

Workshop One

Name of Item	Why is amendment needed?	What does the amendment do?	Code Sections
Airport Overlay Deviation Language and Process Update	Any project requesting a deviation from airport land use compatibility overlay zone requires a consistency determination from Airport Land Use Commission. This proposal will allow for the City Council to make the overrule determination without going to Airport Land Use Commission(ALUC).	This will help streamline development that is requesting deviation by not having to get ALUC determination and subsequent City Council overrule action.	Table 132-15B 132.1515(h) 132.1550(c) 126.0502(d)(8) 126.0505(n)
Childcare Facilities- Gross Floor Area	To incentivize childcare facilities by increasing the allowable floor area ratio.	Increase the floor area ratio bonus from 4 square feet to 10 square feet.	131.0546(b)
Definition of Interested Person	Interested person is defined as "a person who was present at a public hearing from which an appeal arose and who had filed a speaker slip with the decision maker."	Since we do not have speaker slips in this virtual setting, that language is outdated and should be amended to provide for people who speak at a public hearing.	113.0103
Definition of Transit Priority Area (TPA)	Consistency to ensure if any part of the premise is within the TPA.	Adds language that if any portion of the premise is within a TPA then the regulations are applicable to the entire premise.	113.0103
Development Regs RS 1-2 Zones-Encanto and South East San Diego(ESD) Clarification	Additional clarification is needed to ensure consistency with the RS-1-7 development regulations.	This clarifies that the development regulations for a 5,000 sf lot in Encanto are consistent with the RS-1-7.	131.0431
Micro-unit- clarify post density bonus are micro units	There is some ambiguity on what type of units the post density bonus units need to be.	Add clarity that requires pre and post density bonus units to be micro-units if that is the bonus they are seeking.	143.0720(l)(9)
Old Town San Diego PDO- Sign Regulations Permit and Process Level Change	Currently, the type of permit and process level required for signs requires a Neighborhood Development Permit(NDP), Process 2. The length of time and costs associated with this approval, has been quite onerous for small business owners.	Eliminate the NDP permit and reduce the process level required for all proposed signs, except temporary signs and business operations signs from a Neighborhood Development Permit (Process Two) to Ministerial Permit (Process One).	1516.0139 (d)(1) Table 1516-01A
Outdoor Lighting Regulations	The current outdoor Lighting standards are more restrictive than the California Green Building Standards Code.	Make the regulations consistent with California Green Building Standards Code.	142.0740(c)(2)(B)
Parking- Multifamily and ADA Parking for Parking Standards Transit Priority Area Regulations	The Multifamily Residential Parking Regulations in the Parking Standards Transit Priority Area Regulations states that if no parking spaces are provided by a development they do not need to provide any ADA parking spaces.	Revise language to require ADA parking accommodations even if no parking spaces area required.	142.0528(a)-(b)
Personal Storage Requirements within Residential-Multi Family Zones	Allow for additional flexibility to have the market dictate how much personal storage is needed.	Remove storage requirement for Residential Multi-family zones.	Table 131-04G 131.0454 131.0709 Table 131.07B 143.0110(e)
Private exterior open space	Current multi-family regulations do not provide an alternate compliance for private exterior open space.	Add language to allow for alternative compliance for private exterior open space requirement. Where private exterior open space requirement is not met, the deficit private exterior open space may be provided by additional common open space.	131.0455(e)
Public Notice- Increase size of posted signage	The posting of a Public Notice is required for many types of permits and processes. The current regulations do not specify the size or material of the posted notice.	Add requirements to specify the size of the notices to make it easier to read from the street and protect from weather.	112.0304(a)
Use Table-Commercial Use- Dairies	The word "Dairies" should not be indented on the Commercial Zones use table because everything under it is not a sub category of dairies. All the other use table for the other zones do not have it indented.	Remove the indent for clarity.	Table 131-05B

****Each code section outlined in blue is a hyperlink to the current code**

Table 132-15B

Airport Land Use Compatibility Overlay Zone Applicability

Development proposing to deviate from <u>the density and intensity thresholds in accordance with Section 132.1515, this Division, or new development that includes a rezone or land use plan approval.</u>	132.1510 132.1515 132.1520 132.1535 132.1540	Site Development Permit/Process Four <u>Five</u>
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§132.1515 Safety Compatibility

- (h) Development that would deviate from density and intensity thresholds for uses identified as limited in Tables 132-15G, 132-15H, 132-15I, or 132-15J and in accordance with Section 126.0502(d)8.

§132.1550 ~~SDCRAA~~ Airport Land Use Commission Review

- (c) Prior to approval of development within the Airport Land Use Compatibility Overlay Zone, the applicant shall obtain a consistency determination from the ~~SDCRAA~~ Airport Land Use Commission for the following types of development:
- (1) [No change in text.]
 - ~~(2) Development that would deviate from this Division;~~
 - ~~(3)~~ [No change in text.]
 - ~~(4)~~ Development that includes a rezone or approval of a land use plan or amendment of a land use plan within Review Area 1 of the Airport Land Use Compatibility Overlay Zone; and
 - ~~(5)~~ Development that would include aviation uses, non-aviation uses located on airport property (public use airport only), or approval or amendment of an airport master plan; and
 - ~~(6) Development of a power plant or electrical substation in accordance with the regulations for safety compatibility of Energy Generation and Distribution Facilities in Section 132.1515.~~

§126.0502 When a Site Development Permit is Required

- d) A Site Development Permit decided in accordance with Process Four is required for the following types of development.

(1 - 7) [No change in text.]

(8) Development within the Airport Land Use Compatibility Overlay Zone proposing deviations from the density and intensity thresholds in the safety compatibility zone requirements.

- (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.~~

~~(31)~~ [No change in text.]

~~(42)~~ Development within the Airport Land Use Compatibility Overlay Zone ~~proposing deviations from the overlay zone requirements, or development~~ that includes a rezone or land use plan approval.

~~(53)~~ [No change in text.]

§126.0505 Findings for Site Development Permit Approval

A Site Development Permit may be approved or conditionally approved only if the decision maker makes all of the findings in Section 126.0505(a) and the supplemental findings in Section 126.0505(b) through ~~(m-n)~~ that are applicable to the proposed development as specified in this section.

(a - m) [No change in text.]

(n) Supplemental Findings—Airport Land Use Compatibility Safety Zone Deviation from the Density and Intensity Thresholds

A Site Development Permit required in accordance with Section 132.1515 because a deviation from the Airport Land Use Compatibility Safety Zone density and intensity thresholds is requested, maybe approved or conditionally approved only if the decision maker makes the following supplemental findings in addition to the findings in Section 126.0505(a):

- (1) The proposed development will not be detrimental to the public health, safety, and welfare;
- (2) The proposed development will minimize the public's exposure to excessive noise and safety hazards to the extent feasible; and
- (3) The proposed development will meet the purpose and intent of the California Public Utilities Code Section 21670.

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*

In the CR-1-1, CR-2-1, CO-1-2, CO-2-2, CO-3-1, and CO-3-2 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 be used for child care for a minimum of 10 years and must be in compliance with the requirements of Section 141.0606 (Child Care Facilities).

Definition of Interested Person and Transit Priority Area

§113.0103 Definitions

Abutting property through Important archaeological site [No change in text]

Interested person means a person who ~~was present~~ spoke at a public hearing from which an appeal arose and who had filed a speaker slip with the decision maker at that public hearing or a person who expressed an interest in the decision in writing to that decision maker before the close of the public hearing

Transit priority area means the area defined in California Public Resources Code Section 21099, as may be amended, or an area within one-half mile of a major transit stop that is existing or planned, if the planned major transit stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program. Regulations relating to a *Transit Priority Area* are applicable to the entire *premises* wherever any portion of a *premises* is located within a *Transit Priority Area*.

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) through (b) [No change in text]

Table 131-04D [No change in text]

Footnotes for Table 131-04D

¹ through ⁶ [No change in text]

⁷ In the Encanto and Southeastern San Diego Community Planning areas the lot size shall be a minimum of 5,000 square feet, all development regulations of the RS-1-7 zone shall apply for subdivisions.

⁸ [No change in text]

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

143.0720(1)(9)

For micro-unit development that provides five or more dwelling units; meets 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), or 143.0720(f); provides an average of no more than 600 square feet per dwelling unit with no dwelling unit exceeding 800 square feet; with a portion of the lot located within a Transit Priority Area; and where the premises can be serviced by all required utilities, a density bonus of up to 100 percent of the pre-density bonus dwelling units shall be granted. The post-density bonus dwelling units shall be micro-units. For development meeting the same criteria within the Centre City Planned District Ordinance, the development must comply with Section 156.0309(e)(1)(C).

Old Town San Diego PDO-Sign Regulations Permit
and Process Level Change

§ 1516.0107 Administration and Permits

(a) Through (c) [No change in text]

Table 1516-01A
Type of Development Proposal and Applicable Regulations

	Type of Development Proposal	Applicable Sections	Required Permit /Decision Process
1.	[No change in text]	[No change in text]	[No change in text]
2.	[No change in text]	[No change in text]	[No change in text]
<u>3.</u>	• <u>Signs</u>	<u>1516.0139, 1516.0140, and Appendix E</u>	<u>Sign Permit/Process One</u>

<u>34.</u>	[No change in text]	[No change in text]	[No change in text]
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	Type of Development Proposal	Applicable Sections	Required Permit /Decision Process
<u>45.</u>	<ul style="list-style-type: none"> • New construction of any building or primary structure • New construction of any habitable accessory structure • New construction of any non-habitable accessory structure that exceeds 100 square feet in gross floor area • New construction of any non-habitable accessory structure that would be visible from the public right-of-way • Signs • Walls or fences • Any addition to or alteration of any non-historical structure which is <i>major in scope</i> 	1516.0124, 1516.0125, 1516.0126, 1516.0127, 1516.0128, 1516.0130-1516.0140 <u>138</u> , Appendix A, Appendix B, Appendix C, Appendix D, Appendix E , and Appendix F	[No change in text]
<u>56.</u>	[No change in text]	[No change in text]	[No change in text]
<u>67.</u>	[No change in text]	[No change in text]	[No change in text]

1516.0139 Sign Requirements

- (a) Through (c) [No change in text]
- (b) Permit Application Requirements

- (1) All proposed signs, except *temporary signs* and *business operations signs*, require a Sign Permit ~~Neighborhood Development Permit~~(Process ~~Two~~One).

- (2) [No change in text]

- (c) Types of Permitted Signs

The types of signs permitted are *identification signs*, *historical identification signs*, *business operations signs*, *directional signs*, *sidewalk directional signs*, *wayfinding signs*, *community entry signs* and *neighborhood identification signs*, *temporary signs*, and *miscellaneous signs*.

- (d) Maximum Size, Number, and Placement Requirements for Signs

Signs shall comply with the maximum size, number, and placement requirements in Table 1516-01H.

- (e) General Sign Placement Requirements

Signs shall not obstruct or adversely affect the architectural or historical features of buildings or sites.

- (1) Signs affixed to building facades shall not project above the nearest parapet or eave of the building.
 - (2) Signs affixed parallel to building facades shall not project more than 12 inches from the building facade.
 - (3) Signs affixed to a building shall not project into the public right-of-way.
 - (4) Signs affixed to the underside of covered walkways or verandas shall be affixed to the framework of the walkway or veranda in a way that does not allow movement by wind or passerby and shall remain out of the public right-of-way.

§142.0740 Outdoor Lighting Regulations

- (a) Through (b) [No change in text]
- (b) General regulations that apply to all outdoor lighting:
 - (1) [No change in text]
 - (2) Shields and flat lenses shall be required to control and direct the light below an imaginary horizontal plane passing through the lowest point of the fixture, except for:
 - (A) [No change in text]
 - (B) Outdoor lighting fixtures less than ~~4,050~~ 6,200 lumens including landscape lighting and decorative lighting;
 - (C) Through (G) [No change in text]
 - (3) Through (8) [No change in text]

142.0528 Parking Standards Transit Priority Area Regulations

The Parking Standards Transit Priority Area Regulations establish the parking requirements for *multiple dwelling unit residential development* where all or a portion of the *premises* is located within a Parking Standards Transit Priority Area. For purposes of this section, Parking Standards Transit Priority Area means the area defined in California Public Resources Code Section 21099, as may be amended, or an area within one-half mile of a *major transit stop* that is existing or planned, if the planned *major transit stop* is scheduled to be completed within the San Diego Association of Governments (SANDAG) Regional Transportation Improvement Program (RTIP). The RTIP covers five fiscal years and incrementally implements the long range Regional Transportation Plan for the San Diego region. *Multiple dwelling unit residential development* that involves four or fewer *dwelling units*, or that includes at least 20 percent on-site housing that is affordable to persons with a household income equal to or less than 50 percent of the area median income as determined in accordance with California Health and Safety Code section 50093 and is subject to an affordability restriction for a minimum of 55 years, is exempt from the unbundled parking requirement in subsection 142.0528(b)(1). Reasonable accommodations to parking requirements shall be granted if necessary, to afford ~~disabled persons~~ people with disabilities equal housing opportunities under state or federal law, in accordance with Section 131.0466. *Multiple dwelling unit residential development* in the Centre City, Gaslamp, and Marina Planned Districts is exempt from the transportation amenity requirement in subsection 142.0528(c).

- (a) Parking Requirement. *Off-street parking spaces* are not required.
- (1) through (2) [No change in text]
- (3) The development shall provide a passenger drop-off and loading zone along the street frontage near the main accessible entrance unless there is an existing compliant passenger drop-off and loading zone within 200 feet from the development's main accessible entrance. The passenger drop-off and loading zone shall comply with The City of San Diego Standard Drawings Public Works Construction.
- In addition, the development shall provide an accessible route within the boundaries of the site, from the accessible main accessible entrance of the development to the drop-off and passenger loading zone, per The California Building Standards Code.
- (4) The development shall provide an on-street accessible parking space along the street frontage, unless existing compliant on-street parking spaces within the block perimeter are within a ratio of 1

accessible space for every 25 standard spaces. The accessible on-street parking spaces shall comply with The City of San Diego Standard Drawings for Public Works Construction.

In addition, the *development* shall provide an accessible route within the boundaries of the site, from the main accessible entrance of the *development* to the designated accessible on-street parking space, per the California Building Standards Code.

(b) Provided Parking. If one or more *off-street parking spaces* are provided in a *development*, then the following requirements apply:

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

(3) The number of off-street electric vehicle charging spaces shall be provided in accordance with ~~the California Green Building Standards Code~~ Title 24 of the California Code of Regulations (California Building Standards Code).

Personal Storage Requirements within Residential-Multi Family Zones

§131.0454

Storage Requirements in the RM Zones

In all RM zones, each dwelling unit shall have a fully enclosed, personal storage area outside the unit that is at least 240 cubic feet with a minimum 7-foot horizontal dimension along one plane.

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

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
Ground-floor Height [See Section 131.0451]		-	-	-	-	-	-
Lot consolidation regulations [See Section 131.0453(a)]		applies	applies	-	-	-	-
Storage requirements [See Section 131.0454]		applies	applies	applies	applies	applies	applies
Private exterior open space		applies ⁽²²⁾	applies ⁽²²⁾	applies ⁽²²⁾	applies ⁽²³⁾	applies ⁽²³⁾	applies ⁽²³⁾
Common open space [See Section 131.0456]		applies	applies	applies	applies	applies	applies
Architectural projections and encroachments		Permitted ⁽¹⁵⁾	Permitted ⁽¹⁵⁾	Permitted ⁽¹⁵⁾	Permitted ⁽¹⁶⁾	Permitted ⁽¹⁶⁾	Permitted ⁽¹⁶⁾
Supplemental requirements		applies ⁽²⁶⁾	applies ⁽²⁶⁾	applies ⁽²⁶⁾	applies ⁽²⁷⁾	applies ⁽²⁷⁾	applies ⁽²⁷⁾
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies	applies	applies
Visibility Area [See Section 113.0273]		applies	applies	applies	applies	applies	applies
Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12]		applies	applies	applies	applies	applies	applies

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM					
	3rd >>	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12
Maximum permitted density^{(1),(2)} (sf per DU)		1,000	800	600	400	200	1,000 ⁽³⁶⁾
Min lot area (sf)		7,000	7,000	7,000	7,000	7,000	10,000
Min lot dimensions							
Lot width (ft)		70	70	70	100	100	100
<i>Street frontage</i> (ft) [See Section 131.0442(a)]		70	70	70	100	100	100
Lot width (corner) (ft)		75	75	75	100	100	100
Lot depth (ft)		100	100	100	100	100	100
Setback requirements							
Min Front <i>setback</i> (ft)		10 ⁽¹¹⁾	10 ⁽¹¹⁾	10 ⁽¹¹⁾	varies ⁽¹⁴⁾	varies ⁽¹⁴⁾	15 ⁽³⁰⁾
Std Front <i>Setback</i> (ft)		20 ⁽¹¹⁾	20 ⁽¹¹⁾	20 ⁽¹¹⁾			
Min Side <i>setback</i> (ft)		5 ⁽¹²⁾	5 ⁽¹²⁾	5 ⁽¹²⁾	varies ⁽¹⁴⁾	varies ⁽¹⁴⁾	4 ⁽³¹⁾
Std Side <i>Setback</i> (ft)		-	-	-	-	-	-
Min <i>Street side setback</i> (ft)		10 ⁽¹³⁾	10 ⁽¹³⁾	10 ⁽¹³⁾	varies ⁽¹⁴⁾	varies ⁽¹⁴⁾	10 ⁽³²⁾
Min Rear <i>setback</i> (ft)		5	5	5	varies ⁽¹⁴⁾	varies ⁽¹⁴⁾	15 ⁽³³⁾
Setback requirements for resubdivided corner lots [See Section 113.0246(f)]		applies	applies	applies	applies	applies	-
Max structure height (ft)		40 ⁽³⁷⁾	50 ⁽³⁷⁾	60 ⁽³⁷⁾	_ ⁽³⁷⁾	_ ⁽³⁷⁾	_ ⁽³⁷⁾
Max lot coverage		7,000	7,000	7,000	applies	applies	applies ⁽³⁴⁾
Max floor area ratio		1.80	2.25	2.70	3.60	7.20	1.80 ⁽³⁵⁾
Accessory uses and structures [See Section 131.0448]		applies	applies	applies	applies	applies	applies
Ground-floor Height [See Section 131.0451]		-	applies	applies	applies	applies	applies
Lot consolidation regulations		-	-	-	-	-	-
Storage requirements [See Section 131.0454]		applies	applies	applies	applies	applies	Applies

- (c) The regulations in this Division apply to all proposed *development* in the mixed-use base zones whether a permit or other approval is required, except where specifically identified.

(“Development Regulations of Mixed-Use Zones” added 9-12-2019 by O-21118 N.S.; effective 10-12-2019.)

§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)	20,000					
Minimum Lot Dimensions	-					
Setback Requirements						
Min Front <i>Setback</i> (ft)	-	-	-	-	-	-
Max Front <i>Setback</i> (ft) ¹	20	20	20	20	20	20
Min Side & Rear <i>Setback</i> (ft)	-	-	-	-	-	-
Max Side & Rear <i>Setback</i> (ft)	-	-	-	-	-	-
Min <i>Street</i> side <i>Setback</i> (ft)	-	-	-	-	-	-
Max <i>Street</i> side <i>Setback</i> (ft) ¹	20	20	20	20	20	20
Maximum <i>Floor Area Ratio</i> ⁽³⁾	3.0	5.0	7.0	3.0	5.0	7.0
Maximum <i>Structure Height</i> (ft) ⁽²⁾	120	240	-	120	240	-
Minimum <i>Ground-floor</i> Height for Non-Residential Uses (ft)	13	13	13	13	13	13
Supplemental Regulations for RMX Zones [See Section 131.0712]	Applies			-	-	-

Development Regulations	Zones					
	RMX-			EMX-		
	1	2	3	1	2	3
Building Frontage Activation, Articulation and Transparency [See Section 131.0713]	Applies					
Pedestrian Entrances and Connections [See Section 131.0714]	Applies					
Open Space Regulations for Residential Only [See Section 131.0715]	Applies					
Parking Design [See Section 131.0716]	Applies					
Supplemental Regulations for Premises Greater than Five Acres [See Section 131.0718]	Applies					
Loading Area Regulations [See Section 142.1001]	Applies					
Visibility Area [See Section 113.0273]	Applies					
Refuse and Recyclable Material Storage [See Section 142.0805]	Applies					
Storage Requirements for Residential Only [See Section 131.0454]	Applies					
Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12]	Applies					

§143.1010

Incentives in Exchange for Transit Priority 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) Waiver of the existing *floor area ratio* and a new *floor area ratio* based upon whether the *development* is located in FAR Tier 1, FAR Tier 2, FAR Tier 3, or FAR Tier 4. If a mixed-use *development* is proposed, the *floor area ratio* of the non-residential portion of the *development* shall not exceed the maximum *floor area ratio* of the applicable base zone or Planned District.

Development located within the Coastal Overlay Zone and the Coastal Height Limit Overlay Zone as shown on Map No. C-380, filed in the office of the City Clerk as Document No. 743737, shall be limited to a maximum *floor area ratio* of 2.5, and to a maximum height of 30 feet, with the exception of those areas located within the FAR Tier 1.

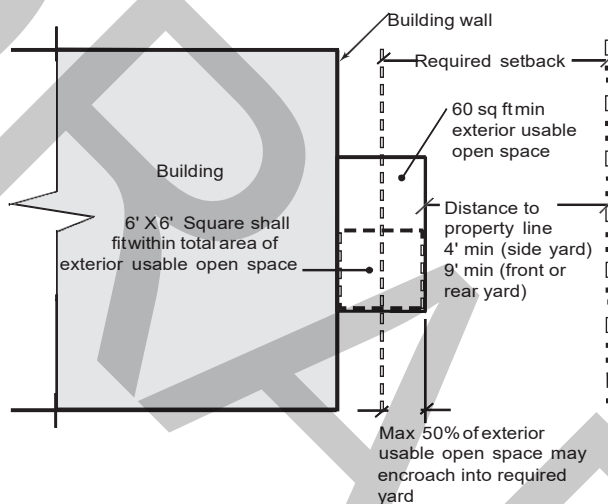
- (1) Within FAR Tier 1, there shall be no maximum *floor area ratio* for residential *development*.
 - (2) Within FAR Tier 2, the new maximum *floor area ratio* shall be 8.0.
 - (3) Within FAR Tier 3, the new maximum *floor area ratio* shall be 6.5.
 - (4) Within FAR Tier 4, the new maximum *floor area ratio* shall be 4.0.
- (b) Waiver of the maximum permitted residential density of the land use designation(s) in the applicable land use plan. Density shall be limited by the allowable *floor area ratio* and the requirements of the California Building Code as adopted and amended by the City of San Diego.

- (c) Waiver of the following applicable base zone or Planned District regulations:
- (1) Maximum structure height.
 - (2) Maximum lot area.
 - (3) Street frontage requirements, if safe and adequate access to the premises can be provided to the satisfaction of the City Building Official and the Fire Department.
 - (4) Maximum lot coverage.
 - (5) Floor Area Ratio (FAR) Bonus for Residential Mixed-Use. *Development* utilizing the regulations in this Division shall not be eligible for other FAR or density bonuses.
 - (6) Maximum front setback or street side setback if the maximum is less than 20 feet and the *development* is constructing a promenade, in accordance with Section 143.1020.
- (d) Waiver of any of the following applicable overlay zone regulations:
- (1) Maximum permitted residential density.
 - (2) Outside the Coastal Height Limit Overlay Zone and the Airport Land Use Compatibility Overlay Zone, maximum structure height.
 - (3) The requirement to obtain a Site Development Permit in areas mapped as CPIOZ Type A or CPIOZ Type B, if the *development* complies with the *development* standards or criteria in the applicable community plan. Compliance with the *development* standards or criteria in the applicable community plan does not include compliance with maximum permitted residential density and/or maximum structure height.
- (e) Waiver of the personal storage area requirement in Section 131.0454 and the private exterior open space requirement in Section 131.0455 for all *dwelling units* in the *development* if at least 10 percent of the total *dwelling units* in the *development* are three bedroom *dwelling units*.
- (f) Scaling of Development Impact Fees based on square footage, rather than number of *dwelling units* in the proposed *development*, in accordance with Section 142.0640(b)(4).

§131.0455 Private Exterior Open Space in the RM Zones

- (a) In the RM-1-1, RM-1-2, and RM-1-3 zones, at least 60 square feet of usable, private, exterior open space abutting each dwelling unit shall be provided with a minimum dimension of 6 feet in any direction. The open space may be located in required *yard* areas, but shall be no closer than 9 feet to the front or rear *property lines*, and no closer than 4 feet to the side *property lines*. See Diagram 131-04R.

Diagram 131-04R
Private Exterior Open Space



- (b) In the RM-2-4, RM-2-5, and RM-2-6 zones, at least 75 percent of the dwelling units shall be provided with at least 60 square feet of usable, private, exterior open space abutting the unit with a minimum dimension of 6 feet. The open space may be located in required front and rear *yards*, but shall be no closer than 9 feet to the front *property line*.
- (c) In the RM-3-7, RM-3-8, and RM-3-9 zones, at least 75 percent of the dwelling units shall be provided with at least 60 square feet of usable, private, exterior open space abutting the unit with a minimum dimension of 6 feet. The open space may be located in the required front *yard*, but shall be no closer than 9 feet to the front *property line*.
- (d) In the RM-4-10, RM-4-11, and RM-5-12 zones, at least 50 square feet of usable, private, exterior open space abutting each dwelling unit shall be provided with a minimum dimension of 4 feet.
- (e) In the RM-3-7, RM-3-8, RM-3-9, RM-4-10, RM-4-11, and RM-5-12 zones, where private exterior open space is not provided at the quantity required above, an equal amount of common exterior space in addition to the requirements of Section 131.0456 shall be provided.

112.0304 Posted Notice

When this division requires a Notice of Application or a Notice of Future Decision to be posted, the *applicant* shall post the notice in the following manner.

- (a) Placement of Notice. The *applicant* shall post copies of the Notice of Application or Notice of Future Decision along the street frontage of the property that is the subject of the application. The notices shall not be spaced more than 200 feet apart. No more than three notices are required for any property. If the street frontage is less than 200 feet, only one notice is required.
 - (1) The notice shall be printed in black ink on foam core board and located in a conspicuous place on the property abutting a street not more than 10 feet inside the *property line* but no closer than five feet to a *property line*.
 - (2) The notice shall be 12 feet square in sign area, generally measuring three feet by four feet.
 - (3) Signs may be placed in commercial display windows, attached to perimeter fencing or supported on four-inch by four-inch wood posts not exceeding six feet in height from the ground level. If the property is surrounded by fences, walls, or hedges at or near the street property line, additional height may be provided as necessary to ensure visibility of the sign from the *public right-of-way*.
 - (4) The notice shall not be illuminated.
 - (5) The notice shall remain in place until the expiration of the appeal period following the decision by the decision maker. If the application has been appealed, the sign shall remain in place with the new hearing date noted until the final decision is rendered. The sign shall be removed within 10 days of either the appeal period or the final decision, whichever applies.
- (b) Verification of Posting. The *applicant* shall verify in writing, on a form prescribed by the City, that the notice has been posted in accordance with this section, within 5 business days of the date on which the *applicant* receives the notice from the City.
- (c) Error in Posting. The posting required by this section is intended only to supplement other notice requirements of this division. A decision on an application for a permit, map, or other matter shall not be invalidated because of any error or irregularity in the posting of a notice in accordance

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 >> 3rd >> 4th >>	CN ⁽¹⁾ -						CR-		CO-						CV-		CP-	
		1-						1-	2-	1-		2-		3-		1-	1-		
		1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Open Space																			
Active Recreation		-						-	-	-	-		-	-	-	-	-	-	
Passive Recreation		-						-	-	-	-		-	-	-	-	-	-	
Natural Resources Preservation		-						-	-	-	-		-	-	-	-	-	-	
Park Maintenance Facilities		-						-	-	-	-		-	-	-	-	-	-	
Agriculture																			
Agricultural Processing		-						-	-	-	-		-	-	-	-	-	-	
Aquaculture Facilities		-						-	-	-	-		-	-	-	-	-	-	
Dairies		-						-	-	-	-		-	-	-	-	-	-	
Horticulture Nurseries & Greenhouses		-						-	-	-	-		-	-	-	-	-	-	
Raising & Harvesting of Crops		-						-	-	-	-		-	-	-	-	-	-	
Raising, Maintaining & Keeping of Animals		-						-	-	-	-		-	-	-	-	-	-	
Separately Regulated Agriculture Uses																			
Agricultural Equipment Repair Shops		-						P	P	-	-		-	-	-	-	-	-	
Commercial Stables		-						-	-	-	-		-	-	-	L	-	-	
Community Gardens		L						L	L	L	L		L	L	L	L	L	L	
Equestrian Show & Exhibition Facilities		-						-	-	-	-		-	-	-	C	-	-	
Open Air Markets for the Sale of Agriculture-related Products & Flowers		-						-	-	-	-		-	-	-	-	-	-	
Residential																			
Mobilehome Parks		-						-	-	-	-		-	-	-	-	-	-	
Multiple Dwelling Units		P ⁽²⁾						P ⁽²⁾	-	P ⁽²⁾	-		P ⁽²⁾	P ⁽²⁾	-	-	-		
Rooming House [See Section 131.0112(a)(3)(A)]		P ⁽²⁾						P	-	P	-		P	P ⁽²⁾	-	-	-		
Shopkeeper Units		P ⁽²⁾						P ⁽²⁾	-	P ⁽²⁾	-		P ⁽²⁾	P ⁽²⁾	-	-	-		
Single Dwelling Units		-						-	-	-	-		-	-	-	-	-	-	
Separately Regulated Residential Uses																			
Accessory Dwelling Units		L						L	-	L	-		L	L	-	-	-		
Continuing Care Retirement Communities		L						L	-	L	-		L	L	-	-	-		
Employee Housing:																			
6 or Fewer Employees		-						-	-	-	-		-	-	-	-	-	-	