

Issues Matrix – 12th Code Update-Phase 2

10.24.19

The following is a summary of the 39 amendments organized into the following categories: Rules of Calculation, Environmental, Zoning, Landscaping and Minor Corrections. Within each category the amendments are listed in order of the associated code sections to be amended.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
Rules of Calculations: The following amendment clarifies measurements for attic and GFA.			
1	Regulatory Reform	113.0103 113.0210 113.0234	<u>Attic and Gross Floor Area</u> - Redefining Attic and Gross Floor Area consistent with the building code.
Environmental: The following 2 items clarify regulations to be consistent with CEQA guidelines and the VPHCP			
2	Regulatory Reform	128.0311	<u>Certification of an Environmental Document</u> - When relying on previously certified environmental documents, state law requires a decision maker's decision to rely on that document to be supported with substantial evidence. State law also sets forth the requirements for the City's actions as a responsible agency when making on a decision on a project. The section is proposed to be revised to clarify that such decisions will be made in accordance with CEQA and the CEQA Guidelines.
3	Regulatory Reform	143.0110	<u>When Environmentally Sensitive Lands Regulations Apply</u> <ul style="list-style-type: none"> • Allow for a third party, local or state agency that is not subject to the City's discretionary land use authority to elect to utilize the City's land use permitting process for development that is within the City's jurisdictional boundary to gain incidental take authorization under the VPHCP through issuance of a Certificate of Inclusion. • Reduce separation distance for steep hillsides from 40 to 20 feet. • Clarifies that development on property that does not contain ESL, but that is located adjacent to property within the MHPA, must be consistent with the Land Use Adjacency Guidelines in MSCP Subarea Plan Section 1.4.3 and VPHCP Section 5.2.1. Compliance notes/conditions must be included the construction plans as appropriate.
Zoning: The following 25 amendments improve and streamline the permit process and clarify regulations.			
4	Regulatory Reform	141.0612	<u>Mobile Food Truck Permit</u> - Allow standing tables, shade structure and six square foot signs within private property to help support the industry.
5	Regulatory Reform	131.0112 131.0602 131.0622 141.0602	<u>Description of Use Categories and Subcategories</u> - Amend the Industrial Use Category to expand R&D uses and amend the Industrial zones tables to allow agricultural, retail, and commercial flexibility to primary uses.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
6	Regulatory Reform	131.0422 Table 131-04B 131.0522 Table 131-05B 141.0303	<u>Continuing Care Retirement Communities (CCRC)</u> - Allow by-right-Limited use in zones that allow multi-family housing, subject to requirements. Not subject CCRC to density limitations of zone.
7	Regulatory Reform	121.0302 125.0150 126.0110 126.0112 126.0113 126.0114 126.0115 126.0206 126.0306 126.0405 126.0506 126.0606 126.0723 132.1515 141.0602 142.0530 143.0303 143.0375 143.0403 143.0473 156.0315	<u>Development on a Premises with a Utilized Development Permit-</u> Adds new section 'Development on a Premise with a Utilized Permit' which allows existing development capacity where permitted under the base zone without an amendment to the existing development permit.
8	Regulatory Reform	142.0103(b) 126.0502(c)(6)	<u>Housing Development Process Improvements-</u> Amend language to specify that multi-family residential development that involves grading to accommodate underground parking does not require a SDP pursuant to 142.0103.
9	Regulatory Reform	131.0431(b) Table 131-04D	<u>Development Regulations Table for Residential Zones-</u> Clarification that the minimum lot size in the RS-1-2 zones within Encanto and Southeastern San Diego community planning areas is 5,000 square feet.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
10	Regulatory Reform	131.0522 Tables 131-05B & 131-05D	<u>Use Regulations Table for Commercial Zones</u> <ul style="list-style-type: none"> • Allow Homeless Facilities within the Coastal Overlay Zone, still subject to a CUP and CD. • Allow visitor accommodations in the CO-2-2 & CO-2-1 zones. • Allow the sale of intoxicating beverages in eating and drinking establishment in the CN zone. • Correct inconsistency in development regulations table for CO-2 zones; Supplemental Residential Regulations should not apply in CO-2-1 and CO-2-2 zones.
11	Regulatory Reform	131.0507	<u>Development Regulations Tables for Commercial Zones</u> <ul style="list-style-type: none"> • Clarify limited residential use in commercial zones.
12	Regulatory Reform	22.4033 34.0103 42.1301-42.1304 42.1502 43.1002 52.3305 58.0701-58.0704 113.0103, 113.0225 126.0303 131.0222, 131.0322 131.0422, 131.0522 131.0622 132.1510 132.1515 141.0504, 141.1004 151.0103 152.0312 153.0309, 153.0310 155.0238	<u>Marijuana Outlets and Production Facilities</u> <ul style="list-style-type: none"> • Change Marijuana to Cannabis throughout the municipal code. • Change distance requirement to public direct physical access between uses and clarify the distance from residentially zoned property for cannabis outlets. • Add regulations for billboard advertising that apply to both licensed and unlicensed businesses. • Prohibit secondary window signs advertising cannabis.
13	Regulatory Reform	142.0540	<u>Exception to Parking Regulations for Nonresidential Uses</u> Increase the small lot commercial parking exemption from 10,000 to 15,000. There are many commercial lots just over 10,000 that cannot utilize the exception that would be good redevelopment projects.
14	Regulatory Reform	142.1292	<u>Downtown Community Plan Sign Control District</u> Allow signs relating to major event within the Downtown Community Plan.

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15	Regulatory Reform	112.0601 112.0602 112.0604 113.0103 126.0108(d) 126.0502(a)(1)(f)(g) 126.0707(a-c) 132.0402 Table 132-04A 143.0110 -Table 143-01A and (c)(10)	<u>Capital Improvement Projects (CIP) and Public Projects</u> Defining a Public Project and Reducing the CIP & Public Project process for the following: <ul style="list-style-type: none"> Discretionary process from a 5 to a 2 (does not apply to deviations from historical, ESL or archeological resources). Projects that meet new SDP exemption criteria & have appropriate CEQA review can be processed ministerially. CIP & Public Projects within the Coastal Overlay Appealable Area reduced from a Process 5 to a 2.
16	Regulatory Reform	131.0112 131.0222 131.0422 131.0522 131.0622 141.0803 141.0901 142.0413	<u>Vehicle Storage Facilities as a Primary Use</u> <ul style="list-style-type: none"> Eliminating the Impound Storage Yard Use Adding Vehicle Storage Facility (Separately Regulated Use) that allows of storage of operable vehicles as a primary use ministerially.
17	Regulatory Reform	155.0238	<u>Use Regulations Table of CU Zones</u> - Allow Companion Units, Junior Units and guest quarters in the CU Zones where single-family units are allowed.
18	Regulatory Reform	142.0528	<u>Parking Standards Transit Priority Area Regulations</u> <ul style="list-style-type: none"> Clarify that bicycle parking is required and reformatting of existing language. Add footnote to motorcycle parking. Clarify definition of Parking Standards TPA.
19	Regulatory Reform	131.0422 Table 131-04B	<u>Child Care Centers</u> -Change the permit process from a Conditional Use Permit to Limited Use for Child Care Centers in multi-family zones, consistent with the Mixed-Use Zones.
20	Regulatory Reform	142.0640	<u>Impact Fees for Financing Public Facilities</u> - Revisions, corrections and clarifications to the Impact Fee Program.
21	Regulatory Reform	155.0253(a)(1)	<u>Supplemental Development Regulations</u> - Eliminate the Site Development Permit requirement for mixed use project if a certain amount of park acreage has not been added in the Mid-City Community area.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
22	Regulatory Reform	141.0602	<u>Assembly and Entertainment Uses</u> –To provide parking flexibility, allows parking to be on or off-site.
23	Regulatory Reform	142.0540	<u>Exception to Parking Regulations for Nonresidential Uses</u> –Clarifies that the parking requirements in Table 142-05H apply to all commercial.
24	Regulatory Reform	Table of Contents- Remove Division 9 (this will come with the repeal of overlay zone) 126.0402 131.0449(b)(2) 132.0901-0905 142.0505- Table 142-05A 142.0527 142.0555 143.0302- Table 143.03A	<u>Tandem Parking</u> –Repeal of the Residential Tandem Overlay Zone, kept regulations under Parking Regulations.
25	Regulatory Reform	11.0301	<u>Service of Notices</u> -Include electronic noticing for enforcement purposes in addition to other required noticing.
26	Regulatory Reform	141.0407	<u>Educational Facilities-Schools for Kindergarten to Grade 12</u> - Increase enrollment for replacing an existing school to 600 students within a TPA.
27	Regulatory Reform	113.0103 143.0145 143.0146	<u>Special Flood Hazard Areas Regulations</u> - Amend regulations to be consistent with FEMA regulations.

Landscaping: The following 6 items clarify the Landscape Regulations and eliminate redundancies			
28	Regulatory Reform	142.0402, Table 142-04A 142.0404	<u>When Landscape Regulations Apply</u> - Establish landscape area and point requirements for high-density residential development and residential components of mixed-use development.
29	Regulatory Reform	142.0403 (b) & (d) Table 142-04B	<u>General Planting and Irrigation Requirements</u> -Clean-up/corrections removing certain trees from the table that shrubs and consolidating palms into one category.
30	Regulatory Reform	142.0404 Table 142-04C 142.0405(b)(2) 142.0405(c)(3)	<u>Additional Yard Planting Area</u> <ul style="list-style-type: none"> • Clarifying common open space options available to meet landscape requirements. • Amend the 5-foot planting requirement when commercial development abuts residential zones when commercial development allows zero setbacks.
31	Regulatory Reform	142.0408(a & c)	<u>Temporary Vehicular Use Area Requirements</u> Clarifying that vehicular use areas are subject to construction permit rather than building Permits.
32	Clarification	142.0413(b)(2), (c)(d)(1) and (e)(1)	<u>Water Conservation</u> - Modifying language in compliance with the Model Water Efficient Landscape Ordinance (MWELo).
33	Clarification	143.0141 (a)(B)(i,ii)	<u>Development Regulations for Sensitive Biological Resources</u> - Clarify ESL regulations to coordinate with the Biology Guidelines, where brush management zone two is not acceptable as mitigation area.

Minor Corrections: The following 7 items clarify regulations, correct formatting errors, incorrect terms, and incorrect section references.			
34	Incorrect Section	141.0505	<u>Plant Nurseries</u> - Section (d) incorrectly references 141.0504 the correct section is 141.0505.
35	Repealed Ordinance	123.0501 123.0502 123.0503 123.0504 123.0505 123.0506 131.0422 Table 131.04B 131.0431 131.0447 131.0457	<u>Residential High Occupancy Permit</u> - Remove repealed ordinance per Superior Court Judgment filed January 10, 2018.
36	Correction	157.0202(b)	<u>Overview of Decision Process</u> - Remove reference to Process Two by the City Manager I lieu of Planning Commission.
37	Repealed Ordinance	98.0202(a)(5)	<u>Mobilehomes, Recreational Vehicles and Commercial Coaches</u> - Remove reference to Chapter X, Article 1, Division 5 that was repealed.
38	Correction	1510. 0102 and Map No. C-403.4	<u>LJ Shores PDO Boundaries</u> Adding the existing referenced map within the LJ Shores PDO for ease of reference.
39	Regulatory Reform	22.4035 142.1210(b)(5)(E)	<u>Special Event Signs</u> -Eliminate section referencing incorrect Chapters and Police Department approval for signs.
40	Correction	156.0309(e) Figure B, C & D	<u>Centre City Planned District</u> -Update Figures to align with actions from Phase 1 Update and minor corrections to wording on 156.0309(e).