or development with a deemed complete application submitted for visitor accommodations prior to the effective date of the 2024 LDC Update shall not be subject to the length of stay limitations (amendment 9); add language specifying that affordable housing density bonus projects that use the land use plan density to calculate a bonus are eligible for a FAR exemption (amendment 14); specify that state-mandated density bonus programs and the Multi-Dwelling Unit and Urban Lot Split Regulations apply to projects within the SDA and TPA. This proposal does not expand the use of either of these programs (amendment 15); clarify that the greatest number of units allowed shall be used when calculating the density bonus for a development if the applicable land use plan and the base zone density are inconsistent (amendment 23); streamline the limited use regulations for small and large family child care homes to ensure they align with the CA Health and Safety Code and allows small and large child care homes as a limited use in the RM-5-12 (Residential-Multi Unit) Zone (amendment 24); and state that a front yard setback can not be used to prohibit the construction of an ADU home that is 800 square feet or less on a premises with an existing or proposed dwelling unit (amendment 25).

Proposed amendments would also amend JADU kitchen requirements to state they must include a cooking facility with appliance and storage cabinets and a food preparation counter

that are reasonably sized to the JADU (amendment 26); expand the applicability of State Density Bonus Law provisions within the Affordable Housing Regulations to projects located in Mobility Zone 3. Mobility Zone 3 is defined as a community planning area boundary with a Vehicle Miles Traveled (VMT) efficiency of 85% or less of the regional average (amendment 27); expand incentives and bonuses available to projects containing for-sale units to ensure consistent application of State Density Bonus Law (amendment 28); update the State Density Bonus Law provisions in the Affordable Housing Regulations to include that granting a density bonus will not trigger a study and that granting an incentive will not trigger a land use plan amendment, zoning change, study or other discretionary approval. Affordable Housing Regulations by specifying that granting of a density bonus or an incentive shall not require a land use plan amendment, zoning change, study or other discretionary approval (amendment 29); update the Affordable Housing Regulations and Complete Communities Housing Solutions by removing physical environment as a reason to deny an incentive, concession, or waiver and ensures the language is consistent (amendment 30); add the Density Bonus and Incentives for Commercial Development program to the Affordable Housing Regulations. This program currently expires on January 1, 2028 (amendment 31); allow the primary use to be new residential in an EMX zone if the development is located on a premises or adjacent premises where the total gross floor area is occupied by retail sales or eating and drinking establishment uses, or both, of at least 500,000 square feet (amendment 56); align the setbacks for ADU structures over 16 feet in height that abut a residential use by allowing the ADU to follow the base zone side setback or the standard ADU 4 foot setback, whichever is less, for the interior side yard and rear yard setbacks (amendment 60); expand the child care FAR bonus to more zones that allow child care facilities. The child care FAR bonus allows for 10 square feet of additional gross floor area for each 1 square foot of gross floor area developed for a child care facility. The area designated for the child care facility must maintain an 'E' occupancy permit for at least ten years and comply with the additional separately regulated use requirements. No changes to setbacks or height regulations are included (amendment 67); and align certain land uses in Table 156-0308-A (Centre City Planned District Use Regulations) with the minimum density requirements by excluding low-intensity auto-oriented uses in the Employment/Residential Mixed-Use, Ballpark Mixed-Use districts, and the Core districts, and any within the San Diego Promise Zone. This will encourage the efficient use of property through development that meets density requirements and will bring more housing and employment opportunities to the San Diego Promise Zone (amendment D2).

Additional proposed amendments would add a footnote Table 156-0308-A (Centre City Planned District Use Regulations) to clarify that ground floor commercial spaces can be converted to residential by right in the Neighborhood Commercial district and Main Street and Commercial Street overlays if they are restricted to middle income (30 percent of 150 percent of the area median income). This will further the City's housing goals by allowing residential uses in additional ground floor locations (amendment D4); add SRO Hotels as a permitted use in the Public/Civic (PC) district to provide additional flexibility to encourage the development of more home opportunities (amendment D24); and add an FAR exemption for child care facilities to incentivize the development of child care facilities (amendment D26).

Thus, the proposed amendments are consistent with the objectives and policies in the General Plan Housing Element Update and would not result in new or more severe significant impacts than what was previously analyzed in the Addendum to the General Plan Final PEIR for the Housing Element Update.

Final PEIR for Complete Communities: Housing Solutions and Mobility Choices (2020)

The Final PEIR for Complete Communities: Housing Solutions and Mobility Choices analyzed the environmental impacts associated with implementing the City's Complete Communities: Housing Solutions and Complete Communities: Mobility Choices programs. The Project includes amendments that will: extend the Process One allowance currently granted to projects that comply with the Affordable Housing Regulations to projects that comply with Complete Communities Housing Solutions Regulations. To ensure that Complete Communities Housing Solutions projects, with a utilized development permit, can remain a Process One ministerial building permit when altering the scope of a utilized development permit if the project adheres to the development regulations of the base zone and overlay zone (amendment 7); specify that state-mandated density bonus programs and the Multi-Dwelling Unit and Urban Lot Split Regulations apply to projects within the SDA and TPA. This proposal does not expand the use of either of these programs (amendment 15); clarify that waivers granted to Complete Communities Housing Solutions projects must also be consistent with Airport Land Use Compatibility Zone regulations (amendment 16); clarify the pedestrian circulation space requirements for Complete Communities Housing Solutions projects and requires an urban parkway of at least 14 feet in width, with a clear path of travel of at least 8 feet in width and a buffer area of at least 6 feet in width. If there is a conflict between these regulations and the Street Design Manual, the greater applies. Premises less than 25,000 square feet may continue to provide an infrastructure amenity instead of the urban parkway (amendment 17); clarify that for Complete Communities Housing Solutions Projects adjacent to RS (Residential-Single Unit) zones, the transition plane is measured from the existing grade of the shared property line and extends 1/3 of the lot depth or width, or 25 feet, whichever is less. Lot depth is used when the shared property line is a rear property line and lot width is used when the shared property line is a side property line. Buildings, architectural projects or encroachments are not allowed to extend into the transition plane (amendment 18); expand the applicability of State Density Bonus Law provisions within the Affordable Housing Regulations to projects located in Mobility Zone 3. Mobility Zone 3 is defined as a community planning area boundary with a Vehicle Miles Traveled (VMT) efficiency of 85% or less of the regional average (amendment 27); and update the Affordable Housing Regulations and Complete Communities Housing Solutions by removing physical environment as a reason to deny an incentive, concession, or waiver and ensures the language is consistent (amendment 30).

Proposed amendments would also correct the definition of Mobility Zone 4 to state it applies to areas where both the resident and employee Vehicle Miles Traveled (VMT) efficiency is greater than 85% of the regional average (amendment 46); amend the Infrastructure Amenities section of Complete Communities Housing Solutions to allow for a public space alternative that can be used to meet the former promenade requirement to encourage the construction of more public spaces (amendment 63); exempt projects within the Centre City Planned District from the Complete Communities Housing Solutions supplemental design for buildings over 95 feet, which is already addressed in the Centre City Planned District (amendment 64); update Table 142-05B, Minimum Required Parking

Spaces for Single Dwelling Units and Related Uses, to ensure it clearly states that automobile parking spots are not required within transit priority areas (amendment 72); remove parking regulations that are no longer applicable to implement the City's adoption of Transit Priority Area (TPA) Parking Reform (2019) and AB 2097 (Friedman) (amendment D18); and clarify the types of facilities that are exempt from the requirement to obtain a development permit. This includes active sidewalks, promenades, recreational amenities, urban plazas, pedestrian and bicycle amenities, street operational improvements, and development on public agency-owned sites. In addition, it consolidates language that was previously in the definitions section for public open space (amendment D21).

Thus, the proposed amendments are consistent with the Complete Communities: Housing Solutions and Mobility Choices programs and would not result in new or more severe significant impacts than what was previously analyzed in the Final PEIR.

Final PEIR for the Downtown Community Plan (2006) and Final SEIR for the Downtown San Diego Mobility Plan (2016)

The Final PEIR for the Downtown Community Plan analyzed the environmental effects associated with implementing the Downtown Community Plan and the Final SEIR for the Downtown San Diego Mobility Plan analyzed the environmental impacts associated with implementing the Downtown San Diego Mobility Plan. Proposed amendments within the 2024 LDC Update would: exempt projects within the Centre City Planned District from the Complete Communities Housing Solutions supplemental design for buildings over 95 feet, which is already addressed in the Centre City Planned District (amendment 64); replace the architectural detail requirement for artwork on blank walls that extend beyond a certain length with a living green wall or fragrant landscaped planter and defines these terms. Adds the option to provide a living green wall to fulfill the design requirements of above-grade parking that is not encapsulated (amendment D1); prohibit certain land uses in Table 156-0308-A (Centre City Planned District Use Regulations) that are below the minimum density requirements, including Automobile Service Stations in the Employment/Residential Mixed-Use and Ballpark Mixed-Use districts, and prohibits Distribution Facilities and Moving & Storage facilities in the Core, Employment/Residential, and Ballpark Mixed Use districts, and any development within the San Diego Promise Zone. This will encourage the efficient use of property through development that meets density requirements and will bring more housing and employment opportunities to the San Diego Promise Zone (amendment D2).

Proposed amendments would also add a footnote Table 156-0308-A (Centre City Planned District Use Regulations) to clarify that ground floor commercial spaces can be converted to residential by right in the Neighborhood Commercial district and Main Street and Commercial Street overlays if they are restricted to middle income (30 percent of 150 percent of the area median income). This will further the City's housing goals by allowing residential uses in additional ground floor locations (amendment D4); expand the existing active commercial use exemption for FAR calculations to developments along C Street and within the San Diego Promise Zone to incentive ground floor commercial uses (amendment D5); add a requirement for temporary surface parking lots that are larger than 30,000 square feet to provide placemaking or outdoor activation along 30 percent of the street frontage. This

amendment increases neighborhood opportunities for recreational or commercial activities at surface parking lot sites to improve the pedestrian experience (amendment D6); update the street wall exemption to support preserving existing trees in place of auto-oriented uses to advance the City's climate goals and to enhance the pedestrian experience (amendment D8); add language to establish a required minimum depth for Ground-Floor Heights to provide additional clarification (amendment D9); align above-ground parking standards with the allowed density by requiring a project to maximize Floor Area Ratio (FAR) before allowing above-ground parking. Further, this amendment provides for alternative design standards to discourage blank walls and encourage safe and enjoyable public spaces (amendment D10); amend Table 156-0308-A (Centre City Planned District Use Regulations) by adding Low Barrier Navigation Centers and permits them as a Limited Use in base districts that allow residential uses (amendment D12); streamline the permitting process for Residential Care Facilities and strengthens the City's commitment to fair housing by permitting Continuing Care Retirement Communities, Transitional Housing, and Intermediate Care Facilities & Nursing Facilities in a similar process. Appropriate regulations for these facilities based on the location and zone of the facility are proposed to ensure compatibility with surrounding land uses. In addition, this item separates Hospitals, Intermediate Care Facilities & Nursing Facilities into two separate uses (amendment D13); add Placemaking on Private Property as a permitted use within the Centre City Planned District consistent with the Citywide LDC (amendment D16); correct the separately regulated uses section to reflect existing permission to sell alcoholic beverages for on-site consumption at both bona-fide and non bona-fide eating establishments, and clarifies that non bona-fide eating establishments that sell alcohol and are above a certain size still need to obtain a Neighborhood Use Permit (amendment D19).

Additional proposed amendments would clarify the types of facilities that are exempt from the requirement to obtain a development permit. This includes active sidewalks, promenades, recreational amenities, urban plazas, pedestrian and bicycle amenities, street operational improvements, and development on public agency-owned sites. In addition, amendments consolidate language that was previously in the definitions section for public open space (amendment D21); expand access to health care facilities by allowing Urgent Care Facilities as a permitted use in most land use districts and allows hospitals as a conditional use in the Residential Emphasis district (amendment D23); add SRO Hotels as a permitted use in the Public/Civic (PC) district to provide additional flexibility to encourage the development of more home opportunities (amendment D24); enhance the FAR Bonus program by increasing FAR Bonus numbers, expanding program applicability, providing clarifications to the covenant and financial surety requirements and removing redundant language (amendment D25); add an FAR exemption for child care facilities to incentivize the development of child care facilities (amendment D26); and accommodate more outdoor spaces on private property in the Centre City Planned District by increasing the size threshold for a Neighborhood Use Permit from 350 square feet to 2,000 square feet for outdoor use areas (amendment D27).

The proposed amendments will clarify, simplify, and align the CCPDO regulations with Citywide regulations, and will achieve the goals and policies of the Downtown Community Plan, which include expanding the supply of affordable housing, and encouraging flexible

uses and FAR incentives. Thus, the proposed amendments are consistent with what was analyzed in the Final PEIR for the Downtown Community Plan.

Final PEIR for the CAP (2015) and Addendum to the CAP PEIR for the CAP Update (2022)

The Final PEIR for the CAP analyzed the environmental effects associated with implementing the five strategies of the CAP designed to help the City meet its greenhouse gas (GHG) emission reduction targets. Proposed amendments would: propose additional development regulations for sports arenas and stadiums to align with the Climate Action Plan's goals and policies to focus more on active transportation. It includes new parameters for design elements for buildings and parking structures. It specifies that sports arenas and stadiums included in a specific plan will be exempt from the requirement to obtain a Conditional Use Permit (amendment 1); clarify that the Climate Action Plan Regulations apply to new developments that bring the total number of dwelling units to three or more dwelling units on a premises (amendment 19); replace the architectural detail requirement for artwork on blank walls that extend beyond a certain length with a living green wall or fragrant landscaped planter and defines these terms. Add the option to provide a living green wall to fulfill the design requirements of above-grade parking that is not encapsulated (amendment D1); update the street wall exemption to support preserving existing trees in place of auto-oriented uses to advance the City's climate goals and to enhance the pedestrian experience (amendment D8); and clarify which uses within the Commercial-Neighborhood zones are prohibited from operating before to 6 a.m. and after midnight. Allows uses such as vehicle charging stations to operate at all times (amendment 10).

The proposed amendments are consistent with and fall within the scope of the implementation program identified in the CAP and CAP Update. Thus, the Project would not result in new or more severe significant impacts over what was previously analyzed in the Final PEIR for the CAP and the Addendum to the CAP PEIR for the CAP Update.

Notice of Exemption (NOE) for the Spaces as Places Program (2021)

Spaces as Places is the City of San Diego's program to transition temporary outdoor spaces, which were allowed to replace indoor capacity in response to the COVID-19 pandemic which significantly restricted indoor operations, to permanent places that safely bring people together to dine, play and gather. Proposed amendments: streamline the development of sidewalk cafes with barriers that do not impact egress by exempting them from a building permit. A building permit will still be required for any sidewalk cafe that impacts egress under Section 129.0203(a)(24)(A) (amendment 51); remove the italics from Transitional Housing, corrects the sections referenced under additional regulations for the Homeless Facilities use, and expands Sidewalk Cafes to include Streetaries and Active Sidewalks in Table 156-0308-A (Centre City Planned District Use Regulations) (amendment D17); clarify the types of facilities that are exempt from the requirement to obtain a development permit. This includes active sidewalks, promenades, recreational amenities, urban plazas, pedestrian and bicycle amenities, street operational improvements, and development on public agency-owned sites. In addition, it consolidates language that was previously in the definitions section for public open space (amendment D21); and accommodate more outdoor spaces on private property in the Centre City Planned District by increasing the size threshold for a

Neighborhood Use Permit from 350 square feet to 2,000 square feet for outdoor use areas (amendment D27).

Thus, the proposed amendments fall within the scope of Spaces as Places and would not result in new or more severe significant impacts than what was previously analyzed in the Notice of Exemption.

CEQA Guidelines Section 15060(c)(2)

Other proposed amendments within the 2024 LDC Update would: clarify when a Notice of Right to Appeal (NORA) environmental determination is required (amendment 2); reflect the City Planning Department name change (amendment 32); remove references to the Airport Approach Overlay Zone and Airport Environs Overlay Zone under Site Development Permits and deviations for the mixed-use zones in the code as they are no longer applicable (amendment 33); amend references to Map No. C-730.1 (Official Coastal Development Permit Jurisdiction Map) and Map No. C-908 (Coastal Overlay Zone) in the Coastal Overlay Zone Regulations to reflect recent mapping updates. In addition, updates the Diagram 132-04A (Coastal Overlay Zone), which is a reproduction of the Coastal Overlay Zone Boundary (amendment 34); delete the RE zones and any associated references (amendment 35); delete the reference to Bedroom Regulations in the RS zone development regulations (amendment 36); correct mixed use base zones terminology related to cannabis (amendment 39); update Diagram 132-14T (Barrio Logan Community Plan Implementation Overlay Zone) with a revised illustration of the Barrio Logan CPIOZ, which depicts the buffer zone (amendment 40); correct Table 132-15I to reflect that new dwelling units are prohibited in Safety Zone 4E (amendment 41); and correct the footnotes for Table 132-15I and Table 132.15J to state that the allowable density for visitor accommodations is 56 rooms per acre in the ALUCP (amendment 42).

Proposed amendments would also amend Placemaking on private property and outdoor dining regulations to ensure specific provisions apply to the SDA in place of the TPA (amendment 43); delete a reference to the Parking Standards Transit Priority Area in Table 143-07D (Parking Ratios for Affordable Housing) (amendment 44); correct affordable housing regulations - affordable housing for all incentives and waivers references (amendment 45); amend the FAR for the RM-1-1 zone in the Central Urbanized Planned district to reflect the correct maximum FAR of 1.0 (amendment 47); delete references to the Design Review Board for the Old Town San Diego Planned District (amendment 65); correct various typographic and formatting errors (amendment 70); amend various use tables to ensure that Fraternities and Sororities and Student Housing are correctly referenced as two separate uses (amendment 71); clarify that Centre City Planned District development is subject to the Citywide decision processes and consolidates language into a single Decision Process section (amendment D7); consolidate Divisions 2-4 of the Gaslamp Quarter Planned District Ordinance into division one and cleans up existing text. Remove existing Section 157.0201(b)(2) to reflect the adopted update from 2019 and reduce repetition, and delete repetitive/outdated regulations in existing Sections 157.0201, 157.0202, 157.0203, 157.0302, and 157.0305. Clarifies the building height regulations in Section 157.0302(a) (amendment D11); update the references to Section 113.0234(b) within the Centre City Planned District Ordinance to reflect numbering changes (amendment D14); correct the Land Use Districts section and Table 156-0308-A (Centre City Planned District Use Regulations) to reflect the prior removal of the Waterfront/Marine and Convention Center land use districts to reflect

their location within the jurisdiction of the Port Master Plan (amendment D15); remove the italics from Transitional Housing, corrects the sections referenced under additional regulations for the Homeless Facilities use, and expands Sidewalk Cafes to include Streetaries and Active Sidewalks in Table 156-0308-A (Centre City Planned District Use Regulations) (amendment D17); and correct Figure C, the Land Use Overlay Districts map, to reflect the title and abbreviation for the Employment overlay (amendment D20).

These proposed amendments are not subject to CEQA pursuant to CEQA Guidelines Section 15060(c)(2) because they will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Conclusion

The Environmental Policy Section has reviewed the proposed amendments included within the 2024 Code Update and conducted a consistency evaluation pursuant to CEQA Guidelines Section 15162. Implementation of the Project will not result in new significant direct, indirect, or cumulative impacts over and above those disclosed in the above-mentioned environmental documents. Alternatively, the changes would not be subject to CEQA as they would not result in any physical changes to the environment, as described in this memorandum.



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JM/zm

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Kelley Stanco, Deputy Director, City Planning Department

**CEQA Guidelines Section 15162 Consistency Evaluation Matrix
 2024 Land Development Code**

The table below provides a description of the proposed amendments and the associated CEQA determinations. Each proposed amendment is consistent with one or more of the abovementioned environmental documents or is not subject to CEQA pursuant to CEQA Guidelines Section 15060(c)(2).

Table 1: CEQA Guidelines Section 15162 Consistency Evaluation Matrix			
Amendment No.	Code Section(s)	Amendment Description	CEQA Determination
Align Policy			
1	141.0622	Proposes additional development regulations for sports arenas and stadiums to align with the Climate Action Plan's goals and policies to focus more on active transportation. It includes new parameters for design elements for buildings and parking structures. It specifies that sports arenas and stadiums included in a specific plan will be exempt from the requirement to obtain a Conditional Use Permit.	Final PEIR for the Climate Action Plan (CAP) Addendum to the Final PEIR for the Climate Action Plan Update
Clarification			
2	112.0310(a)	Replaces the term environmental documents with negative declarations, mitigated negative declarations, and environmental impact reports to provide transparency regarding when a NORA Environmental Determination posting is required when these documents are adopted or certified without a public hearing.	CEQA Guidelines Section 15060(c)(2)
3	113.0246	Clarifies that when a development includes dedications for streets or alleys, the property lines used to calculate maximum permitted density, maximum gross floor area, and applicable setbacks are those in place before the dedication.	Final EIR for the LDC
4	113.0234(d)	Clarifies the applicability of an exemption for parking structures from gross floor area calculations if the parking structure contains certain design guidelines. The gross floor	Final EIR for the LDC

		area of garages or carports that serve single family homes or duplex developments will continue to apply to a development's gross floor area, and changes are not being proposed to this provision.	
5	122.0107 132.1405	Specifies that when there is a conflict between the development regulation of an applicable base zone and the supplemental development regulations for an approved specific plan or a CPIOZ in Chapter 13, Article 2, Division 14, the supplemental development regulations for an approved specific plan or a CPIOZ applies.	Final EIR for the LDC
7	126.0113(a)(2)	Extends the Process One allowance currently granted to projects that comply with the Affordable Housing Regulations to projects that comply with Complete Communities Housing Solutions Regulations. To ensure that Complete Communities Housing Solutions projects, with a utilized development permit, can remain a Process One ministerial building permit when altering the scope of a utilized development permit if the project adheres to the development regulations of the base zone and overlay zone.	Final PEIR for Complete Communities: Housing Solutions and Mobility Choices Final PEIR for the General Plan Addendum to the General Plan PEIR for the Housing Element Update
8	129.0742	This clarifies that a traffic control permit must be obtained concurrently with a public right-of-way permit before work in the public right-of-way can begin to ensure public safety.	Final EIR for the LDC
9	131.0422 Table 131-04B 131.0522 Table 131-05B 131.0707 Table 131-07A	Clarifies that visitor accommodations shall not be used for more than 30 consecutive days and exempts SRO hotels and SRO hotel rooms from this stay limitation. Visitor accommodations or development with a deemed complete application submitted for visitor accommodations prior to the effective	Final EIR for the LDC Final PEIR for the General Plan Addendum to the General

		date of the 2024 LDC Update shall not be subject to the length of stay limitations.	Plan PEIR for the Housing Element Update
10	131.0522 Table 131-05B	Clarifies which uses within the Commercial-Neighborhood zones are prohibited from operating before to 6 a.m. and after midnight. Allows uses such as vehicle charging stations to operate at all times.	Final EIR for the LDC Final PEIR for the Climate Action Plan (CAP) Addendum to the Final PEIR for the Climate Action Plan Update
11	141.0302(b)(2)(E)	Clarifies that a lot, with a combination of two or more ADUs and any JADU located in the Open Space-Residential zone or on a parcel that contains environmentally sensitive lands, can calculate the required number of street trees based on the allowable developable area.	Final EIR for the LDC
12	141.0311 141.0314(f)	Provides clarification that the square footage from live/work quarters and watchkeeper's quarters do not count toward the maximum allowable density of the underlying base zone or land use plan.	Final EIR for the LDC
13	142.1230 Table 142-12D 142.1235 Table 142-12F 142.1240 Table 142-12H	Streamlines and simplifies the development regulations for signs with two or more faces by stating that signs may have more than two faces but cannot exceed twice the permitted sign area for projecting signs, roof signs, and ground signs in commercial and industrial zones.	Final EIR for the LDC
14	143.0720(I)(13)	It adds language specifying that affordable housing density bonus projects that use the land use plan density to calculate a bonus are eligible for a FAR exemption.	Final EIR for the LDC Final PEIR for the General Plan

			Addendum to the General Plan PEIR for the Housing Element Update
15	143.0720(i) 143.0720(I)(7) 143.0740(e) 143.1310(a)(3)	Specifies that state-mandated density bonus programs and the Multi-Dwelling Unit and Urban Lot Split Regulations apply to projects within the SDA and TPA. This proposal does not expand the use of either of these programs.	Final PEIR for Complete Communities: Housing Solutions and Mobility Choices Final PEIR for the General Plan Addendum to the General Plan PEIR for the Housing Element Update
16	143.1010(i)(2)(E)	Clarifies that waivers granted to Complete Communities Housing Solutions projects must also be consistent with Airport Land Use Compatibility Zone regulations.	Final PEIR for Complete Communities: Housing Solutions and Mobility Choices
17	143.1025(a)(1)	Clarifies the pedestrian circulation space requirements for Complete Communities Housing Solutions projects and requires an urban parkway of at least 14 feet in width, with a clear path of travel of at least 8 feet in width and a buffer area of at least 6 feet in width. If there is a conflict between these regulations and the Street Design Manual, the greater applies. Premises less than 25,000 square feet may continue to provide an infrastructure amenity instead of the urban parkway.	Final PEIR for Complete Communities: Housing Solutions and Mobility Choices
18	143.1025(e)(2)	Clarifies that for Complete Communities Housing Solutions	Final PEIR for Complete

		Projects adjacent to RS (Residential-Single Unit) zones, the transition plane is measured from the existing grade of the shared property line and extends 1/3 of the lot depth or width, or 25 feet, whichever is less. Lot depth is used when the shared property line is a rear property line and lot width is used when the shared property line is a side property line. Buildings, architectural projects or encroachments are not allowed to extend into the transition plane.	Communities: Housing Solutions and Mobility Choices
19	143.1403(a) (1)	Clarifies that the Climate Action Plan Regulations apply to new developments that bring the total number of dwelling units to three or more dwelling units on a premises.	Final PEIR for the Climate Action Plan (CAP) Addendum to the Final PEIR for the Climate Action Plan Update
20	1510.0201(d))	Clarifies that the following types of development in La Jolla Shores Planned District may be determined to be minor in scope and can be approved or denied in accordance with a Process One Building Permit: applications for improvements, additions, or alterations that increase the existing floor area by 10 percent or less and applications for improvements to patio covers, decks, fences, retaining walls, uncovered swimming pools, unlighted tennis courts, or single family residences.	Final EIR for the LDC
21	1513.0304(c) (3)(B)	Clarifies that a structure with a height of 20 feet or less above the existing or proposed grade, whichever is lower, may observe a 3 foot setback and be placed anywhere between the standard 5 foot setback or the 3 foot reduced setback exception. In addition, if any portion of the structure's facade exceeds 20 feet, it shall not exceed a vertical plane established by a 45-degree	Final EIR for the LDC

		angle sloping inward from the 3 foot reduced setback to the maximum permitted 30 foot height limit.	
22	1513.0402(a)(1)	Provides additional details regarding the planting area requirements in rear yards, including that ground cover must be living, the planting areas should be at grade, plants must be drought-tolerant and native or non-invasive plant species and amenities are limited to a height of 3 feet.	Final EIR for the LDC
D7	156.0304(b) 156.0304(b)(2)-(3)	Clarifies that Centre City Planned District development is subject to the Citywide decision processes and consolidates language into a single Decision Process section.	CEQA Guidelines Section 15060(c)(2)
D8	156.0310(d)(1)(B)(iv)	Updates the street wall exemption to support preserving existing trees in place of auto-oriented uses to advance the City's climate goals and to enhance the pedestrian experience.	Final EIR for the Downtown Community Plan Final Supplemental EIR (SEIR) for the Downtown San Diego Mobility Plan Final PEIR for the Climate Action Plan (CAP) Addendum to the Final PEIR for the Climate Action Plan Update
D9	156.0310(e)	Adds language to establish a required minimum depth for Ground-Floor Heights to provide additional clarification.	Final EIR for the Downtown Community Plan
D10	156.0313(f)	Aligns above-ground parking standards with the allowed density by requiring a project to maximize Floor	Final EIR for the Downtown Community

		Area Ratio (FAR) before allowing above-ground parking. Further, this amendment provides for alternative design standards to discourage blank walls and encourage safe and enjoyable public spaces.	Plan Final PEIR for the General Plan
D11	157.0201 moved to 157.0105 157.0201(b)(1) removed 157.0201(b)(2) removed 157.0202 removed 157.0203 removed 157.0205 moved to 157.0106 157.0301 moved to 157.0107 157.0302 moved to 157.0108 157.0302(a)(3) removed 157.0303 moved to 157.0109 157.0304 moved to 157.0110 and Table 157-0110-A 157.0305 moved to 157.0111 157.0305(d) removed 157.0401 moved to 157.0112 157.0402 moved to	Consolidates Divisions 2-4 of the Gaslamp Quarter Planned District Ordinance into division one and cleans up existing text. Removes existing Section 157.0201(b)(2) to reflect the adopted update from 2019 and reduce repetition, and deletes repetitive/outdated regulations in existing Sections 157.0201, 157.0202, 157.0203, 157.0302, and 157.0305. Clarifies the building height regulations in Section 157.0302(a).	CEQA Guidelines Section 15060(c)(2)

	157.0113 157.0403 moved to 157.0114 157.0404 moved to 157.0115 157.0405 moved to 157.0116 157.0406 moved to 157.0117 157.0407 moved to 157.0118 157.0408 moved to 157.0119		
Compliance with State Law			
23	113.0222(c)	Clarifies that the greatest number of units allowed shall be used when calculating the density bonus for a development if the applicable land use plan and the base zone density are inconsistent.	Final PEIR for the General Plan Addendum to the General Plan PEIR for the Housing Element Update
24	131.0422 Table 131-04B 141.0606(b)(1)(B) 141.0606(b)(2)(B)	Streamlines the limited use regulations for small and large family child care homes to ensure they align with the CA Health and Safety Code and allows small and large child care homes as a limited use in the RM-5-12 (Residential-Multi Unit) Zone.	Final EIR for the LDC Final PEIR for the General Plan Addendum to the General Plan PEIR for the Housing Element Update
25	141.0302(c)(2)(D)	States that a front yard setback can not be used to prohibit the construction of an ADU home that is 800 square feet or less on a premises with an existing or proposed dwelling	Final PEIR for the General Plan Addendum to

		unit.	the General Plan PEIR for the Housing Element Update
26	141.0302(d) (2)(C)-(D)	Amends JADU kitchen requirements to state they must include a cooking facility with appliance and storage cabinets and a food preparation counter that are reasonably sized to the JADU.	Final PEIR for the General Plan Addendum to the General Plan PEIR for the Housing Element Update
27	143.0720(i) 143.0720(I) (7) 143.0740(e)	Expands the applicability of State Density Bonus Law provisions within the Affordable Housing Regulations to projects located in Mobility Zone 3. Mobility Zone 3 is defined as a community planning area boundary with a Vehicle Miles Traveled (VMT) efficiency of 85% or less of the regional average.	Final PEIR for Complete Communities: Housing Solutions and Mobility Choices Addendum to the General Plan PEIR for the Housing Element Update
28	143.0720(I) (2) 143.0720(I) (3) 143.0720(I) (4) 143.0720(I) (8)	Expands incentives and bonuses available to projects containing for-sale units to ensure consistent application of State Density Bonus Law.	Final PEIR for the General Plan Addendum to the General Plan PEIR for the Housing Element Update
29	143.0720(q) 143.0740(c) (3)	Updates the State Density Bonus Law provisions in the Affordable Housing Regulations to include that granting a density bonus will not trigger a study and that granting an incentive will not trigger a land use plan amendment, zoning change, study or other discretionary approval.	Final PEIR for the General Plan Addendum to the General Plan PEIR for the Housing

			Element Update
30	143.0740(c) (1)(B) 143.0743(b) (1) 143.1010(i) (3)(A)(ii) 143.1010(j) (2)(A)	Updates the Affordable Housing Regulations and Complete Communities Housing Solutions by removing physical environment as a reason to deny an incentive, concession, or waiver and ensures the language is consistent.	Final PEIR for Complete Communities: Housing Solutions and Mobility Choices Final PEIR for the General Plan Addendum to the General Plan PEIR for the Housing Element Update
31	143.0742(c) 143.0748	Adds the Density Bonus and Incentives for Commercial Development program to the Affordable Housing Regulations. This program currently expires on January 1, 2028.	Final EIR for the LDC Final PEIR for the General Plan Addendum to the General Plan PEIR for the Housing Element Update
D12	156.0308 Table 156-0308-A	Amends Table 156-0308-A (Centre City Planned District Use Regulations) by adding Low Barrier Navigation Centers and permits them as a Limited Use in base districts that allow residential uses.	Final EIR for the Downtown Community Plan
Corrections			
32	22.1801(b) Ch. 2, Article 2, Div 24 22.2402(a) 22.2402(c) 86.2102 98.0607	Updates the San Diego Municipal Code to correctly reference the City Planning Department.	CEQA Guidelines Section 15060(c)(2)

	Ch. 15. Article 9, Appendix C- Building Color Guide		
33	126.0502(e) 131.0710(c)	Removes references to the Airport Approach Overlay Zone and Airport Environs Overlay Zone under Site Development Permits and deviations for the mixed-use zones in the code as they are no longer applicable.	CEQA Guidelines Section 15060(c)(2)
34	126.0702(b) 132.0402(a) 132.0402 Diagram 132-04A	Amends references to Map No. C-730.1 (Official Coastal Development Permit Jurisdiction Map) and Map No. C-908 (Coastal Overlay Zone) in the Coastal Overlay Zone Regulations to reflect recent mapping updates. In addition, updates the Diagram 132-04A (Coastal Overlay Zone), which is a reproduction of the Coastal Overlay Zone Boundary.	CEQA Guidelines Section 15060(c)(2)
35	129.0203(a) (12) 131.0402 131.0422 Table 131-04B 131.0431 131.0431 Table 131-04C 131.0442(a) 131.0443(a) 131.0445(a) 131.0449(a) 131.0464(a) 132.1202 Table 132-12A 132.1205 142.0510(g) 142.0910(a) 143.0350(c) 143.0420 Table 143-04B 143.1303(a)	Deletes the RE zones and any associated references.	CEQA Guidelines Section 15060(c)(2)

	143.1310		
36	131.0422 Table 131-04D	Deletes the reference to Bedroom Regulations in the RS zone development regulations.	CEQA Guidelines Section 15060(c)(2)
37	131.0431 Table 131-04G	Corrects the development regulations for the RM zones to specify that the RM-3-7 through RM-4-11 zones do not have a maximum lot coverage consistent with the RM-1-1 through RM-2-6 zones.	Final EIR for the LDC
38	131.0543 Diagram 131-05B	Edits Diagram 131-05B (Maximum Setback Requirement) to align it with the setback requirements currently in Section 131.0543(a)(2) to clarify that the maximum setback of the base zone applies to only 70 percent of the street frontage. The remaining 30 percent is not required to observe the maximum setback, and it may be located farther from the property line for the Commercial-Community, Commercial-Neighborhood, Commercial-Office, and Commercial-Visitor zones.	Final EIR for the LDC
39	131.0707 Table 131-07A	Replaces Marijuana Production Facilities and Marijuana Outlets with Cannabis Production Facilities and Cannabis Outlets in the Mixed Use Base Zone Use Table.	CEQA Guidelines Section 15060(c)(2)
40	132.1403 Diagram 132-14T	Updates Diagram 132-14T (Barrio Logan Community Plan Implementation Overlay Zone) with a revised illustration of the Barrio Logan CPIOZ, which depicts the buffer zone.	CEQA Guidelines Section 15060(c)(2)
41	132.1515 Table 132-15I	Corrects Table 132-15I to reflect that new dwelling units are prohibited in Safety Zone 4E.	CEQA Guidelines Section 15060(c)(2)
42	132.1515 Table 132-15I and Table 132-15J	Corrects the footnotes for Table 132-15I and Table 132.15J to state that the allowable density for visitor accommodations is 56 rooms per acre in the ALUCP.	CEQA Guidelines Section 15060(c)(2)
43	113.0103 141.0421(f)	Amends Placemaking on private property and outdoor dining	CEQA Guidelines

	141.0421(h) 141.0628(a) (5)(B)-(D)	regulations to ensure specific provisions apply to the SDA in place of the TPA.	Section 15060(c)(2)
44	143.0744 Table 143-07D	Deletes a reference to the Parking Standards Transit Priority Area in Table 143-07D (Parking Ratios for Affordable Housing).	CEQA Guidelines Section 15060(c)(2)
45	143.0746(a) (5) 143.0746(b) (6)	Replaces the word "through" with "and" in this code section.	CEQA Guidelines Section 15060(c)(2)
46	143.1103(a)(4)	Corrects the definition of Mobility Zone 4 to state it applies to areas where both the resident and employee Vehicle Miles Traveled (VMT) efficiency is greater than 85% of the regional average.	Final PEIR for Complete Communities: Housing Solutions and Mobility Choices
47	155.0231 Table 155-02A	Amends the FAR for the RM-1-1 zone in the Central Urbanized Planned district to reflect the correct maximum FAR of 1.0.	CEQA Guidelines Section 15060(c)(2)
70	112.0103(a) 131.0522 - Legend for Table 131-05B 131.0546 141.0302(c)(2)(I) 142.1305 Chapter 14, Article 3, Division 14 Title	Corrects various typographic and formatting errors.	CEQA Guidelines Section 15060(c)(2)
71	131.0222 Table 131-02B 131-0322 Table 131-03B 131-0422 Table 131-04B 131-0622	Amends various use tables to ensure that Fraternities and Sororities and Student Housing are correctly referenced as two separate uses.	CEQA Guidelines Section 15060(c)(2)

	Table 131-06B 132.1510 Tables 132-15D and 132-15E 132.1515 Tables 132-15G, 132-15H, 132-15I and 132-15J 155.0238 Table 155-02C 1516.0112 Table 1516-01B 1516.0117 Table 1516-01D 1516.0122 Table 1516-01F		
72	142.0520 Table 142.05B	Updates Table 142-05B, Minimum Required Parking Spaces for Single Dwelling Units and Related Uses, to ensure it clearly states that automobile parking spots are not required within transit priority areas.	Final PEIR for Complete Communities: Housing Solutions and Mobility Choices
D14	156.0305(b) (1)-(2)	Updates the references to Section 113.0234(b) within the Centre City Planned District Ordinance to reflect numbering changes.	CEQA Guidelines Section 15060(c)(2)
D15	156.0307(a) (5)-(12) 156.0308 Table 156-0308-A	Corrects the Land Use Districts section and Table 156-0308-A (Centre City Planned District Use Regulations) to reflect the prior removal of the Waterfront/Marine and Convention Center land use districts to reflect their location within the jurisdiction of the Port Master Plan.	CEQA Guidelines Section 15060(c)(2)
D16	156.0308 Table 156-0308-A	Adds Placemaking on Private Property as a permitted use within the Centre City Planned District consistent with the Citywide LDC.	Final PEIR for the General Plan

			Final EIR for the LDC Final EIR for the Downtown Community Plan
D17	156.0308 Table 156-0308-A	Removes the italics from Transitional Housing, corrects the sections referenced under additional regulations for the Homeless Facilities use, and expands Sidewalk Cafes to include Streetaries and Active Sidewalks in Table 156-0308-A (Centre City Planned District Use Regulations).	CEQA Guidelines Section 15060(c)(2) Spaces as Places NOE
D18	156.0313(c)-(f) 156.0313 Table 156-0313-C 156.0313(i)-(n)	Removes parking regulations that are no longer applicable to implement the City's adoption of Transit Priority Area (TPA) Parking Reform (2019) and AB 2097 (Friedman).	Final PEIR for Complete Communities: Housing Solutions and Mobility Choices
D19	156.0315(a)	Corrects the separately regulated uses section to reflect existing permission to sell alcoholic beverages for on-site consumption at both bona-fide and non bona-fide eating establishments, and clarifies that non bona-fide eating establishments that sell alcohol and are above a certain size still need to obtain a Neighborhood Use Permit.	Final EIR for the Downtown Community Plan
D20	Chapter 15 Article 6 Division 3 - Figure C Land Use Overlay Districts	Corrects Figure C, the Land Use Overlay Districts map, to reflect the title and abbreviation for the Employment overlay.	CEQA Guidelines Section 15060(c)(2)
Regulatory Reforms			
48	112.0103 125.1050 129.0742	Allows flexibility by not consolidating public right-of-way vacations and public service easements with other development applications unless the applicant requests it. In addition, the amendment requires the public	Final EIR for the LDC

		right-of-way vacation or public service easement approvals that are not consolidated to be recorded before any other associated construction or building permits are approved.	
49	113.0234(b) (3) 113.0234(b) (3) Diagram 113-02P 113.0234(b) (3)-(5)	Removes the requirement to include the square footage of at-grade unenclosed spaces, located beneath a structure, when calculating the floor area ratio for a residential development.	Final EIR for the LDC
50	113.0246(f) 113.0246 Diagram 113-02DD	Determines the property lines for corner lots in residential zones by applying the interior side setback to the newly created side setback and amends Diagram 113-02DD (Setbacks for Resubdivided Corner Lots) to reflect this change.	Final EIR for the LDC
51	129.0203(a) (24)(B)-(C)	Streamlines the development of sidewalk cafes with barriers that do not impact egress by exempting them from a building permit. A building permit will still be required for any sidewalk cafe that impacts egress under Section 129.0203(a)(24)(A).	Spaces as Places NOE
52	131.0222 Table 131-02B 131.0322 Table 131-03B 131.0422 Table 131-04B 131.0522 Table 131-05B 131.0622 Table 131-06B 131.0707 Table 131-07A 132.1510	Streamlines the permitting process for Residential Care Facilities and strengthens the City's commitment to fair housing by permitting Continuing Care Retirement Communities, Transitional Housing, and Intermediate Care Facilities & Nursing Facilities in a similar process. Appropriate regulations for these facilities based on the location and zone of the facility are proposed to ensure compatibility with surrounding land uses. No changes are being proposed to residential care facilities in single family zones. Residential care facilities for seven or more people in multifamily and commercial zones within 500 feet of a school, playground or childcare will	Final EIR for the LDC

	<p>Tables 132-15D and 132-15E 132.1515 Tables 132-15G, 132-15H, 132-15I and 132-15J 141.0312 141.0413 141.0423 141.0702(a)(1) 142.0525 Table 142-05C 155.0238 Table 155-02C 1516.0112 Table 1516-01B 1516.0117 Table 1516-01D 1516.0122 Table 1516-01F</p>	<p>continue to require a conditional use permit. In addition, this item separates Hospitals, Intermediate Care Facilities, & Nursing Facilities into two separate uses.</p>	
53	<p>131.0420(a)(1) 131.0422 Table 131-04B 131.0423(c)-(e)</p>	<p>Modifies the Commercial Use Regulations for residential zones to include that the commercial use may only be on the ground floor of a mixed-use development only and take up 10% of the gross floor area of the building. These regulations are also applied to Wearing Apparel & Accessories and Instructional Studios. In addition, it adds Eating and Drinking Establishments as a permitted use but limits this use to a maximum of 2,000 square feet.</p>	<p>Final EIR for the LDC Final PEIR for the General Plan</p>
54	<p>131.0431(b) Table 131-04D 131.0443(a)(4)(A) 131.0443(a)</p>	<p>Streamlines project reviews by replacing the percentage of lot width with a static number for minimum side and street side setbacks in the RS-1-1 through RS-1-7 zones. In addition, it specifies minimums for</p>	<p>Final EIR for the LDC</p>

	(4)(B)(i)-(iii)	reallocated side and street side setbacks.	
55	131.0522 Table 131-05B 131.0707 Table 131-07A 141.0624 141.0624(a) (3)-(4) 141.0624(b)	Reduces the process level for Urgent Care Facilities in all commercial zones from a Neighborhood Use Permit to a Limited Use. This will ensure that regulations are applied consistently to Urgent Care Facilities.	Final EIR for the LDC
56	131.0702 131.0704	Allows the primary use to be new residential in an EMX zone if the development is located on a premises or adjacent premises where the total gross floor area is occupied by retail sales or eating and drinking establishment uses, or both, of at least 500,000 square feet.	Final EIR for the LDC Final PEIR for the General Plan Addendum to the General Plan PEIR for the Housing Element Update
57	132.1403	Requires that the recording of a CPIOZ exemption with a project's development permit. This improves efficiency by deleting the requirement for a separate filing process.	Final EIR for the LDC
58	132.1404	Amends the CPIOZ regulations in Chapter 13, Article 2, Division 14 to allow for alternative compliance through the payment into a citywide infrastructure fund if the City Engineer determines the installation of a supplemental development regulation for a public right-of-way improvement would create undesirable drainage, traffic or pedestrian circulation conditions.	Final EIR for the LDC
59	132.1550(f)-(g)	Requires applicants within Review Area 1 of the ALUCP to submit rezones and land use plan amendments that do not have an associated development project to the Airport Land Use Commission to	Final EIR for the LDC

		obtain a consistency determination.	
60	141.0302(c)(2)(G)	Aligns the setbacks for ADU structures over 16 feet in height that abut a residential use by allowing the ADU to follow the base zone side setback or the standard ADU 4 foot setback, whichever is less, for the interior side yard and rear yard setbacks.	Final PEIR for the General Plan Addendum to the General Plan PEIR for the Housing Element Update
61	142.0305 Table 142-03A 142.0360 142.0390	Adds design and general regulations for Monitored Perimeter Security Fence Systems. These fence systems would only be permitted in industrial zones.	Final EIR for the LDC
62	142.1010 Table 142-10B	Reduces the required number of off-street parking spaces for Research and Development Uses and aligns the requirements with the Commercial Use Subcategory. In addition, other clarifying changes were made to Table 142-10B (Required Off-Street Loading Spaces).	Final EIR for the LDC
63	143.1010(c)(6) 143.1020(b) 143.1020(b)(1)-(2) 143.1020(b)(6)-(7) 143.1020(b)(8) 143.1025(c)(4)(A)	Amends the Infrastructure Amenities section of Complete Communities Housing Solutions to allow for a public space alternative that can be used to meet the former promenade requirement to encourage the construction of more public spaces.	Final PEIR for Complete Communities: Housing Solutions and Mobility Choices
64	143.1025(c) 143.1025(c)(3)	Exempts projects within the Centre City Planned District from the Complete Communities Housing Solutions supplemental design for buildings over 95 feet, which is already addressed in the Centre City Planned District.	Final EIR for the Downtown Community Plan Final PEIR for Complete Communities: Housing Solutions and Mobility

			Choices
65	1516.0103 1516.0106(a)) 1516.0112 Table 15160-01B 1516.0117 Table 1516- 01D 1516.0121(b) 1516.0122 Table 1516- 01F 1516.0139 Table 1516- 01H 1516.0139 (l)(5) 1516.0139(n) (1) 1516.0140 Table 1516- 01K	Deletes references to the Design Review Board as it would no longer exist. Additional review oversight will no longer be required for projects within the Old Town San Diego Planned District.	CEQA Guidelines Section 15060(c)(2)
66	126.0109 129.0122	Codifies standard indemnification language for development permits to provide greater transparency to applicants and extends its application to construction permits to ensure consistent application.	Final EIR for the LDC
67	131.0431 Table 131- 04G 131.0446(e) -(f) 131.0531 Table 131- 05C 131.0531 Table 131- 05E 131.0546(b) 131.0631 Table 131- 06C 131.0632 131.0709 131.0719	Expands the child care FAR bonus to more zones that allow child care facilities. The child care FAR bonus allows for 10 square feet of additional gross floor area for each 1 square foot of gross floor area developed for a child care facility. The area designated for the child care facility must maintain an 'E' occupancy permit for at least ten years and comply with the additional separately regulated use requirements. No changes to setbacks or height regulations are included.	Final EIR for the LDC Final PEIR for the General Plan Addendum to the General Plan PEIR for the Housing Element Update

	155.0242 Table 155-02D 155.0243		
68	125.0410	Implements the Subdivision Map Act to require a tentative map when a proposed subdivision creates 5 or more lots under certain circumstances and makes changes to reflect when a parcel is required. For any subdivision, the City Engineer may require dedications and public improvements.	Final EIR for the LDC
69	142.0560 Table 142.0650 142.0560(j) (11)	Allows industrial uses within industrial zones to exceed the maximum driveway widths on lots greater than 50 feet in width if they can submit technical documentation that the increase in driveway width is necessary for freight-carrying vehicles and that the proposed driveway would not result in adverse impacts.	Final EIR for the LDC
D13	156.0308- Table 156-0308-A	Streamlines the permitting process for Residential Care Facilities and strengthens the City's commitment to fair housing by permitting Continuing Care Retirement Communities, Transitional Housing, and Intermediate Care Facilities & Nursing Facilities in a similar process. Appropriate regulations for these facilities based on the location and zone of the facility are proposed to ensure compatibility with surrounding land uses. In addition, this item separates Hospitals, Intermediate Care Facilities & Nursing Facilities into two separate uses.	Final EIR for the LDC Final EIR for the Downtown Community Plan
D21	156.0302 156.0304(c) -(d)	Clarifies the types of facilities that are exempt from the requirement to obtain a development permit. This includes active sidewalks, promenades, recreational amenities, urban plazas, pedestrian and bicycle amenities, street operational improvements, and development on	Final PEIR for the General Plan Final EIR for the Downtown Community Plan

		public agency-owned sites. In addition, it consolidates language that was previously in the definitions section for public open space.	Final PEIR for Complete Communities: Housing Solutions and Mobility Choices Spaces as Places NOE
D23	156.0308 Table 156-0308-A	Expands access to health care facilities by allowing Urgent Care Facilities as a permitted use in most land use districts and allows hospitals as a conditional use in the Residential Emphasis district.	Final EIR for the LDC Final EIR for the Downtown Community Plan
D24	156.0308 Table 156-0308-A	Adds SRO Hotels as a permitted use in the Public/Civic (PC) district to provide additional flexibility to encourage the development of more home opportunities.	Final EIR for the LDC Final EIR for the Downtown Community Plan Final PEIR for the General Plan Addendum to the General Plan PEIR for the Housing Element Update
D25	156.0309(d) 156.0309 Table 156-0309-A 156.0309(d)(1)(B)(v) 156.0309(d)(2) 156.0309(d)(2)(A)(i)-(iv) 156.0309(d)	Enhances the FAR Bonus program by increasing FAR Bonus numbers, expanding program applicability, providing clarifications to the covenant and financial surety requirements and removing redundant language.	Final EIR for the Downtown Community Plan Final PEIR for the General Plan

	(3) 156.0309(d) (3)(A-E) 156.0309(d) (7)-(11)		
D26	156.0309(e) (3)	Adds an FAR exemption for child care facilities to incentivize the development of child care facilities.	Final EIR for the Downtown Community Plan Final PEIR for the General Plan Addendum to the General Plan PEIR for the Housing Element Update
D27	156.0315(d) (3)	Accommodates more outdoor spaces on private property in the Centre City Planned District by increasing the size threshold for a Neighborhood Use Permit from 350 square feet to 2,000 square feet for outdoor use areas.	Final EIR for the Downtown Community Plan Final PEIR for the General Plan Spaces as Places NOE
Align Policy with City’s Climate, Equity and Housing Goals			
D1	156.0302 156.0311(e)(1) 156.0313(f)(2)(C)	Replaces the architectural detail requirement for artwork on blank walls that extend beyond a certain length with a living green wall or fragrant landscaped planter and defines these terms. Adds the option to provide a living green wall to fulfill the design requirements of above-grade parking that is not encapsulated.	Final EIR for the Downtown Community Plan Final PEIR for the Climate Action Plan (CAP) Addendum to the Final PEIR for the Climate Action Plan Update
D2	156.0308	Aligns certain land uses in Table 156-	Final EIR for

	Table 156-0308-A	0308-A (Centre City Planned District Use Regulations) with the minimum density requirements by excluding low-intensity auto-oriented uses in the Employment/Residential Mixed-Use, Ballpark Mixed-Use districts, and the Core districts, and any within the San Diego Promise Zone. This will encourage the efficient use of property through development that meets density requirements and will bring more housing and employment opportunities to the San Diego Promise Zone.	the Downtown Community Plan Final PEIR for the General Plan Addendum to the General Plan PEIR for the Housing Element Update
D4	156.0308 Table 156-0308-A	Adds a footnote Table 156-0308-A (Centre City Planned District Use Regulations) to allow ground floor commercial spaces to be converted to residential dwelling units during a limited time period in the Neighborhood Commercial district and Main Street and Commercial Street overlays if they are restricted to middle income (30 percent of 150 percent of the area median income). This will further the City's housing goals by allowing residential uses in additional ground floor locations.	Final EIR for the Downtown Community Plan Final PEIR for the General Plan Addendum to the General Plan PEIR for the Housing Element Update
D5	156.0309(e) (4)	Expands the existing active commercial use exemption for FAR calculations to developments along C Street and within the San Diego Promise Zone to incentive ground floor commercial uses.	Final EIR for the Downtown Community Plan
D6	156.0313(g) (1)(E)	Adds a requirement for temporary surface parking lots that are larger than 30,000 square feet to provide placemaking or outdoor activation along 30 percent of the street frontage. This amendment increases neighborhood opportunities for recreational or commercial activities at surface parking lot sites to improve the pedestrian experience.	Final EIR for the Downtown Community Plan Final PEIR for the General Plan