



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: October 26, 2022

TO: Planning Commissioners

FROM: Tait Galloway, Deputy Director, Planning Department *TG*

SUBJECT: Item 2 – 2022 Land Development Code Update

The Planning Department, in coordination with the City Attorney's Office, has refined the draft ordinances for the 2022 Land Development Code Update and Centre City Planned Development Ordinance that were submitted as part of the Planning Commission Agenda. These edits ensure the draft language is consistent with the Municipal Code. None of the recent edits represent changes to the content or intent of the proposed amendments.

To assist in your review, staff has revised the matrices in attachments 1 and 2 with an additional column noting the edits. In addition, staff has highlighted the edits in attachments 3 and 4. A revised draft resolution has been provided in attachment 5. The revisions from attachments 3 and 4 have been incorporated into revised ordinances which are include as attachments 6 and 7.

In advance of the October 27, 2022 hearing, please find enclosed the following attachments:

1. Land Development Code Matrix with revisions noted
2. Centre City Planned Development Ordinance Matrix with revisions noted
3. Draft Amendments - General Zoning Changes with revisions highlighted
4. Draft Amendments - Centre City Planned Development Ordinance Changes with revisions highlighted
5. Draft Resolution R-313688 (Citywide Park DIF)
6. Draft Language - General Zoning
7. Draft Language - Centre City Planned Development Ordinance

cc: Heidi Vonblum, Director, Planning Department
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Item Number	Ordinance Name	Code Sections	Name of Item	Type of Amendment	Why is this amendment needed?	What does the amendment do?	Changes for Planning Commission
1	General Zoning	112.0302(c), 112.0303, 125.0940(a), 128.0305(a)(2)(A)	Noticing Requirements - Newspapers	Compliance with State Law	The municipal code requires that notices can only be published in newspaper with a daily circulation which is not consistent with State Law.	Removes the word daily and requires that notices must be published in a newspaper with general circulation.	Formatting changes
2	General Zoning	112.0304	Posted Notice	Regulatory Reform	The posting of a Public Notice on the development site is required for many types of permits and processes. The 2021 Code Update included new size requirements, which have resulted in an onerous government regulation.	Revises the code language for posted notices to a reasonable size that will still maintain increased visibility with the posting requirements.	Deleted repeated word
3	General Zoning	113.0103	Definition of a Junior Accessory Dwelling Unit (JADU)	Correction	The current definition for a JADU needs to be brought in line with recent code updates made to SDMC Section 141.0302(d)(2)(B).	Updates the definition of a JADU to include a requirement that a JADU be at least 150 square feet and that it can be within an attached or detached garage or an ADU.	
4	General Zoning	113.0103	Definition of a Multiple Dwelling Unit	Correction	The definition of a multiple dwelling unit contains the terms companion unit and junior unit as exemptions which no longer are defined terms in the municipal code.	Removes the terms companion unit and junior unit from the definition of a multiple dwelling unit and replaces with the terms Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU).	
5	General Zoning	113.0103 131.0701 141.0302(c)(2)(G) 141.0407(b)(3) 142.1305(a)(3) 142.1307(a)(3) 142.1307(d)(2) 143.0720(i) 143.0720(l) 143.0740 - Table 143-07A 143.0740 - Table 143-07B 143.0740(e) 143.0742(a)(1) 143.0744 - Table 143-07D 143.0745(c) 143.0746(a)(2) 143.0915(b)(2) 143.1001(a) 143.1001(b) 143.1002(a) 143.1010 143.1015(a) 143.1020(b) 143.1102(g)	New Definition of a Sustainable Development Area (SDA)	Align Policy with the City's Climate, Equity and Housing Goals	A new definition for a geographic designation is needed for certain programs to align with our Climate Action Plan (CAP) goals.	Creates a new definition for geographic designation for certain programs. Sustainable Development Area means the area within a defined walking distance along a pedestrian path of travel from a major transit stop that is existing or planned, if the planned major transit stop is included in a transportation improvement program or applicable regional transportation plan, as follows: (1) Within Mobility Zones 1 and 3, as defined in Section 143.1103, the defined walking distance in 1.0 mile. (2) Within Mobility Zone 4, as defined in Section 143.1103, the defined walking distance in .75 mile.	Formatting changes, non-substantive edits to improve clarity and addition of revised footnotes for Table 143-07B
6	General Zoning	113.0103	Definition of Public Project	Clarification	The current definition of a public project is vague and does not properly address what a public project is.	Revises the definition of a public project to include that the City must be the applicant or a private party is acting on behalf of the City.	
7	General Zoning	126.01089(a)	Development Permit Utilization - Type 1 Construction	Regulatory Reform	High Rises constructed of concrete and protected steel are classified as Type 1 Construction projects. These projects are typically more complex and require additional time for the various phases of development.	Extends the utilization timeline for development permits for Type 1 Construction from 36 to 48 months.	
8	General Zoning	126.0502(e)(4)	Airport Land Use Compatibility Overlay Zone - Process 5	Correction	The language for projects in the Airport Land use Compatibility Overlay Zone for Site Development Permit procedures needs to be modified to reflect a change made in the 2021 Code Update.	Updates language related to site development permits in the Airport Land Use Compatibility Overlay Zone to ensure consistency with the 2021 Code Change made to Chapter 13, Article 2, Division 15.	

9	General Zoning	126.0704(a)(1)	Coastal Commission Permit Procedures - Exemption	Clarification	The language for the location of structures for improvements that are exempt from a Coastal Development Permit is not in line with Public Resource Code Section 30610(b).	Aligns this section with Public Resource Code Section 30610(b) by including additional location requirements specific to coastal development permit exemption exclusions.	
10	General Zoning	126.0707(b)	Decision Process for a Coastal Development Project - Accessory Dwelling Unit	Correction	Language in this section uses the term companion unit which is the former term used by the City for an accessory dwelling unit.	Replaces the term companion unit with accessory dwelling unit in this section.	
11	General Zoning	112.0501 112.0601 112.0604 126.0707(c)(2) 132-0402 - Table 132-04A	Coastal Overlay Zone - Capital Improvement Project Decision Process	Regulatory Reform	The Coastal Commission requires a public hearing, which is often required to occur as a Process Five, resulting in inefficiencies in permit processing.	Reduces Decision Process Level from a Process CIP/ Public Project -Five to a Process Three in the Coastal Appealable Area.	Formatting changes, addition of amendments to Sections 112.0501 and 112.0601, and non-substantive edits to improve clarity
12	General Zoning	126.0709	Coastal Commission Permit Procedures - Electronic Notice	Regulatory Reform	Current procedures require the City Manager to mail Notices of Final Action for Coastal Development Permits.	This amendment would allow for the use of electronic mail for Notices of Final Action for Coastal Development Permits.	
13	General Zoning	129.0710	Spaces as Places Clean Up	Clarification	Streeteries and Sidewalk café encroachments are not explicitly mentioned as exceptions to requiring a Neighborhood Use Permit under Public Right of Way Permits.	Clarifies that Streeteries and Sidewalk Cafes do not require a Neighborhood Use Permit.	Formatting changes
14	General Zoning	131.0431 - Table 131-04G 153.0311 155.0231 - Table 155-02A 155.0242 - Table 155-02D 1513.0304 1516.0144 - Table 1516-01C 1516.0119 - Table 1516-01E	Residential Zones - Maximum Floor Area Ratio	Compliance with State Law	SB 478 details maximum floor area standards for housing development projects greater than two units located in multi-family zones.	Updates tables for multifamily residential zones to reflect that the floor area ratio for a housing development project that consists of 3 to 7 may not have a maximum FAR standard of less than 1.0 and 8 to 10 units may not have a maximum FAR standard of less than 1.25. Additionally, adds a footnote that historic districts or property included on the State Historic Resources Inventory are not subject to the new maximum floor area ratios.	Revised footnotes for Tables 131-04G, 155-02A, 1516-01C, 155-02D and Table 1516-01E and non-substantive changes to improve clarity
15	General Zoning	131.0431 - Table 131-04C 131.0443	Setback Correction for Residential Zones	Correction	Code language was inadvertently deleted in a prior code update.	Corrects the code language related to setbacks in RE and RS zones.	
16	General Zoning	131.0620 131.0622 - Table 131-06B	Prime Industrial Land	Clarification	Additional language is needed regarding what uses are prohibited in prime industrial lands.	Clarifies use limitations to prime industrial lands and adds a footnote that moving and storage facilities are a prohibited use.	Formatting changes and non-substantive edits to improve clarity
17	General Zoning	131.0622 - Table 131-06B	Industrial Base Zones - Retail Sales	Regulatory Reform	Retail sales are currently not allowed in the Industrial Base zones.	Allows for businesses in the IBT industrial zone to conduct retail sales limited to 10% of the gross floor area of the building in which they are located in.	Formatting changes

18	General Zoning	131.0707 - Table 131-07A	Mixed Use Base Zones - Allowable Uses	Clarification	Changes are needed to the Use Table for the mixed base zones to ensure to the use regulations for mixed base zones so the purpose and intent are being met.	Changes to the use regulations include: - Removes Moving and Storage Facilities as an allowable use in RMX and EMX Zones - Removes Commercial Vehicle Repair & Maintenance, Commercial Vehicle Sales & Rentals, Personal Vehicle Repair & Maintenance, and Personal Vehicle Sales & Rentals as allowable uses in EMX zones - Changes Distribution Facilities in the EMX zones from a Permitted Use to a Conditional Use - Removes footnote 5 that states that tasting rooms are only permitted as an accessory use to a beverage manufacturing plant or an artisan beverage producer	Formatting changes
19	General Zoning	131.0718	Mixed Use Base Zones - Supplemental Regulations for Premises Greater Than Five Acres	Correction	The language in this section needs clarification in that it states that for connectivity, a minimum of one paseo and one bicycle access way into the development shall be provided for approximately every two acres of developable area.	Removes the word "approximately" to ensure that for every two acres, one paseo and one bicycle access way is provided to the development.	
20	General Zoning	132.0404 141.0302 141.0318 143.1310(a)(5)	Sea Level Rise Acknowledgement for Coastal Development	Align Policy with the City's Climate, Equity and Housing Goals	A Sea Level Acknowledgment needs to be added and referenced in several sections. Language was approved as part of the Housing Action Package and needs to be extended to all applicable development.	Adds supplemental regulations for Areas of Future Sea Level Rise under Chapter 13, Article 2, Division 4 (Coastal Overlay Zone) and references this section in the following sections: Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones, Moveable Tiny Homes and ADU/JADU regulations.	Non-substantive edits to improve clarity
21	General Zoning	126.0303 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 141.0422 151.0103	Battery Energy Storage Facilities	Regulatory Reform	Additional language in the municipal code is needed for regulations and applicability for Battery Energy Storage Facilities.	Adds a new section related to Battery Energy Storage Facilities and updates use tables with applicability.	Formatting changes, non-substantive edits to improve clarity and removal of redundant references to State and Federal Law
22	General Zoning	141.0302(b)(2)(F)	ADU Conversions	Clarification	Language is needed to address gross floor area for ADUs constructed within an existing dwelling unit or accessory structure.	Includes language that an ADU constructed within an existing dwelling unit or accessory structure does not have a maximum gross floor area as we are not changing the homes overall gross floor	
23	General Zoning	141.0420(g)(2)	Wireless Communication Facilities, Park Site Approvals	Clarification	To clarify the intent of the regulations and allows for the designee of the Park and Recreation Director to make a determination under San Diego Charter 55 for wireless communication facilities located on park sites.	Modifies the code language by adding that a representative from the Park and Recreation Department can make a determination.	
24	General Zoning	141.0421 141.0628	Outdoor Dining on Private property	Clarification	There is redundancy in language regarding outdoor dining on private property.	Amends placemaking regulations to clarify that a converted parking lot shall not include retail or commercial services except for outdoor dining operating in association with the permitted eating and drinking establishment.	Formatting changes

25	General Zoning	142.0151(a)(3)	Paleontological Resource Monitoring - Fossil Fuel Grading	Regulatory Reform	Streamline the development review process for grading activities on or within 100 feet of a mapped location of a fossil recovery site.	Deletes the requirements for paleontological resource monitoring for grading activities on or within 100 feet of a mapped location of a fossil recovery site.	
26	General Zoning	142.0305 - Table 142-03A	Fence Regulations - Applicability	Correction	Section 129.0203(a)(2) states that fences less than 7 feet are exempt from a building permit.	Corrects Table 142-03A to reflect that any fence with a height of less than 7 feet does not require a building permit and any fence with a height of 7 feet or greater requires a Building Permit/Process One.	Formatting changes
27	General Zoning	142.0390	Fence Systems-Monitored-Perimeter-Security	Regulatory Reform	Development regulations and applicability are needed for Monitored Perimeter Security Fence Systems-	Adds design and general regulations for Monitored Perimeter Security Fence Systems-	
28	General Zoning	142.0402 - Table 142-04A	Landscape Regulations - Vehicular Use Area	Clarification	Ensures that any modifications to the Vehicular Use Area are in line with regulations.	Requires that any additions or modifications to vehicular use areas are reviewed and specifies that certain regulations apply to new single family homes.	Formatting changes
29	General Zoning	142.0413	Landscape Regulations - Water Conservation Requirements	Compliance with State Law	Brings the municipal code in compliance with SB 1383.	Updates Water Conservation Requirements to ensure the City is in compliance with the Model Water Efficient Landscape Ordinance in the California Code of Regulations.	Formatting changes and edits to improve clarity
30	General Zoning	142.0403(d)(1)	Landscape Regulations - Hardscape	Clarification	Clarifies the intent of Section 142.0405 and that Hardscape is allowed in limited capacity.	Removes hardscape as a permissible treatment for areas intended to be planting areas or permeable surfaces.	Formatting changes
31	General Zoning	142.0404 -Table 142-04C	Landscape Regulations - Common Yard/Open Space	Correction	There is an error in Table 142-04C that needs to be corrected. For a remaining yard/common open space the plant points is not applicable (n/a) so the plant points required should also say not applicable (n/a).	Corrects an error in the code by stating that for a remaining yard/common open space the plant points requirement is not applicable.	Formatting changes
32	General Zoning	142.0405(b)(2)(B)(i)	Landscape Regulations - Additional Yard Requirements	Clarification	Clarifies remaining yard/common space requirements are set by each structural offset and not cumulative.	Adds clarifying language to the municipal code to stipulate that calculations are based on each offset individually.	
33	General Zoning	142.0405(b)(2)(B)(ii)	Landscape Regulations - Additional Yard Requirements	Clarification	Clarifies that applicants must calculate each Common Open Space area individually, and not as a grand total of all Common Open Areas.	Adds clarifying language to the municipal code to stipulate that calculations are based on each common open area individually and not on the total common open area.	
34	General Zoning	142.0407(c)	Landscape Regulations - Trees and Vehicular Use Area Requirements	Clarification	Clarification is needed for the type of tree used in vehicular use areas as multi-trunk trees can spread into parking stalls or drive aisles affecting the useability of vehicular use areas.	Adds a requirement that trees used in vehicular use areas shall contain a standard trunk.	Formatting changes
35	General Zoning	142.0407(e)	Landscape Regulations - Solar Mounted Shade Structures	Clarification	Additional language is needed to interpret the intent of the wording of 50 percent of the exposed parking space for solar mounted shade structures located above parking spaces within vehicular use areas.	Provides additional clarification for solar mounted shade structures located above parking spaces within vehicular uses.	

36	General Zoning	142.0407(f)	Landscape Requirements - Vehicle Use Area	Clarification	Additional code language is needed to address when there are multiple parking areas located on a premises in relation to landscape requirements.	Specifies that when there are multiple parking areas located on a premise that each premise has their own landscape requirements.	
37	General Zoning	142.0412(l)	Landscape Regulations - Brush Management	Correction	As worded, the section suggests that alternative compliance measures can wait until the development is evaluated under a Process One, ministerial review, which is incorrect. Alternative compliance measures must be evaluated even at the discretionary phase in High Fire Severity Zones.	Removes the phrase "in accordance with Process One" to allow for alternative compliance measures at any point during the approval process for discretionary or ministerial project.	
38	General Zoning	142.0560 - Table 142-05L	Design Regulations for Parking Facilities - Aisle Dimensions	Regulatory Reform	Current aisle dimensions are burdensome for in-fill projects that are less than 100 feet in width.	Allows for more efficient parking layouts on in-fill development sites that are less than 100 feet wide by reducing the drive aisle from 24 to 22 feet.	Formatting change
39	General Zoning	142.0640(b)(1)(B) 142.0640(b)(8)	Development Impact Fees - Build Better SD	Correction	With the adoption of Build Better SD, Citywide DIFs apply, removing the need to refer to the Citywide Park Development Impact Fee Resolution for ADU fees.	Removes the line "Resolution No. R-313688, adopting the Citywide Park Development Impact Fee" from these sections to make way for Build Better SD. Section 142.0460(b) already states what fee applies.	
40	General Zoning	142.0640(b)(8)	Development Impact Fees - SB 9 Implementation	Correction	There was an inconsistency in the code language related to the development impact fees for SB 9 units.	Corrects the code to reflect the intent of the regulations, which is that the third and fourth units are required to pay development impact fees.	
41	General Zoning	142.0640(b)(9)	Development Impact Fees - Citywide Park General Development Plans	Correction	Existing regulations for a General Development Plan for an onsite park require that a performance and payment bond for the design and the construction are due prior to the issuance of the first building permit. This can result in inaccuracies as at this stage in the process the GDP has not been approved.	Moves the requirement that performance and payment bonds for the design and construction of the park prior to the final inspection of the first dwelling units in the development. Additional this amendment clarifies that a designee can act on behalf of the Park and Recreation Director.	Non-substantive edits to improve clarity and align with Item 22 and state that a designee may act on behalf of the Parks and Recreation Director.
42	General Zoning	142.1250(b)(1)(A)	Sign Regulations - Permanent Secondary Signs	Regulatory Reform	The code requires that permanent secondary signs for high rise buildings over 100 feet must have a minimum clearance of 5 feet from the top of parapet wall.	Revises the code language to reduce the minimum clearance from 5 feet to 2 feet from the top of a parapet wall.	
43	General Zoning	143.0223(a)(4)	Historical Resources Regulations - Pool Demolition Permits	Regulatory Reform	Site-Specific Surveys for Historical resources is triggered when a pool demolition permit is pulled for a site with a structure over 45 years old, causing permit delays.	Exempts historic review for pool demolitions on sites that are over 45 years old.	
44	General Zoning	143.0746(a)(4) 143.0746(b)(5)	Affordable Housing in All Communities Correction	Correction	Affordable Housing in All Communities legislation which was adopted in early 2022 allows for affordable housing at certain prescribed densities depending upon the Mobility Zone in which the premises is located. However, language was added later which states that the density, floor area ratio, lot area, and lot dimensions shall comply with the base zone. This is an obvious mistake.	Removes the requirement that residential development must comply with the base zone.	Formatting changes
45	General Zoning	143.1001(b)(5)	Complete Communities Housing Solutions - Definitions	Correction	The definition of a Community of Concern differs from the City's current policy interpretation and only includes communities with very low and low access to opportunity.	Aligns the definition of a Community of Concern with current policy and includes communities with moderate access to opportunity.	

46	General Zoning	143.1002(a)(1) 143.1002(a)(1)(C)	Complete Communities Housing Solutions Regulations - Affordability Levels	Correction	Inconsistency in the code related to the required dwelling unit income requirements for affordable units provided as part of Complete Communities Housing Solutions.	Corrects the code by adding additional language to reference the code sections which contain the dwelling unit income requirements to participate in Complete Communities: Housing Solutions.	Formatting changes
47	General Zoning	143.1002(a)(1) 143.1015(b)	Complete Communities Housing Solutions - On-site Affordable Units	Clarification	Clarification to reaffirm that in order to take advantage of the Complete Communities Housing Solutions incentives that affordable units must be built on site.	Adds the word "on-site" to several sections of the code to reaffirm where affordable units can be built.	Formatting changes
48	General Zoning	143.1015(a)(1) 143.1015(a)(4)	Complete Communities Housing Solutions Regulations - 50% AMI	Corrections	The code cites an incorrect income level when referring to the required provisions of affordable dwelling units at 50% of the area median income.	Corrects the income level cited in the code to refer to very low income households when referring to 50% of the area median income.	
49	General Zoning	143.1025(a)(2)	Complete Communities - Street Trees	Clarification	The code language for street trees currently states the requirement is only required when feasible. Removal of that line will make this section read clearer.	Clarifies the requirement to provide street trees for Complete Communities: Housing Solutions projects. In order to do this, phrase "the trees shall be placed on each side of the sidewalk where feasible," is being removed.	
50	General Zoning	143.1025(c)(1)	Complete Communities Housing Solutions - NDP Requirements	Correction	Under Complete Communities Housing Solutions, it was intended that the requirement for a Neighborhood Development Permit for structures over 95 feet would not apply to developments where the base zone exceeds 95 feet.	States that a Neighborhood Use Permit is required for development over 95 feet in height, or development that exceeds the height limit of the base zone, whichever is higher.	
51	General Zoning	143.1025(f)	Complete Communities Housing Solutions - CAP Checklist	Correction	With the approval of the 2022 Climate Action Plan the City of San Diego established a community-wide goal for net-zero by 2035.	Deletes the requirement for a CAP Checklist for Complete Communities Housing Solutions projects as it no longer needed with Citywide CAP goals.	
52	General Zoning	155.0238 - Table 155-02C	Central Urbanized Planned District - Artisan Food and Beverage Producer	Correction	The use tables do not list Artisan Food and Beverage Producer in the Industrial Separately Regulated uses.	Adds Artisan Food and Beverage Producer to the use tables in the CUPDO Industrial Zone as a limited use in zones that allow for light industrial uses.	Formatting changes
53	N/A	R-313686	Citywide Park Development Impact Fee Resolution Update	Correction	Several resolution updates are needed: (1) The Citywide Park Development Impact Fee resolution references Voluntary Accessibility Program deleted and replaced as part of the Housing Action Package 1.0 (Ordinance O-21429). (2) the resolution references a DIF reduction for projects in a TPA (3) Build Better SD included a DIF incentive for 3 bedroom units that was not included in this resolution for the the Citywide Park DIF.	Rescinds and Replaces Resolution R-313688 by (1) replacing the language related to the Voluntary Accessibility Program with the new Housing Accessibility Program in Chapter 14, Article 5, Division 40 (Housing Accessibility Program) adopted with HAP 1.0 (2) applying a DIF reduction for projects in a Sustainable Development Area instead of projects in a Transit Priority District (3) Adding a 3 bedroom incentive which caps the maximum Citywide Park DIF for 3+ bedroom homes at the rate applicable to a 900 square foot multifamily unit. This incentive would apply for 3+ bedroom units up to 1500 square feet to encourage the development of additional homes for families.	Revised resolution to improve clarity

Item Number	Ordinance Name	Code Section(s)	Name of Item	Type of Amendment	Why is this amendment needed?	What would the amendment do?	Changes for Planning Commission
1	General Zoning	156.0302	Definitions	Clarifications	Improve usability of the code by removing unnecessary definitions that are either (1) related to the former Redevelopment Agency and are no longer applicable or (2) are already defined elsewhere in the SDMC. Modifying definitions to address clarifications or renumbering in the code.	Deletes the following definitions: - Owner Participation Agreement (OPA) - Redevelopment Agency - Redevelopment Plan - Senior housing or senior unit - Transitional housing Modifications - Bonus floor area ratio - Design Review - Eco-roof - Receiving site - Sending Site	Added clarification to the definition of Transfer of Development Rights
2	General Zoning	156.0306	Removing Non-Relevant References	Clarifications	This section currently: (1) Contains references the Citywide code related to Refuse and Recyclable Materials Storage Regulations, however updated regulations on this topic are now being added to the CCPDO, and	Removes references to the San Diego Municipal Code Refuse and Recyclable Materials Storage regulations and permit review process section which are being deleted.	
3	General Zoning	156.0307	Land Use Districts	Corrections	The number of land use districts cited is incorrect.	Makes a correction to the number of land use districts in the Center City Planned Development Ordinance	
4	General Zoning	156.0301(a)(1)-(6); 156.0311	Removing Non-Regulatory Language	Clarifications	To make the CCPDO a more user-friendly document. Policy language already exists in the Downtown Community Plan, therefore it is not necessary to repeat this in the CCPDO.	Removes policy language that is not regulatory in nature in the purpose and applicability section. This will help to streamline the CCPDO, thus making it easier for all users to read.	
5	General Zoning	156.0303, 156.0309(e); Table 156-0309-A; 156.0309(e)(i)B(iii); Figure K; Figure L	FAR Bonuses	Align Policy with the City's Climate, Equity and Housing Goals	Amendments are needed to the Density Bonus language to allow for the stacking of incentives, similar to what is allowed by the citywide Land Development Code for areas outside of the CCPD.	Aligns the FAR Bonuses in the CCPDO to more closely align with the citywide LDC by expressly stating that density bonus programs can be stacked. Update the correct reference for the definition for Bonus floor area ratio.	
6	General Zoning	156.0304(a)	Administration	Clarifications	This section is repetitive and included language related to the City Manager's role that is implied and repetitive. It can be deleted to make the CCPDO a more user-friendly document.	Removes language that is repetitive and unnecessary related to city manager administration of planning and zoning within the Center City Planned District.	

7	General Zoning	156.0304(b)(3)(C)(i); 156.0304(b)(3)(D); 156.0304(b)(3)(F)	Greenway Clarifications	Clarifications	To provide clarifications to assist in the interpretation of the Greenway regulations which were adopted as part of the 2021 LDC Update.	Provides clarification related to implementation-related questions which have come up during the first year of implementation of the new regulations.	Format change and correct reference
8	General Zoning	156.0304(c)	Removing Repetitive Language related to the Citywide Land Development Decision Process	Clarifications	To eliminate redundancy and make the Center City Planned Development Ordinance a more user-friendly document.	Removes language which is repeated in the San Diego Municipal Code related to Land Use Decision Processes.	
9	General Zoning	156.0304(d); 156.0307(b)(12)	Public Facilities	Clarifications	Providing clarifying language to assist in the implementation of public projects.	Clarifies the public facilities exemption from development permits and the Park/Open Space Overlay description.	Added missing language regarding public facilities exemption
10	General Zoning	156.0306; 156.0310(j)	Refuse, Organic Waste, and Recyclable Materials Storage	Regulatory Reform	To better-align with the citywide LDC regulations relating to Organic Waste and Recyclable Materials.	Amends Organic Waste and Recyclable Materials provisions, similar to the citywide Land Development Code.	Added missing language regarding applicability of Refuse, Organic Waste, and Recyclable Materials Storage Regulations in Chapter 14, Article 2, Division 8.
11	General Zoning	156.0307(b)(1)-(2); 156.0309(b); 156.0310(c)(3)	Airport Land Use Compatibility Zone	Corrections	A correction is needed to reference the appropriate airport overlay zone consistent with amendments made in the 2021 LDC Update.	Deletes outdated language relating to the Airport Environs and Approach Overlay Zones and replaces it with corrected language referencing the Airport Land Use Compatibility Overlay Zone.	
12	General Zoning	156.0307(b)(2)	Active Commercial Uses	Align Policy with the City's Climate, Equity and Housing Goals	To meet the policy objective of activating the streetscape, while providing additional flexibility for additional urban family-friendly housing.	In 2021 the CCPDO was amended to allow greater flexibility in the Employment Overlay Zone. This proposal would add similar flexibility to active commercial uses by allowing that a certain percentage of active ground floor uses can be met with residential uses, given certain criteria.	
13	General Zoning	156.0307(b)(3)	CAC Design Guidelines	Clarifications	Additional clarification is needed on relationship between guidelines and regulations used for the Center City Planned District.	Clarifies how to apply guidelines when reviewing projects.	
14	General Zoning	156.0308 Table 156-0308-A Footnotes	Clarify that Drive-Thrus are not allowed in the CCPDO	Clarifications	Drive-Through's are not currently allowed within the CCPDO, however questions regarding this come up on a regular basis, as there is no mention of drive-through's in the CCPDO.	Adds a footnote to Table 156-0308-A to provide clarification that drive-through's are not allowed within the CCPDO.	Added missing footnote number

15	General Zoning	156.0308 Table 156-0308-A Footnotes	R&D and testing labs	Clarifications	As the office market has evolved over the past decade, there is rising demand for more flexible uses including R&D and lab space. This amendment will provide clarification that Research & Development and labs are allowed in the Office use category.	Replaces Footnote 9 in Table 156-0308-A with a new footnote to provide clarifying language that R&D and lab space are allowed within the office category.	Added missing footnote number
16	General Zoning	156.0309(d)(1)(B)(v)	FAR Bonus on Underutilized Properties	Align Policy with the City's Climate, Equity and Housing Goals	To address the proliferation of surface parking lots, vacant and underutilized lots downtown.	Adds provisions to the existing density bonus language to further incentivize affordable housing on underutilized sites downtown.	
17	General Zoning	156.0309(d)(2)	Update to Existing Downtown Urban Open Space Regulations	Align Policy with the City's Climate, Equity and Housing Goals	An amendment to the existing CCPDO Urban Open Space regulations is needed to better align with the recently-adopted Parks Master Plan.	Adds language to the existing Downtown Urban Open Space regulations to incorporate the point system included in Appendix D of the Parks Master Plan.	Clarification added
18	General Zoning	156.0309(d)(3)	Update to Three-Bedroom Incentive Regulations	Align Policy with the City's Climate, Equity and Housing Goals	An amendment to the existing CCPDO Three-Bedroom Incentive regulations to diversify Downtown's housing stock by incentivizing the creation of more urban family-friendly homes.	Enhances the existing Downtown Three-Bedroom Incentive regulations to incentivize projects to include a higher percentages of 3+ bedroom units.	Made correction
19	General Zoning	156.0309(d)(4)	Update to Eco-Roofs Incentive Regulations	Clarifications	Existing Eco-roofs regulations are complex and confusing and amendments are needed to provide clarity and simplify the implementation process.	Deletes the existing language and replace with more concise and simplified language.	
20	General Zoning	156.0309(d)(5)	Update to Existing Downtown Employment Uses Incentive Regulations	Align Policy with the City's Climate, Equity and Housing Goals	An amendment to the existing CCPDO Employment Uses Incentive regulations to further incentive employment uses in Downtown San Diego.	Adds language to the existing Downtown Employment Uses Incentive regulations and development regulations and removes reference to Figure L, which is being deleted.	
21	General Zoning	156.0309(d)(6)	Downtown Public Parking Incentive Program Deletion	Align Policy with the City's Climate, Equity and Housing Goals	Existing Downtown Public Parking Incentive Program has only been used once in over 15 years and is no longer aligned with current policy goals.	Removes the existing Downtown Public Parking Incentive Program.	

22	General Zoning	156.0309(d)(6)	Downtown Child Care Facility FAR Incentive Program Addition	Align Policy with the City's Climate, Equity and Housing Goals	To align Child Care incentives to the CCPDO similar to updates that were made as part of the 2021 LDC Update.	Adds new FAR incentive program to incentivize Child Care Facilities Downtown.	
23	General Zoning	156.0309(d)(8)(C) 156.0309(d)(8)(D) 156.0309(d)(8)(E)	Update to Existing Downtown Sustainable Building Incentive Program	Clarification	The existing CCPDO Sustainable Building Incentive Program regulations are complex and confusing, and need to be amended to provide clarity and simplify the implementation process.	Delete the existing language and replace it with more concise and simplified language.	
24	General Zoning	156.0309(e)(1)(B)(i) 156.0309(e)(1)(C)	Reference to Figure K	Corrections	Figure K is no longer relevant as it does not reflect updated density bonus programs.	Removes reference to Figure K, as it is no longer relevant.	
25	General Zoning	156.0309(f)(1); 156.0309(g)(1)- 156.0309(g)(7)	Update to Existing Downtown TDR Program	Align Policy with the City's Climate, Equity and Housing Goals	The existing CCPDO TDR Program has not been utilized as it is overly complex and restrictive. It is also outdated and does not reflect the citywide Parks Master Plan.	Deletes the existing language and replaces with more concise and simplified language and reflects the citywide Parks Master Plan.	Clarification added
26	General Zoning	156.0310(d)(1)(B)(i); 156.0310(d)(B)(viii); 156.0311(b); 156.0311(e)(1); 156.0311(h)(2)(D); 156.0313(a); 156.0313(f); 156.0313(g)(2)(A)-(B); 156.0313(h)(1)-(2); 156.0313(j)	Update to Development Regulations, Urban Design Regulations, Performance Standards and Parking Standards.	Clarifications	To provide clarity in the implementation process related to development regulations, urban design regulations, performance standards, and parking standards.	Deletes an outdated reference related to one existing development regulation, adds new language relating to another development regulation and provides clarifications to three urban design regulations, four parking standards and one performance standard.	
27	General Zoning	156.0310(g)(4)	Personal Storage Requirement	Regulatory Reform	Updates are needed to align the CCPDO with changes made to citywide regulations as part of the 2021 LDC Update relating to personal storage.	Eliminates Personal Storage requirement, similar to the citywide Land Development Code.	
28	General Zoning	156.0315(b)(3) 156.0315(b)(4) Table 156-0308-A	Brewery Regulation Consistency	Regulatory Reform	Provide consistency with the citywide LDC by amending the CCPDO brewery regulations to more closely align with the citywide LDC.	Aligns the review process for breweries with the citywide LDC regulations by making them a permitted use.	
29	General Zoning	Figure F	Figure F - Building Height and Sun Access	Align Policy with the City's Climate, Equity and Housing Goals	Updating Figure F to provide consistency with height regulations across downtown.	Amends Figure F to apply consistent height regulations outside of the Coastal Zone and the Gaslamp PDO.	

30	N/A	R-307481	FAR Bonus Program Correction	Corrections	Amend FAR Bonus Program Resolution to direct that the funding come to the City, rather than Civic San Diego.	Redirects funding collected from the FAR Bonus Program from Civic San Diego to the City of San Diego.	
31	General Zoning	Table 156-0308-A Footnotes	Visitor accommodations in the RE zone	Clarifications	The RE zone currently allows up to 20% of the FAR to be non-residential uses. This would clarify that visitor accommodation uses are allowed within that 20%.	Adds Footnote 13 to Table 156-0308-A to clarify that visitor accommodation uses are allowed to occupy up to 20% of the FAR in the RE zone.	

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New Definition of a Sustainable Development Area (Item 5)

Table 143-07B
Low Income Density Bonus Households

[No change in text.]

Footnotes for Table 143-07B

¹ For *development* containing 50 *pre-density dwelling units* or less, once this maximum is reached, an additional 25 percent *density* bonus and three incentives are allowed if an additional 10 percent of the *pre-density* bonus units are restricted in accordance with the provisions of this Division for households earning less than or equal to 120 percent of the area ~~median income~~ *median income*, as adjusted for household size, and the *development* is within a ~~transit priority area~~ *Sustainable Development Area*.

² Once this maximum is reached, an additional 25 percent *density* bonus and three incentives are allowed if an additional 10 percent of the *pre-density* bonus units are restricted in accordance with the provisions of this Division for households earning less than or equal to 120 percent of the area ~~median income~~ *median income*, as adjusted for household size, and the *development* is within a ~~transit priority area~~ *Sustainable Development Area*.

Coastal Overlay Zone - Capital Improvement Project Decision Process (Item 11)

§112.0501 Overview of Decision Process

Application for permits, maps, or other matters shall be acted upon in accordance with one of the five decision processes established in this division and depicted on Diagram 112-05A, except that applications for *capital improvement program projects* shall be acted upon in accordance with Chapter 11, Article 2, Division 6 and Sections 112.0505 and 112.0506. The subject matter of the *development* application determines the process that shall be followed for each application. The provisions of Chapter 12 that pertain to each permit, map, or other matter describe the decision process in more detail. Diagram 112-05A is provided for convenience of reference only and does not define, describe, or limit the scope, meaning, or intent of any provision of the Land Development Code. This diagram describes the City of San Diego's processes only and does not describe other

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decision processes that may be required by other agencies, such as the State Coastal Commission.

Diagram 112-05A
Decision Process with Notices
[No change in text.]

112.0601 Overview of Decision Process

Applications for *capital improvement program projects* or *public projects* requiring a Site

Development Permit in accordance with the Environmentally Sensitive Lands

Regulations and Historical Resources Regulations ~~or a City-issued Coastal~~

~~Development Permit~~ shall be acted upon in accordance with one of the two

decision processes established in this division and depicted on Diagram 112-06A .

Applications for *capital improvement program projects* requiring a City-issued

Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone

shall be made in accordance with Process Three, as set forth in Sections 112.0505

and 112.0506. The subject matter of the development application determines the

process that shall be followed for each application. The provisions of Chapter 12

that pertain to each permit, map, or other matter describe the decision process in

more detail. Diagram 112-06A is provided for convenience of reference only and

does not define, describe, or limit the scope, meaning, or intent of any provision

of the Land Development Code. This diagram does not describe the decision

processes that may be required by other agencies, such as the State Coastal

Commission.

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§132.0402 Where the Coastal Overlay Zone Applies

- (a) [No change in text.]
- (b) Table 132-04A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone. Coastal Development Permit procedures are provided in Chapter 12, Article 6, Division 7.

Table 132-04A
Coastal Overlay Zone Applicability

Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) <i>Coastal development</i> that is categorically excluded pursuant to order of the Coastal commission or that is exempted by Section 126.0704 through (4) <i>Coastal development</i> , except a <i>capital improvement program project</i> or <i>public project</i> , in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table [No change in text.]	[No change in text.]	[No change in text.]
(5) <i>Coastal development</i> for a <i>capital improvement program project</i> in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table and is in the <i>appealable area</i> of this overlay zone [No change in text.]	[No change in text.]	Coastal Development Permit/ Process CIP Five <u>Process Three set forth in Sections 112.0505 and 112.0506.</u>

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Residential Zones – Maximum Floor Area Ratio (Item 14)

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 lot coverage		[No change in text.]					
Max floor area ratio		0.75	0.90	1.05	1.20 ⁽²⁹⁾	1.35	1.50
<u>1 to 2 dwelling units</u>		0.75	0.90	1.05	1.20 ⁽²⁹⁾	1.35	1.50
<u>3 to 7 dwelling units</u>		1.0 ⁽³⁹⁾	1.0	1.05	1.20 ⁽³⁸⁾	1.35	1.50
<u>8 or more dwelling units</u>		1.25 ⁽³⁾ 9	1.25	1.25 ⁽³⁹⁾ 1	1.25 ⁽³⁹⁾	1.35	1.50
Accessory uses and structures [See Section 131.0448] through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12]		[No change in text.]					

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designat	Zones					
	1st & 2nd	RM					
	3rd	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12

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Maximum permitted density^{(1),(2)} (sf per DU) through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12]	[No change in text.]
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Footnotes for Table 131-04G

¹ through ³⁷ [No change in text.]

³⁸ With the Peninsula and Ocean Beach community plan areas, the maximum *floor area* ratio is 1.0. For *development* within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated as a *historical resource* consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum *floor area ratio* shall not increase.

³⁹ For *development* within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated as a *historical resource* consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum *floor area ratio* shall not increase.

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
Max <i>floor area ratio</i> ¹	0.55 ^{1,2}	0.65 ^{1,2}	0.75 ^{1,2}	0.90 ^{1,2}	1.10 ²	1.30

Footnotes for Table 155-02A

¹ For *development* that consist of 3 to 7 *dwelling units*, the maximum *floor area ratio* shall be 1.0. For *development* within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a **premises** that is designated as a *historical resource* consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum *floor area ratio* does not increase.

² For *development* that consist of 8 to 10 *dwelling units*, the maximum *floor area ratio* shall be 1.25. For *development* within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a **premises** that is designated as a *historical resource* consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum *floor area ratio* does not increase.

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Table 1516-01C

Development Regulations for OTR Zones

Development Regulations	Zone Designator		Zones				
	1st & 2nd>>	OTRS-	OTRM-				
	3rd >>	1-	1-	2-	2-		
	4th >>	1	1	1	2		
Max permitted <i>density</i> through <i>Lot Coverage for sloping lots</i> [See Section 1516.0132] [No change in text.]		[No change in text.]					
Max <i>floor area ratio</i>		0.6	0.7 ⁽⁵⁾ (6)	1.0 ⁽⁶⁾	1.2 ⁽⁴⁾ (6)		
Max <i>paving/hardscape</i> through <i>Visibility Area</i> [See Section 113.0273] [No change in text.]		[No change in text.]					

Footnotes for Table 1516-01C

¹ through ⁴ [No change in text.]

⁵ For development that consist of 3 to 7 dwelling units, the maximum floor area ratio shall be 1.0. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

⁶ For development that consist of 8 to 10 dwelling units, the maximum floor area ratio shall be 1.25. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

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Table 155-02D
Development Regulations of CU Zones

Development Regulations	Zone Designator	Zones							
	1st & 2nd >>	CU-							
	3rd >>	1-	2-	3-	2-	3-			
	4th >>	1 ⁽¹⁾	2 ⁽¹⁾	3	4	5	6	7	8
Max residential density ⁽²⁾		5,000	3,000	1,000	600	1,000	1,500	5,000	3,000
Supplemental residential regulations ⁽³⁾		applies	applies	applies	applies	applies	applies	applies	applies
Lot area									
Min (sf)		5,000	5,000	2,500	2,500	2,500	5,000	2,500	2,500
Max (ac)		0.3	0.3	-	-	-	-	-	-
Lot dimensions									
Min width (ft)		50	50	25	25	25	50	25	25
Min <i>street frontage</i> (ft)		-	-	25	25	25	50	25	25
Min depth (ft) Max depth (ft)		-	-	-	-	-	100 150	-	-
Setback Requirements									
Min front <i>setback</i> (ft) Max front <i>setback</i> (ft)		20 ⁽⁴⁾ -	20 ⁽⁴⁾ -	- 10 ⁽⁵⁾	- 10 ⁽⁵⁾	- 10 ⁽⁵⁾	- 100 ^(5,6)	10 -	10 -
Min side <i>setback</i> (ft) Optional side <i>setback</i> (ft) [See Land Development Code Section 131.0543(b)]		10 0	10 0	10 0-	10 0	10 0	10 0	5 -	5 -
Side <i>setback</i> abutting residential (ft) [See Land Development Code Section 131.0543(c)]		applies	applies	applies	applies	applies	applies	applies	applies
Min <i>street</i> side <i>setback</i> (ft) Max <i>street</i> side <i>setback</i> (ft)		20 ⁽⁴⁾ -	20 ⁽⁴⁾ -	- 10 ⁽⁵⁾	- 10 ⁽⁵⁾	- 10 ⁽⁵⁾	- -	10 -	10 -
Min rear <i>setback</i> (ft) Optional rear <i>setback</i> (ft) [See Land Development Code Section 131.0543(b)]		10 0	10 0	10 0	10 0	10 0	10 0	10 0	10 0

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Development Regulations	Zone Designator	Zones							
	1st & 2nd >>	CU-							
	3rd >>	1-		2-	3-	2-		3-	
	4th >>	1 ⁽¹⁾	2 ⁽¹⁾	3	4	5	6	7	8
Rear <i>setback</i> abutting residential (ft) [See Land Development Code Section 131.0543(c)]		applies	applies	applies	applies	applies	applies	applies	applies
Max <i>structure height</i> (ft)		24 ⁽⁷⁾	24 ⁽⁷⁾	50	-	90	30	30	30
Min <i>lot coverage</i> (%)		-	-	-	35	35	-	-	-
Max <i>floor area ratio</i>		0.6 ⁽⁸⁾⁽⁹⁾	0.6 ⁽⁸⁾⁽⁹⁾	1.0 ⁽⁹⁾	2.0	2.0	0.75 ⁽⁸⁾⁽⁹⁾	0.5 ⁽⁸⁾⁽⁹⁾	0.5 ⁽⁸⁾⁽⁹⁾
Mixed use bonus/ Min % to residential [See Land Development Code Section 131.0546(a)]		0.4/100	0.4/100	0.5/50	2.0/50	1.5/50	0.75/75	0.5/50	0.5/50
Pedestrian paths [See Land Development Code Section 131.0550]		applies	applies	applies	applies	applies	applies	applies	applies
Transparency [See Land Development Code Section 131.0552]		-	-	applies	applies	applies	-	applies	applies
Building articulation [See Land Development Code Section 131.0554]		applies	applies	applies	applies	applies	applies	applies	applies
Parking lot orientation [See Land Development Code Section 131.0556]		-	-	-	-	-	applies	-	-

Footnotes for Table 155-02D

⁽¹⁾ through ⁽⁷⁾ [No change in text.]

⁽⁸⁾ For development that consist of 3 to 7 dwelling units, the maximum *floor area ratio* shall be 1.0. For *development* within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum *floor area ratio* does not increase.

⁽⁹⁾ For development that consist of 8 to 10 dwelling units, the maximum *floor area ratio* shall be 1.0. For *development* within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum *floor area ratio* does not increase.

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Table 1516-01E

Development Regulations for OTCC and OTMCR Zones

Development Regulations	Zone	Zones								
	1st & 2nd >> 3rd >>	OTCC-						OTMCR-		
		1-	2-	2-	2-	3-	3-	1-		
		1	1	2	3	1	2	1	2	3
Max Permitted Residential Density⁽¹⁾ through Min Lot Coverage (%)⁽²⁾ [No Change in text]		[No change in text.]								
Max Floor Area Ratio		2.0	1.0 ⁽³⁾	1.0 ⁽³⁾	1.2 ⁽³⁾	1.3	1.3	1.2 ⁽³⁾	2.0	2.0
Floor Area Ratio Bonus for Residential Mixed Use [See Section 1516.0136]		--	0.2	0.2	0.2	--	--	--	0.2	1.0
Minimum Floor Area Ratio for Residential Use [See Section 1516.0136]		--	0.2	0.2	0.2	--	--	--	--	0.2
Floor Area Ratio Bonus for Structured Parking [See Section 1516.0138] [No change in text]		1.0	--	--	--	--	--	--	--	1.0
Ground-Floor Height through Visibility Area [See Section 113.0273] [No change in text.]		[No change in text.]								

Footnotes for Table 1516-01E

¹ through ² [No change in text.]

³ For development that consist of 8 to 10 dwelling units, the maximum floor area ratio shall be 1.25. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

Battery Energy Storage Facilities (Item 21)

§141.0422 Battery Energy Storage Facilities

This section regulates utility-serving battery energy storage facilities. The purpose of battery energy storage facilities is to store energy within enclosed buildings or modular containers and then release the energy directly back to the electrical grid.

Battery energy storage facilities do not include behind the meter battery installations that provide energy back to the same *premises* on which they are located.

This section distinguishes between small-scale battery energy storage facilities with a *development* footprint of one-quarter acre or less, medium-scale battery energy storage facilities with a *development* footprint of more than one-quarter acre but less than one acre, and large-scale battery energy storage facilities with a *development* footprint of one acre or more. Battery energy storage facilities shall comply with the approval process set forth in Section 141.0422(a) through (c) as applicable to the *development*. All battery energy storage facilities are subject to the general regulations in Section 141.0422(d) and the general design requirements in Section 141.0422(e).

(a) Small-scale battery energy storage facilities

The following regulations apply to battery energy storage facilities with a *development* footprint of one-quarter acre or less.

(1) Limited Use Regulations

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Small-scale battery energy storage facilities are permitted as a limited use decided in accordance with Process One in zones indicated by an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following:

- (A) In residential, commercial, and mixed-use base zones that permit residential *development*, battery energy storage facilities shall be limited to no more than 25 percent of the allowable *development* area and allowable *gross floor area*, unless the *premises* cannot be developed with residential uses due to site constraints – other than the presence of *environmentally sensitive lands* - beyond the *applicant’s* control, such as the presence of utilities and easements, in which case the 25 percent limitation shall not apply.
- (B) In the IL (Industrial – Light) and IS (Industrial – Small Scale) Zones, battery energy storage facilities shall be limited to no more than 25 percent of the allowable *development* area and *gross floor area*, unless the *premises* cannot be developed with industrial uses due to site constraints – other than the presence of *environmentally sensitive lands* - beyond the *applicant’s* control, such as the presence of utilities and easements, in which case the 25 percent limitation shall not apply.

(2) Conditional Use Permit Regulations

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Small-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process

Three in zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following:

(A) In the OP (Open Space – Park) Zone, battery energy storage facilities may be permitted only if they do not result in loss of publicly accessible active or passive recreation area.

(B) In the OR (Open Space – Residential) Zones, battery energy storage facilities may be permitted only in previously disturbed areas with utility easements.

(b) Medium-scale battery energy storage facilities

The following regulations apply to battery energy storage facilities with a development footprint of more than one-quarter acre but less than one acre.

(1) Limited Use Regulations

Medium-scale battery energy storage facilities are permitted as a limited use decided in accordance with Process One in zones indicated by an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones).

(2) Conditional Use Permit Regulations

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- (A) Medium-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Two in industrial zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1, Division 6.
- (B) Medium-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) as follows:

 - (i) In commercial base zones that do not permit residential *development*.
 - (ii) In residential, commercial, and mixed-use base zones that permit residential *development* if the *premises* cannot be developed with residential uses due to site constraints – other than the presence of *environmentally sensitive lands* - beyond the *applicant’s* control, such as the presence of utilities and easements.
- (c) Large-scale battery energy storage facilities

The following regulations apply to battery energy storage facilities with a *development* footprint of one acre or more.

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(1) Conditional Use Permit Regulations

(A) Large-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in industrial zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1, Division 6.

(B) Large-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Four in zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) as follows:

(i) In commercial base zones that do not permit residential *development*.

(ii) In residential, commercial, and mixed-use base zones that permit residential *development* if the *premises* cannot be developed with residential uses due to site constraints – other than the presence of *environmentally sensitive lands* - beyond the *applicant’s* control, such as the presence of utilities and easements.

(d) General Regulations

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The following regulations apply to all battery energy storage facilities regardless of their size.

(1) Use Regulations

(A) The *premises* shall not contain a *child care facility* or *school*.

(B) Activities involving aerial transmissions are not permitted.

(2) Operational, Safety and Decommissioning Regulations

(A) Every application shall include documentation to the satisfaction of the Chief Building Official as follows:

(i) Demonstrating that the battery energy storage facility complies with all applicable requirements imposed by state or federal regulatory agencies; and

(ii) Identifying the facility type/application, total rated battery power capacity in kilowatts or megawatts, energy capacity in kilowatt-hours or megawatt-hours, storage duration, cycle life/lifetime, and type of battery chemistry.

(B) The *applicant* shall submit and implement an emergency response plan for battery storage fire events and other emergency events consistent with state and national

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standards and regulations to the satisfaction of the Fire Marshal.

- (C) The *applicant* shall obtain all necessary construction permits to comply with applicable building, fire, mechanical, electrical, and plumbing codes, and state and federal laws.
- (D) The *applicant* shall comply with all applicable state and national standards and requirements for the design, construction, installation, commissioning, operation, maintenance, and decommissioning of the battery energy storage facility.
- (E) Battery energy storage facilities shall be maintained in good working order, free from trash, debris, and graffiti, and designed to discourage vandalism. The *permit holder* or *record owner* shall repair or replace any damaged walls, fences, landscaping, buildings, structures, and equipment within 30 calendar days of receipt of a written notification from the City Manager.
- (F) The *permit holder* or *record owner* shall remove and decommission the battery energy storage facility from the premises and restore the premises to the condition preceding the construction and installation of the battery

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energy storage facility, at the sole cost and expense of the permit holder or record owner, if any of the following circumstances exists:

(i) The permit authorizing the battery energy storage facility is expired and a new permit has not been obtained;

(ii) The City Manager determines that the battery energy storage facility or components of the battery energy storage facility are non-operational or no longer in use; or

(iii) The City Manager determines that the battery energy storage facility is a public nuisance.

(3) Noise Regulations. Noise generated from battery energy storage facilities shall not exceed the noise limits for the zone as established in the Noise Abatement and Control Regulations (Chapter 5, Article 9.5, Division 4: Limits).

(e) General Design Requirements

The following design requirements apply to all battery energy storage facilities regardless of their size.

(1) Overhead wires connecting the battery energy storage facility to an energy generation station or substation are not permitted, unless

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the *premises* containing the energy generation station or substation immediately abuts the *premises* on which the battery energy storage facility is proposed and existing overhead connections are present on the *premises* containing the energy generation station or substation. Overhead wires shall not be permitted to cross other private property, public property, or *public right-of-way* to connect with an energy generation station or substation.

- (2) Access to a battery energy storage facility shall be as direct as possible from primary arterials and major streets and shall avoid residential streets unless no other feasible options exist. Shared access with an adjacent energy generation station or substation is permitted.
- (3) The *development* shall comply with the Street Tree and Public Right-of-Way Requirements in Section 142.0409.
- (4) All mechanical equipment and storage areas shall be located within an enclosed building or modular container, as follows:

 - (A) The building or modular container, or both, shall be located on the *premises* so that visibility from adjacent *public*

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rights-of-way or adjacent development that is not of a similar nature is minimized.

(B) Battery energy storage facilities located on the same premises as residential uses shall be located within an enclosed building that is designed to be architecturally consistent with the primary structure.

(C) Mechanical equipment that supports the battery energy storage facility, such as HVAC equipment, may be located outside of a building or modular container, provided that the mechanical equipment is completely screened on all sides with a solid wall or fence that is painted or texturized to match the primary building on the premises, if one is present.

(5) Battery energy storage facilities that are not located within a building shall be enclosed and screened from the public right-of-way and adjacent properties by walls or fences with a minimum height of 6 feet that incorporate finishes and architectural detailing that are consistent with any buildings on the premises or any applicable design standards. The walls or fences shall be screened by landscaping as follows:

(A) Along the street frontage, the walls or fences shall be screened from the public right-of-way with plant material

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that includes 24-inch box evergreen canopy form trees
separated by a maximum distance of 30 feet; and

- (B) Along the side and rear yards, the walls or fences shall be
screened from adjacent properties by 10-foot wide
landscape strips that include 24-inch box evergreen species
separated by a maximum distance of 30 feet along the side
and rear yards. For premises less than 10,000 square feet,
the landscape strips may be reduced to 5-feet in width.

Landscape Regulations – Water Conservation Requirements (Item 29)

§142.0413 Water Conservation

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

- (c) ~~Mulch Requirements. All required planting areas and all exposed soil
areas without vegetation shall be covered with mulch to a minimum
depth of 3 inches, excluding slopes~~ Reclaimed Water. Development in
areas where reclaimed water is available and suitable for irrigation
shall provide for a dual water distribution system for all landscaped
areas. Only reclaimed water shall be used for irrigation purposes
where it is available.

(d) ~~Water Budget.~~

- (1) ~~All new development with a landscape area of 500 square feet or
greater and landscape rehabilitation projects with a landscape area~~

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of 2,500 square feet or greater shall be subject to a Maximum Applied Water Allowance (MAWA) Water Budget, except as provided in Section 142.0413(h).

- (2) The MAWA Water Budget is calculated using the following formula (see Landscape Standards of the Land Development Manual for additional information):

$$\text{MAWA Water Budget} = (ET_o)(0.62) [(ETAF)(LA) + (1 - ETAF)(SLA)]$$

$$\text{For residential landscape areas} = (ET_o)(0.62)[(0.55)(LA) + (0.45)(SLA)]$$

$$\text{For non-residential landscape areas} = (ET_o)(0.62) [(0.45)(LA) + (0.55)(SLA)]$$

Legend for MAWA Water Budget Calculation Formula

Symbol	Meaning of Symbol
ET_o	Evapotranspiration measured in inches per year ⁽¹⁾ ; see Table 6 ET_o Table
0.62	Conversion factor to gallons
ETAF 0.55 for Residential <u>landscape</u> areas; 0.45 for Non-residential <u>landscape</u> areas	Evapotranspiration Adjustment Factor
LA	Landscape Area measured in square feet
1 - ETAF 0.45 for Residential <u>landscape</u> areas; 0.55 for Non-residential <u>landscape</u> areas	Additional Evapotranspiration Adjustment Factor for Special Landscape Areas and Reclaimed Water
SLA	Special Landscape Area measured in square feet

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- (3) ~~The irrigation system is required to be operated within the approved MAWA Water Budget.~~
- (4) ~~The Estimated Total Water Use (ETWU), as calculated in Section 2.6 of the Landscape Standards of the Land Development Manual shall not exceed the MAWA Water Budget as calculated in Section 142.0413(d)(2).~~

Model Water Efficient Landscape Ordinance (MWELO) Regulations.

Development with a landscape area of 500 square feet or greater and rehabilitation projects, as defined in California Code of Regulations section 491, with a landscape area of 2,500 square feet or greater shall be subject to the following pursuant to title 23, section 490.1 of the California Code of Regulations:

(1) Water Budget

- (A) Maximum Applied Water Allowance (MAWA) water budget shall be calculated using the following formula:

$$\text{MAWA Water Budget} = (\text{ETo})(0.62)[(\text{ETAF})(\text{LA}) + (1 - \text{ETAF})(\text{SLA})]$$

$$\text{For residential landscape} = (\text{ETo})(0.62)[(0.55)(\text{LA}) + (0.45)(\text{SLA})]$$

$$\text{For non-residential landscape} = (\text{ETo})(0.62)[(0.45)(\text{LA}) + (0.55)(\text{SLA})]$$

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Legend for MAWA Water Budget Calculation Formula

<u>Symbol</u>	<u>Meaning of Symbol</u>
<u>ETo</u>	<u>Evapotranspiration (inches per year)⁽¹⁾</u>
<u>0.62</u>	<u>Conversion factor to gallons</u>
<u>ETAF</u> <u>0.55 for Residential</u> <u>Landscape Areas</u> <u>0.45 for Non-Residential</u> <u>Landscape Areas</u>	<u>Evapotranspiration Adjustment Factor</u>
<u>LA</u>	<u>Landscape Area (square feet)</u>
<u>1-ETAF</u> <u>0.45 for Residential</u> <u>Landscape Areas</u> <u>0.55 for Non Residential</u> <u>Landscape Areas</u>	<u>Additional Evapotranspiration Adjustment Factor</u> <u>for Special Landscape Areas and Reclaimed Water</u>
<u>SLA</u>	<u>Special Landscape Area (square feet)</u>

Footnote for Table 142-04J

¹ Refer to Appendix E of the Landscape Standards of the Land Development Manual for ETo Map and ETo Table by Community Planning Area.

(B) Estimated Total Water Use (ETWU), as calculated in
Section 2.6 of the Landscape Standards of the Land
Development Manual, shall not exceed the MAWA water
budget.

(C) The irrigation system is required to be operated within the
approved MAWA Water Budget.

(2) Water Meters

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(A) Residential

- (i) Dedicated water meters or private submeters shall not be required for residential landscapes of less than 5,000 square feet.
- (ii) Dedicated water meters or private submeters shall be required for irrigated landscapes of 5,000 square feet or greater.

(B) Non-Residential

- (i) Dedicated water meters or private submeters shall be required for irrigated landscapes greater than 1,000 square feet and less than 5,000 square feet.
- (ii) Dedicated water meters shall be required for irrigated landscapes greater than 5,000 square feet.

(3) Soil Preparation, Mulch and Analysis

- (A) An applicant subject to the MWELD Regulations per Section 142.0413(d) shall submit a Soil Management Report to the Development Services Department
- (B) Soil amendments shall be incorporated according to the recommendations of a Soil Management Report.
- (C) Compost at a minimum of 4 cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of 6 inches into the soil.

- (i) Soils with greater than 6 percent organic matter in the top 6 inches of soil are exempt from this requirement.
- (D) All required planting areas and all exposed soil areas without vegetation shall be covered with mulch to a minimum depth of 3 inches, excluding slopes.
- (E) Organic mulch materials made from recycled or post-consumer materials shall be required over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available within a 500 mile radius. Organic mulches are not required where prohibited by fuel modification plan guidelines or ordinances.
- (4) Irrigation Audit
 - (A) An applicant subject to the MWELD pursuant to Section 142.0413(d) shall conduct and submit to the City an irrigation audit consistent with Section 2.7 of the Landscape Standards of the Land Development Manual.
 - (B) All irrigation audits shall be conducted by a professional authorized by the State to perform this work.
 - (C) The irrigation audit shall certify that all plant material, irrigation systems, and landscape features have been

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installed and operate as reviewed by the City to be consistent with any applicable design guidelines; and shall be submitted to the City prior to Certificate of Occupancy or Final Inspection.

(5) Prescriptive Compliance

Pursuant to title 23, section 490.1 of the California Code of Regulations, an *applicant* with an aggregate landscape area of 2,500 square feet or less may alternatively comply with the MWEL Regulation calculations, if the *applicant* demonstrates to the satisfaction of the Development Services Director that the landscape area for the *development* will comply with all of the following:

(A) Incorporates compost at a rate of at least 4 cubic yards per 1,000 square feet to a total depth of 6 inches (unless contraindicated by results of the Soil Management Report).

(B) Includes climate adapted plants that meet the following:

(i) All plant species are identified on the Water Use Classification of Landscape Species (WUCOLS) list as requiring little or no summer water and have an average plant factor of 0.3; and

(ii) The minimum plant area for the climate adapted plants is at least 75 percent of the total plant area for

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residential *development* or 100 percent for non-residential *development*. Plant areas used for edibles or areas where recycled water is used for irrigation may be excluded from the calculation of total plant area.

(C) Incorporates a minimum 3-inch layer of mulch on all exposed soil surfaces of planting areas, except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

(D) Minimizes the use of turf as follows:

(i) Turf is not permitted for non-residential *development* or in *parkways* less than 10 feet wide, unless the *parkway* is adjacent to a parking strip and used to enter and exit vehicles and is irrigated by subsurface irrigation (or equivalent system that creates no overspray or runoff).

(ii) Turf for residential *development* landscape areas shall not exceed 25 percent of the landscape area and shall not be planted on sloped areas that exceed a slope of 1-foot vertical elevation change for every 4 feet horizontal length.

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(E) Provides an irrigation system that meets all of the following requirements:

- (i) Includes an automatic irrigation controller that utilizes a rain sensor and evapotranspiration or soil moisture sensor data, and that does not lose programming data if in the event a primary power source is interrupted;
- (ii) Includes a pressure regulator to ensure the dynamic pressure of the system is within the manufacturer's recommended pressure range;
- (iii) Includes manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) installed as close as possible to the point of connection to the water supply;
- (iv) Includes irrigation sprinkler and emission devices that meet the State of California Landscape Irrigation Sprinkler and Emitter Standards;
- (v) Includes subsurface irrigation (or equivalent system that produces no overspray or runoff) in any landscape areas less than 10 feet in width in any direction; and

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(vi) Includes a private submeter for any non-residential development landscape areas that are 1,000 square feet or more in size.

(F) Incorporates the following statement on the approved landscape plan set:

This landscape plan meets the requirements of the Model Water Efficient Landscape Ordinance (MWELO) in accordance with state law and Land Development Code Section 142.0413. Adherence to the MWELO is required, including compliance with the schedule of landscape and irrigation maintenance.

~~(e) Water Meters.~~

~~All new development with a landscape area equal to 500 square feet or greater and landscape rehabilitation projects with a landscape area of 2,500 square feet or greater shall be subject to irrigation meter requirements as follows:~~

~~(1) Residential.~~

~~(a) Dedicated water meters private submeters shall not be required for residential landscapes less than 5,000 square feet.~~

~~(b) Dedicated water meters or private submeters shall be required for irrigated landscapes of 5,000 square feet or greater.~~

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(2) ~~Non-Residential.~~

- (a) ~~Dedicated water meters or private submeters shall be required for irrigated landscapes between 1,000 and 5,000 square feet.~~
- (b) ~~Dedicated water meters shall be required for irrigated landscapes greater than 5,000 square feet.~~

(f) ~~Irrigation Audit. An *applicant* subject to the requirement for a MAWA Water Budget is required to conduct and submit to the City an irrigation audit consistent with Section 2.7 of the Landscape Standards of the Land Development Manual.~~

- (1) ~~All irrigation audits shall be conducted by a professional authorized by the State to perform this work.~~
- (2) ~~The irrigation audit shall certify that all plant material, irrigation systems, and landscape features have been installed and operate as approved by the City; and shall be submitted to the City prior to occupancy and use.~~

(g) ~~Reclaimed water. *Development* in areas where reclaimed water is available and suitable for irrigation shall provide for a dual water distribution system for all landscaped areas. Only reclaimed water shall be used for irrigation purposes where it is available.~~

(h) ~~Pursuant to state law (California Code of Regulations section 490.1), an *applicant* with a project with an aggregate landscape area of 2,500 square feet or less may alternatively comply, if the *applicant* demonstrates, to the~~

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satisfaction of the Development Services Director, that the landscape area for the *development* will comply with all of the following instead of Section 142.0413(a) through (g):

- (1) Incorporates compost at a rate of at least 4 cubic yards per 1,000 square feet to a total depth of 6 inches (unless contraindicated by a soil test).
- (2) Includes climate-adapted plants that meet the following:
 - (A) All plant species are identified on the Water Use Classification of Landscape Species (WUCOLS) list as requiring little or no summer water and have an average plant factor of 0.3; and
 - (B) The minimum plant area for the climate-adapted plants is at least 75 percent of the total plant area for residential *development* or 100 percent for non-residential *development*. Plant areas used for edibles or areas where recycled water is used for irrigation may be excluded from the calculation of total plant area.
- (3) Incorporates a minimum 3-inch layer of mulch on all exposed soil surfaces of planting areas, except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
- (4) Minimizes the use of turf as follows:

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- (A) ~~Turf is not permitted for non-residential *development* or in parkways less than 10 feet wide, unless the *parkway* is adjacent to a parking strip and used to enter and exit vehicles and is irrigated by subsurface irrigation (or equivalent system that creates no overspray or runoff).~~
 - (B) ~~Turf for residential *development* landscape areas shall not exceed 25 percent of the landscape area and shall not be planted on sloped areas that exceed a slope of 1 foot vertical elevation change for every 4 feet horizontal length.~~
- (5) ~~Provides an irrigation system that meets all of the following requirements:~~
 - (A) ~~Includes an automatic irrigation controller that utilizes a rain sensor and evapotranspiration or soil moisture sensor data, and that does not lose programming data if in the event a primary power source is interrupted;~~
 - (B) ~~Includes a pressure regulator to ensure the dynamic pressure of the system is within the manufacturer's recommended pressure range;~~
 - (C) ~~Includes manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) installed as close as possible to the point of connection to the water supply;~~

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- (D) ~~Includes irrigation sprinkler and emission devices that meet the State of California Landscape Irrigation Sprinkler and Emitter Standards;~~
 - (E) ~~Includes subsurface irrigation (or equivalent system that produces no overspray or runoff) in any landscape areas less than 10 feet in width in any direction; and~~
 - (F) ~~Includes a private submeter for any non-residential development landscape areas that are 1,000 square feet or more in size.~~
- (6) Incorporates the following statement on the approved landscape plan set:
- ~~The *applicant* agrees to comply with the requirements of the prescriptive compliance option to the Model Water Efficient Landscape Ordinance (MWELo) in accordance with state law and Land Development Code Section 142.0413(h), and will provide the record *owner* at the time of final inspection with a certificate of completion, certificate of installation, irrigation schedule, and schedule of landscape and irrigation maintenance.~~

Clarification to Definition of Transfer of Development Rights (Item 1)

§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 Bona-fide eating establishment [No change in text.]

Bonus floor area ratio (Bonus FAR) means the additional *floor area ratio* that may be earned by meeting certain requirements listed in Section 156.0309(ed).

Brewery Tasting Room through Cultural institution or cultural use [No change in text.]

Design Review means the ~~formal-staff-level~~ review of a proposed *development* for consistency with the Downtown Design Guidelines.

~~*Disposition and Development Agreement (DDA)* means an agreement that was executed between the former *Redevelopment Agency* and a developer in which the *Redevelopment Agency* conveyed property to said developer to implement the *Redevelopment Plan* pursuant to a specified scope of development.~~

Employment uses [No change in text.]

Eco-roof means an open space area on top of a building roof that is landscaped and maintained according to the requirements of Section 156.0309(ed)(4).

Floor area ratio bonus (FAR bonus) through *Outfield Park* [No change in text.]

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~~*Owner Participation Agreement (OPA)* means an agreement that was executed between the former *Redevelopment Agency* and a property owner specifying terms of a redevelopment action as it affects the owner's property.~~

Pedestrian entrance through Pushcart [No change in text.]

~~*Redevelopment Agency* means the *Redevelopment Agency* of the City of San Diego that exercises governmental functions prescribed by the Community Redevelopment Law of the California Health and Safety Code pursuant to Resolution No. 147378.~~

~~*Redevelopment Plan* means the plan for the Centre City Redevelopment Project, which was adopted on May 11, 1992, by the City Council pursuant to Ordinance No. O 17767, and any subsequent amendments thereto.~~

Receiving site refers to a site where *gross floor area* is transferred from a *sending site* in accordance with the *Transfer of Development Rights* procedures in Section 156.0309(gf).

Reflective glass through Screen or screening [No change in text.]

Sending site refers to a site where *gross floor area* is transferred to a *receiving site* in accordance with the *Transfer of Development Rights* procedures in Section 156.0309(gf).

~~*Senior housing or senior unit* means a *housing development* as defined in State of California Civil Code Section 51.3.~~

Sensitive receptor through Tower [No change in text.]

Transfer of development rights (TDR) means the program whereby *gross floor area* may be transferred between sites for the purpose of establishing *public parks* publicly accessible parks or preserving *designated historical resources*.

Transitional housing has the same meaning as in Land Development Code Section 141.0313.

Transportation demand management (TDM) through *Urban open space* [No change in text.]

Greenway Clarifications – Format Change and Correct Reference (Item 7)

§156.0304 Administration and Permits

(a) Administration

The City Manager is responsible for the administration of planning and zoning for the City of San Diego within the Centre City Planned District.

~~The City Manager shall administer this Article to ensure compliance with the regulations and procedures of this Article, the Downtown Design Guidelines, the Downtown Community Plan, the Centre City Streetscape Manual, and any policies or guidelines adopted by the City of San Diego to implement the Downtown Community Plan.~~

(b) Permit Required

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

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Development Permits, Site Development Permits, Planned Development Permits, and Variances.

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

(3) ~~Building Permits for new~~ Development that exceeds \$20 million in value, located along a *greenway*, shall meet all of the following requirements, as applicable:

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

(C) For *development* located along any other *greenway* identified in the Downtown Community Plan, the following fronting *public improvements* shall be provided:

(i) Widening of the sidewalk, which may include the removal of any parking and vehicular lanes, to accommodate the *public improvements* identified in this Section 156.0304(b)(3)(C). A *greenway* may be closed to vehicular traffic, at the discretion of the City Engineer, so long as pedestrian and bicycle traffic is maintained.

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

(D) The *greenway* and associated ~~public improvements~~ public improvements shall be privately-maintained and publicly -accessible in perpetuity. ~~The applicant shall obtain a~~ All *public improvements* along a *greenway* as described in Section 156.0304(b)(3) shall be decided in

accordance with a Process One Public Right-of-Way

Permit and the applicant shall enter into an Encroachment Maintenance and Removal Agreement in accordance with Chapter 12, Article 9, Division 7.

(E) [No change in text.]

(F) The City Manager may waive or modify the requirement to include *public improvements* along a *greenway* as described in Section 156.0304(b)(3) if the installation of *public improvements* would create undesirable drainage or traffic or pedestrian circulation conditions, as determined by the City Engineer.

(G) An *applicant* that provides *public improvements* in accordance with this 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(~~ed~~)(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)(~~6~~9)(A)-(C)** shall not apply.

(4) [No change in text.]

Public Facilities – Added language regarding Public Facilities Exemption (Item 9)

(d) ~~City~~ Public Facilities Exemption

~~City of San Diego Capital Improvement Program Projects, Public facilities including fire stations, schools, parks, greenways, transit improvements, public buildings and facilities, police department facilities, and structures within public open space areas, 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. These projects shall be presented to the officially recognized community planning group as an informational item prior to a decision being made on the project.~~ **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.

Adding Missing Footnotes # 9 and 14 (Items 14 and 15)

§156.0308 Base District Use Regulations

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

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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	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays	
Public Park/ Plaza/Open Space through Separately Regulated Institutional Uses, Correctional Placement Centers [No change in text.]	[No change in text.]														
<i>Cultural Institutions</i>	P	P	P	P	P	P	C ⁹ <u>P</u>	--	--	P	P	P		MS, CS, E	
Educational Facilities	P	P	P	P	P	P	C ⁹ <u>P</u>	--	--	P	--	P		CS, E	
Separately Regulated Institutional Uses, Energy Generation & Distribution Stations through Commercial Services, Business [No change in text.]	[No change in text.]														
<u>Eating and Drinking Establishments⁽¹⁴⁾</u>	[No change in text.]														
<u>Commercial Services, Bona Fide Eating Establishments through Brewpubs</u>	[No change in text.]														
<i>Non-Bona Fide Eating Establishments w/ Alcohol</i>	N <u>P</u>	N <u>P</u>	N <u>P</u>	N <u>P</u>	N <u>P</u>	N <u>P</u>	--	--	--	N <u>P</u>	--	N <u>P</u>	§156.0315 (a)	MS, CS, E	
<i>Brewery Tasting Rooms</i>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	--	--	C <u>P</u>	--	C <u>P</u>	§156.0315 (b)(4)	MS, CS, E	
<i>Brewpub Tasting Rooms</i>	N <u>P</u>	N <u>P</u>	N <u>P</u>	N <u>P</u>	N <u>P</u>	N <u>P</u>	N <u>P</u>	--	--	N <u>P</u>	--	N <u>P</u>	§156.0315 (b)(3)	MS, CS, E	

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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	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Commercial Services, With Outdoor Use Area through Visitor Accommodations [No change in text.]	[No change in text.]													
<i>Hotels and Motels</i>	P	P ³	P	P	P	P	<u>P¹³</u>	--	--	P	--	P		CS, E
Separately Regulated Commercial Service Uses														
Separately Regulated Commercial Service Uses, Boarding Kennels/Pet Day Care Facilities through <i>SRO Hotel</i>	[No change in text.]													
Offices ⁽⁹⁾	[No change in text.]													
Vehicle & Vehicular Equipment Sales & Service, Personal Vehicle Sales & Rental Offices through Other Use Requirements, <i>Temporary Uses</i> and Structures, [No change in text.]	[No change in text.]													

Footnotes for Table 156-0308-A

¹ through ⁸ [No change in text.]

⁹ Educational facilities and cultural institutions are not permitted within the Airport Approach Zone as delineated in the Airport Land Use Compatibility Plan for the San Diego International Airport. Research and development and testing labs are permitted within the office use category.

¹⁰ through ¹² [No change in text.]

¹³ Visitor Accommodation uses are allowed as part of a mixed-use development that contains at least 80 percent residential uses and the development includes at least 90 percent of the base maximum floor area ratio.

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¹⁴ Drive-ins and Drive-throughs are prohibited in the CCPDO.

Clarification to Urban Open Space and Correction to Three-Bedroom Incentives (Items 17 and 18)

§156.0309 FAR Regulations and TDRs

(a) [No change in text.]

(b) ~~Airport Approach Overlay Zone~~

~~Within the Little Italy and Cortez neighborhoods of the Downtown Community Plan, which lie within the approach path as shown in the Airport Land Use Compatibility Plan (ALUCP) for San Diego International Airport (SDIA) at Lindbergh Field, adopted by the San Diego County Regional Airport Authority, new *development* may not intensify human occupancy of the site to greater than 110 percent of the average intensity of existing uses (exclusive of large assemblies) within a quarter mile radius of the *development* site. However, no increase in *density* is allowed within the runway protection zone. As an alternative to the above density criterion, a compatible land use within these neighborhoods may be limited to a maximum *FAR* of 2.0 and a maximum building height of 36 feet. Properties that are intersected by the airport approach/departure zone boundary shall be exempt from this density criterion.~~

(~~e~~b) Development Permit FAR

The approval and recordation of a *development permit* establishes the distribution of *gross floor area* within the *development*. The *development*

may consist of one or more individually-owned *lots*, but the permitted *FAR* for any individual *lots* remain subject to the *FAR* limits within the *development* boundaries as defined by the *development permit*. If a *development* does not require a *development permit*, the distribution of *FAR* between the *lots* may be executed through the recordation of a legal covenant in a form approved by the City Manager and the City Attorney.

(~~d~~c) Ballpark Mixed-Use District

Within the Ballpark Mixed-Use District, illustrated in Figure B, a *FAR* of 6.5 shall apply.

To facilitate ancillary *development* near *PETCO Park* pursuant to Proposition C passed by the voters in 1998 and Ordinance No. O-18613, transfers may be approved of any portion of the *floor* area permitted pursuant to this Section from *PETCO Park* to any other property within the district, if: (1) the property to which the applicable *floor* area is transferred is developed pursuant to a common plan or program with the property from which the *floor* area is transferred as approved by the City Council; and (2) appropriate *CC&Rs* are recorded to memorialize the reallocation of permitted *floor* areas.

The district-wide *FAR* provisions shall not apply to the block bounded by Park Boulevard and J, K, and 13th Streets.

(~~e~~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

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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(e)(1)). ~~Applicants utilizing the *FAR bonus* program shall have CC&Rs recorded on the property, ensuring that the benefits or amenities provided to earn the bonus are maintained in perpetuity, or in the case of affordable housing, for the duration specified in Section 156.0309(e)(1)(B)(iv). 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.~~

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

TABLE 156-0309-A: <i>FAR BONUS</i>	
Public Benefit/ <i>Development</i> Amenity	<i>FAR Bonus</i> (to be added to maximum Base <i>FAR</i>)
Affordable Housing	See <u>Section 156.0309(d)(1)</u> , below
<i>Urban Open Space</i> 10% of site 20% of site	Up to 6.0 - See <u>Section 156.0309(d)(2)</u> , below 1.0 2.0
Three-bedroom units	5% of total units 0.5/1.0—See <u>Section 156.0309(d)(3)</u> , below 10% of total units 1.0/2.0—See (3) below
<i>Eco-Roofs</i>	Up to 1.0 – See <u>Section 156.0309(d)(4)</u> , below
<i>Employment Uses</i>	See <u>Section 156.0309(d)(5)</u> , below
Public Parking <u>Child Care Facilities</u>	See (6) below See <u>Section 156.0309(e)(6)</u> , below
<i>FAR</i> Payment Bonus Program	See <u>Section 156.0309(d)(7)</u> below, and Figure

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	J
Sustainable Building	Up to 2.0 – See <u>Section 156.0309(d)(87)</u> , below
<i>Public Improvements</i> along a <i>Greenway</i>	2.0 (See 156.0309(e)(98), below)

- (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) The permitted *FAR* for a *development* containing affordable housing shall be calculated as follows:
Permitted *FAR* equals Pre-AHR bonus *FAR* minus the non-residential *FAR*, then multiplied by the AHR bonus percentage, then that total is added to the Pre-AHR bonus *FAR*.

For the purposes of the above calculation:

Pre-AHR bonus *FAR* means the Maximum *Base FAR* found in Figure H plus any additional *bonus FAR* ~~permitted in Figure K~~ earned through Section 156.0309(~~ed~~) and Section 156.0309(~~gf~~).

AHR bonus percentage means the percentage bonus for affordable housing found in Tables 143-07A, 143-07B, and 143-07C in the AHR.

- (ii) [No change in text.]
- (iii) The maximum *FAR bonus* earned through the provision of affordable housing shall ~~not be restricted by and may be in addition to the maximum *FAR* limits shown in Figures H, K, and L (other bonuses may be utilized up to these limits as provided elsewhere in this Section)~~ be in addition to any other increase in *density* allowed in this Division.
- (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, or Drive-Through Restaurants, and those uses are to be replaced with residential *development*, an additional *density* bonus of 50 percent shall be added to the AHR bonus percentage.

- (C) For *development* proposing to utilize Section 143.0720(~~il~~)(9) providing for a 100% *density* bonus for micro-unit *development*, the *development* must first utilize other *FAR* bonus programs as listed in Section 156.0309(~~ed~~) to achieve a minimum *FAR* bonus of 3.0. ~~If the bonus *FAR* permitted in Figure K is less than 3.0, then the bonus *FAR* in Figure K shall be required.~~

- (2) *Urban Open Space. Development* that reserves a portion of their site for the *development* of public *urban open space* may qualify for a *FAR* bonus of 1.0 or 2.0, as specified in Table 156-0309-A 4.0, or 6.0, subject to the following criteria:

- (A) ~~The *urban open space* shall be designed to meet the criteria listed in the Downtown Design Guidelines. The amount of~~ *FAR* bonus shall be based on the following criteria:

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- (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.
- (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.
- (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.
- (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.
- (v) *Development* that includes either a public restroom building containing a minimum of 2 stalls; a performance/event space consisting of a minimum of 5,000 square feet with seating, lighting and utilities; or museum space consisting of a minimum

of 30,000 square feet to be made available at no cost to a not-for-profit organization for a minimum of 30 years, shall receive an *FAR Bonus* of 6.0.

(B) The *urban open space* shall be open to the general public at least between the hours of 7:00 a.m. and 9:00 p.m. every day, with the exception of museum space, which may have limited hours but at a minimum must be open to the public at least 24 hours per week. The *urban open space* area shall have *signs* indicating that the public is welcome and the hours of closure, if applicable.

(C) Either a public recreation easement or CC&Rs shall be recorded on the property providing for the *development* and on-going maintenance of the *urban open space* area to City standards in perpetuity. These provisions of the *CC&Rs* shall be approved by the City Manager and the City Attorney's Office.

(3) Three-Bedroom Units. To encourage larger *dwelling units* and accommodate larger *families, developments* that provide at least five three -bedroom units, comprising a minimum of 10 percent of the total amount of residential *dwelling units* within the *development* with each *bedroom* containing a minimum of 70 square feet and have *CC&Rs* recorded on the property ensuring the

number of bedrooms in those units shall be entitled to a *FAR bonus*, subject to the following criteria:

- (A) ~~There shall be at least five three-bedroom dwelling units within the development;~~
- (B) ~~Each bedroom in the dwelling unit use to earn the FAR bonus shall contain a minimum of 70 square feet, with additional area for an enclosed closet;~~
- (C) ~~CC&Rs shall be recorded on the property ensuring the number of bedrooms in the units used to earn the FAR bonus shall not be reduced;~~
- (~~D~~A) ~~Development providing at least 50~~10 percent of the ~~gross~~ floor area for residential use may earn a *FAR bonus* of 0.5 ~~or 1.0~~ the total amount of dwelling units within the development as three-bedroom units shall receive a FAR bonus of 1.0.
- (~~E~~B) ~~Development providing at least 80~~20 percent of the ~~gross~~ floor area for residential use may earn a *FAR bonus* of 1.0 ~~or 2.0~~ total amount of dwelling units within the development as three-bedroom units shall receive a FAR bonus of 2.0.
- (C) Development providing at least 50 percent of the total amount of dwelling units within the development as three-bedroom units, with at least 20 percent of those units

affordable up to 30 percent of 150 percent of the area

median income, shall have no limit on density.

Clarification to Transfer of Development Rights – Publicly Accessible Parks (Item 25)

(g) *Transfer of Development Rights (TDR) Program*

- (1) Purpose. The purpose of the *TDR* program is to ~~promote the creation of additional *public park* land downtown to meet the needs of residents, workers, and visitors within the Centre City Planned District and to encourage the preservation, restoration, and rehabilitation of *designated historical resources*. The City finds that the growing concentration of *development* in downtown requires the creation of new park land areas for the recreational and aesthetic benefit and enjoyment of the public, and that *historical resources* contribute to the quality of the urban environment~~ encourage opportunities for the design, construction, and operation of additional **publicly accessible parks** within the Downtown Community Planning Area while also incentivizing the construction of additional housing and employment.

Added Language to Refuse, Organic Waste and Recyclable Materials Storage Regulations (Item 10)

§156.0310 Development Regulations

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

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- (c) Building Height. The overall height of a building shall be measured from the average of the highest and lowest *grades* of the site to the top of the parapet of the highest habitable *floor*. Uninhabited roof *structures* up to 30 feet high that conceal mechanical equipment and elevator and stair overruns are not included in the measurement of the building height if they do not project above a 45-degree plane inclined inward from the top of the parapet(s) of the nearest building wall(s). The maximum heights of buildings are illustrated in Figure F, with the following additional restrictions:

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

~~(3) For sites within the Airport Approach Overlay Zone, maximum building heights shall be determined by the most recently adopted Airport Land Use Compatibility Plan. Building heights shall not be limited by the former approach path for the decommissioned Runway 13-31.~~

- (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) *Urban open space* ~~subject to the Downtown Design Guidelines;~~

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

(vi) Portions of *development* sites associated with documented active faults or no-build easements may be exempted from the *street wall* requirements;

~~or~~

(vii) Side yard setbacks up to 5 feet in width may be approved through *design review*; or

(viii) When a transformer is required to be located behind the property line, an exception may be approved through design review.

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

Table 156-0310-B: VIEW CORRIDOR SETBACKS

[No change in text.]

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

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

(g) Residential *Development* Requirements

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The following standards apply to residential *developments* that contain fifty or more *dwelling units*:

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

~~(4) Storage. Each *development* shall provide a personal storage area in accordance with Chapter 13, Article 1, Division 4 of this Code.~~

~~(54)~~ Pet Open Space. Each *development* shall provide a minimum area of 100 square feet for every 200 *dwelling units*, or portion thereof, improved for use by pets and clearly marked for such exclusive use. Such areas shall include permeable surfaces, a hose bib, and be drained to the public sewer system (except for at-grade lawn areas).

~~(65)~~ Commercial buildings that have been used for commercial uses for at least five years may be converted to a residential use without meeting the requirements listed in Section 156.0310(g)(1) through ~~(54)~~.

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

(i) Refuse, Organic Waste, and Recyclable Materials Storage
Development shall be subject to the Refuse, Organic Waste, and
Recyclable Materials Storage Regulations in Sections 142.0805 through
142.0830, except that all storage areas shall be internal to the building and
the minimum size requirements in Table 142-08B and Table 142-08C
shall not apply. Recyclable materials and organic waste storage areas.

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shall, at a minimum, be equal in size to the area provided for refuse
storage.

DRAFT

ATTACHMENT 5
DRAFT RESOLUTION R-313688 (CITYWIDE PARK DIF)

(R-2022-xx)

RESOLUTION NUMBER R-313688

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO ADOPTING A NEW CITYWIDE PARK
DEVELOPMENT IMPACT FEE.

WHEREAS, the San Diego City Council (Council) has reviewed and considered the methodology set forth in the Citywide Park Development Impact Fee Nexus Study, on file in the Office of the City Clerk as Document No. RR- **313688** (Nexus Study); and

WHEREAS, San Diego Resolution R- **313687** adopted the Parks Master Plan, and was considered along with this Resolution; and

WHEREAS, fees within the City of San Diego (City) vary greatly between communities, and a new Citywide Park Development Impact Fee (DIF) would provide a simplified fee to fund the City's parks system to meet the demand for parks resulting from new development; and

WHEREAS, the Parks Master Plan identifies the need for a Citywide Park DIF; and

WHEREAS, the Citywide Park DIF will be used solely to fund parks and recreation facilities throughout the City; and

WHEREAS, a Citywide Park DIF will allow the City to deliver more parks to more people throughout the City much sooner, with investments that improve the entire network of the City's parks system; and

WHEREAS, a Citywide Park DIF will allow greater community participation in the development and delivery of new, innovative, and community-desired park improvements in the City's communities; and

WHEREAS, development across the City of San Diego is not distributed equally across communities and historically, some communities have been afforded greater access to recreational opportunity than others over years of growth and development; and

WHEREAS, over the past 10 years, approximately 80 percent of DIF funds have been collected to be spent on parks in the northern areas of the City; and

WHEREAS, this disparity in funding has resulted in marked inequities that exist today in the City's parks system, with parks in the northern areas of the City tending to enjoy more quality park experiences, and areas in the southern portion of the City tending to experience few parks, with fewer amenities, programming, and reduced levels of safety, cleanliness, and enjoyability; and

WHEREAS, funding must be prioritized in the areas of the City with the greatest needs to begin to address the inequities in the City's parks system; and

WHEREAS, the City desires to continue to engage the community through continued public involvement and feedback to determine how funds received through the imposition of this fee should be expended; and

WHEREAS, all recreational assets constructed by the City using the new Citywide Park DIF or by a developer to satisfy a project's parks and recreation requirements onsite are currently and shall continue to be subject to the procedures set forth in Council Policy 600-33 to ensure public involvement and input in the General Development Plan process for parks; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego as follows:

1. That the Citywide Park DIF, which includes up to a 5 percent administrative fee, for a single dwelling unit project is approved as follows:

Dwelling Unit Size (sf)	Fee
$\geq 2,501$	\$17,989.13
2,450- 2,500	\$17,809.24
2,401 - 2,450	\$17,629.35
2,351 - 2,400	\$17,449.45
2,301 - 2,350	\$17,269.56
2,251 - 2,300	\$16,909.78
2,201 - 2,250	\$16,729.89
2,151- 2,200	\$16,550.00
2,101 -2,150	\$16,370.11
2,051- 2,100	\$16,190.22
2,001 - 2,050	\$15,830.43
1,951 - 2,000	\$15,650.54
1,901 - 1,950	\$15,470.65
1,851-1,900	\$15,290.76
1,801- 1,850	\$14,930.98
1,751-1,800	\$14,751.08
1,701 - 1,750	\$14,571.19
1,651-1,700	\$14,391.30
1,601 - 1,650	\$14,211.41
1,551 - 1,600	\$13,851.63
1,501 - 1,550	\$13,671.74
1,451-1,500	\$13,491.85
1,401 - 1,450	\$13,311.95
1,351- 1,400	\$12,952.17
1,301 - 1,350	\$12,772.28
1,251 - 1,300	\$12,592.39
1,201 - 1,250	\$12,412.50
1,151-1,200	\$12,052.72
1,101-1,150	\$11,872.82

Dwelling Unit Size (sf)	Fee
1,051 -1,100	\$11,692.93
1,001 - 1,050	\$11,513.04
≤1,000	\$11,333.15

2. That the Citywide Park DIF, which includes up to a 5 percent administrative fee, for a multiple dwelling unit project is approved as follows:

Dwelling Unit Size (sf)	Fee
≥ 1,301	\$13,968.03
1,251- 1,300	\$13,828.35
1,201 - 1,250	\$13,548.99
1,151-1,200	\$13,129.95
1,101- 1,150	\$12,850.59
1,051-1,100	\$12,571.23
1,001 -1,050	\$12,152.19
951 - 1,000	\$11,872.82
901 -950	\$11,593.46
851 -900	\$11,174.42
801 - 850	\$10,895.06
751 - 800	\$10,615.70
701 - 750	\$10,196.66
651-700	\$9,917.30
601 - 650	\$9,637.94
551 - 600	\$9,218.90
501 - 550	\$8,939.54
≤ 500	\$8,799.86

3. That the Citywide Park DIF, which includes up to a 5 percent administrative fee, for a multiple dwelling unit project within a Sustainable Development Area is approved as follows:

Dwelling Unit Size (sf)	Fee
≥ 1,301	\$10,476.02
1,251 - 1,300	\$10,371.26
1,201 - 1,250	\$10,161.74

Dwelling Unit Size (sf)	Fee
1,151-1,200	\$9,847.46
1,101-1,150	\$9,637.94
1,051-1,100	\$9,428.42
1,001- 1,050	\$9,114.14
951-1,000	\$8,904.62
901-950	\$8,695.10
851 -900	\$8,380.82
801- 850	\$8,171.30
751-800	\$7,961.78
701 - 750	\$7,647.50
651-700	\$7,437.98
601-650	\$7,228.45
551-600	\$6,914.17
501 - 550	\$6,704.65
≤ 500	\$6,599.89

4. That the Citywide Library DIF, for a multiple-dwelling unit with three or more bedrooms, greater than 900 square feet and less than 1500 square feet, shall pay the fee applicable to a 900 square foot multiple-dwelling unit as identified in Sections 2 and 3.

5. That the Citywide Park DIF, which includes up to a 5 percent administrative fee, for a senior housing unit outside of a Sustainable Development Area is approved as follows:

Dwelling Unit Size (sf)	Fee
≥ 701	\$10,105.66
651-700	\$9,917.30
601 - 650	\$9,637.94
551 - 600	\$9,218.90
501 - 550	\$8,939.54
≤ 500	\$8,799.86

6. That the Citywide Park DIF, which includes up to a 5 percent administrative fee, for a senior housing unit within a Sustainable Development Area is approved as follows:

Dwelling Unit Size (sf)	Fee
≥ 701	\$7,579.24
651 - 700	\$7,437.98
601 - 650	\$7,228.45
551-600	\$6,914.17
501 - 550	\$6,704.65
≤ 500	\$6,599.89

7. That a Citywide Park DIF, which includes up to a 5 percent administrative fee, for a group quarters housing project outside of a Sustainable Development Area of \$5,290.92 per bed is approved.

8. That the Citywide Park DIF, which includes up to a 5 percent administrative fee, for a group quarters housing project within a Sustainable Development Area of \$3,968.19 per bed is approved.

9. That where a developer provides onsite parks, or offsite parks located in a Community of Concern, that meet the park standard identified in the Parks Master Plan for the project, and where such parks are developed in accordance with the public process identified in Council Policy 600-33 and in accordance with the City's standards for the design and construction of parks, a fee of 90 percent less than the amounts otherwise identified in this Resolution, is approved. Where a developer meets a portion of the park standard identified in the Parks Master Plan, a proportionate exemption from payment for the Citywide Park DIF shall be applicable, as determined by the Mayor or their designee.

10. That for any 55-year covenant-restricted affordable dwelling unit at 80 percent area median income and below, a fee of 25 percent less than the amounts otherwise identified above in this Resolution, is approved.

10. That for any 55-year covenant-restricted affordable dwelling unit at 81 to 120 percent area median income, a fee of 20 percent less than the amounts otherwise identified above in this Resolution, is approved.

11. That for any dwelling unit that is located within a new building that is certified as a LEED Platinum or Living Building Challenge building, a fee of 5 percent less than the amounts otherwise identified above in this Resolution, is approved.

12. That for any dwelling unit that is designed in accordance with San Diego Municipal Code Chapter 14, Article 5, Division 40, a fee of 2.5 percent less than the amounts otherwise identified above in this Resolution, is approved.

13. That except as provided for in Section 8, under no circumstance shall the fee for any dwelling unit be less than 50 percent of the amount of the Citywide Park DIF identified in Section I for single dwelling units, Section 2 for multiple dwelling units, or Section 4 for senior housing units, as applicable, in this Resolution.

14. That the Chief Financial Officer is authorized to establish an interest- bearing fund for funds received from payment of the Citywide Park DIF, to be used solely to fund parks and recreation facilities.

15. That the Citywide DIF identified in this Resolution shall replace the parks component of any Development Impact Fee adopted by any other City Council Resolutions for residential development, and shall serve as the new updated fee applicable to the development.

16. That the Chief Financial Officer is authorized to distribute funds from the Citywide Park DIF in accordance with this Resolution, San Diego Municipal Code Chapter 14, Article 3, Division 10, and priorities identified in the Parks Master Plan. Specifically, for five years from the final passage of this Resolution, at least 80 percent of all Citywide Park DIF collected shall be prioritized for investments in park deficient communities, as determined by the Mayor, or their designee, with at least 50 percent of the total, being prioritized for investments in

Communities of Concern, as determined by the Mayor or their designee, in accordance with the Citywide Climate Equity Index. Park deficient communities shall be determined as shown in the Existing Conditions Report for the Parks Master Plan, dated June 2019, Figures 5-1, 5-2, and 5-3 on an interim basis until a Park Needs Index is completed, as identified in Section 4.8 of the Parks Master Plan, on file in the Office of the City Clerk as Document No. RR- **313687**

17. That the Citywide Park DIF investments in park deficient communities and Communities of Concern, as determined by the Mayor or their designee in accordance with Section 16, shall be approved annually by City Council.

18. That the Nexus Study is incorporated by reference into this Resolution as support and justification for the satisfaction of findings required pursuant to the Mitigation Fee Act, as set forth in California Government Code section 6600I, for the imposition of development impact fees. Specifically, it is determined and found that the Nexus Study:

- a. Identifies the purpose of the development impact fee, which is to fund park and recreational improvements needed to serve additional residential populations that result from new development in the City.
- b. Identifies the use to which the development impact fee is to be put, which is to fund park and recreation improvements throughout the City in a manner consistent with standards-based planning criteria set forth in the Parks Master Plan.
- c. Demonstrates how there is a reasonable relationship between the development impact fee use and the type of development on which the development impact fee is imposed. Future development will require additional investments in park and recreational facilities to maintain defined Citywide park standards.

As set forth in the Parks Master Plan, access to a wide variety of recreational resources throughout the City is key to a successful Citywide parks system.

The fees would be used solely for this purpose; and

- d. Demonstrates how there is a reasonable relationship between the need for the public facility type and the type of development for which the development impact fee is imposed. Future development will require additional investments in park and recreational facilities to maintain defined Citywide park standards. As set forth in the Parks Master Plan, access to a wide variety of recreational resources throughout the City is key to a successful Citywide parks system. As new development will necessitate the need for park and recreation investments, the burdens posed are reasonably related to the use of the fee.
- e. Reasonable Apportionment. The reasonable relationship between the fee for a specific project and the cost of improvements attributable to the project is described in this Nexus Study and is consistent with the standards-based planning criteria set forth in the Parks Master Plan.

19. That at least 10 percent of the Citywide Park DIF shall be used to acquire new park land.

20. That this Resolution shall be effective on the date of its final passage, or on the effective date of Ordinance No. _____, adopting the 2022 Code Update Ordinance.

APPROVED: MARA W. ELLIOTT, City Attorney

By _____
xxx Deputy City Attorney

Or.Dept: Planning CC No. *N/A*
Doc. No.:

ATTACHMENT 6
Draft Language - General Zoning 10.26.22

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 112.0302, 112.0303, AND 112.0304; BY AMENDING CHAPTER 11, ARTICLE 2, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 112.0501; BY AMENDING CHAPTER 11, ARTICLE 2, DIVISION 6 BY AMENDING SECTIONS 112.0601 AND 112.0604; BY AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; BY AMENDING CHAPTER 12, ARTICLE 5, DIVISION 9 BY AMENDING SECTION 125.0940; BY AMENDING CHAPTER 12, ARTICLE 6, DIVISION 1 BY AMENDING SECTION 126.0108; BY AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; BY AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0502; BY AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTIONS 126.0704, 126.0707, AND 126.0709; BY AMENDING CHAPTER 12, ARTICLE 8, DIVISION 3 BY AMENDING SECTION 128.0305; BY AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTION 129.0710; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 131.0422, 131.0431, AND 131.0443; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 131.0620 AND 131.0622; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 7 BY AMENDING SECTION 131.0701 AND AMENDING SECTIONS 131.0707 AND 131.0718; BY AMENDING CHAPTER 13, ARTICLE 2, DIVISION 4 BY AMENDING SECTION 132.0402 AND ADDING NEW SECTION 132.0404;

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BY AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 141.0302 AND 141.0318; BY AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 141.0407, 141.0420, AND 141.0421 AND ADDING NEW SECTION 141.0422; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 3 BY AMENDING SECTION 142.0305; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 142.0402, 142.0403, 142.0404, 142.0405, 142.0407, 142.0412, AND 142.0413; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 142.0560; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTION 142.0640; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12 BY AMENDING SECTION 142.1250; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 13 BY AMENDING SECTIONS 142.1305 AND 142.1307; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 2 BY AMENDING SECTION 143.0212; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 7 BY AMENDING SECTIONS 143.0720, 143.0740, 143.0742, 143.0744, 143.0745, AND 143.0746; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 9 BY AMENDING SECTION 143.0915; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 10 BY AMENDING SECTIONS 143.1001 AND 143.1002, RETITLING SECTION 143.1010, AND AMENDING SECTIONS 143.1015, 143.1020, AND 143.1025; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 11 BY AMENDING SECTIONS 143.1102 AND 143.1103; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 13 BY AMENDING SECTION 143.1310; BY AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103; BY AMENDING CHAPTER 15, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 153.0311; BY AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTIONS 155.0231, 155.0238, AND 155.0242; BY AMENDING CHAPTER 15, ARTICLE 13, DIVISION 3 BY AMENDING SECTION 1513.0304; AND BY AMENDING CHAPTER 15, ARTICLE 16, DIVISION 1 BY AMENDING SECTIONS 1516.0114 AND 1516.0119, RELATING TO THE 2022 LAND DEVELOPMENT CODE UPDATE.

§112.0302 Notice by Mail

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

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- (c) Alternative to Mailed Notice. If the number of tenants and owners to whom notice would be mailed in accordance with Section 112.0302(b) is greater than 1,000, notice may be given by placing a display advertisement of at least one-eighth page in a newspaper of general ~~daily~~ circulation within the City in lieu of mailing, unless the noticing is required for a Coastal Development Permit.
- (d) [No change in text.]

§112.0303 Published Notice

When the Land Development Code requires a Notice of Public Hearing to be published, the City shall submit the Notice of Public Hearing for publication in at least one newspaper of general ~~daily~~ circulation within the City. A published notice is effective on the date of publication.

§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~~ material which is durable to withstand the elements to ensure that

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the text is legible for the duration of the posting requirement 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~~six feet square in *sign* area, measuring ~~three~~
two feet by ~~four~~three 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) through (5) [No change in text.]

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

§112.0501 Overview of Decision Process

Application for permits, maps, or other matters shall be acted upon in accordance
with one of the five decision processes established in this division and depicted on
Diagram 112-05A, except that applications for *capital improvement program*
projects shall be acted upon in accordance with Chapter 11, Article 2, Division 6
and Sections 112.0505 and 112.0506. The subject matter of the *development*
application determines the process that shall be followed for each application. The
provisions of Chapter 12 that pertain to each permit, map, or other matter describe

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the decision process in more detail. Diagram 112-05A is provided for convenience of reference only and does not define, describe, or limit the scope, meaning, or intent of any provision of the Land Development Code. This diagram describes the City of San Diego's processes only and does not describe other decision processes that may be required by other agencies, such as the State Coastal Commission.

Diagram 112-05A

Decision Process with Notices

[No change in text.]

112.0601 Overview of Decision Process

Applications for *capital improvement program projects* or *public projects* requiring a Site Development Permit in accordance with the Environmentally Sensitive Lands Regulations and Historical Resources Regulations ~~or a City-issued Coastal Development Permit~~ shall be acted upon in accordance with one of the two decision processes established in this division and depicted on Diagram 112-06A. Applications for *capital improvement program projects* requiring a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Three, as set forth in Sections 112.0505 and 112.0506. The subject matter of the *development* application determines the process that shall be followed for each application. The provisions of Chapter 12 that pertain to each permit, map, or other matter describe the decision process in more detail. Diagram 112-06A is provided for convenience of reference only and does not define, describe, or limit the scope,

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meaning, or intent of any provision of the Land Development Code. This diagram does not describe the decision processes that may be required by other agencies, such as the State Coastal Commission.

Diagram 112-06A

Decision Processes for Capital Improvement Program Projects and Public Projects

[No change in text.]

§112.0604 Process CIP/Public Project - Five

An application for a Site Development Permit for a *capital improvement program project* or a *public project* that deviates from the Historical Resources Regulations ~~or a City-issued Coastal Development Permit in the appealable area of the Coastal Overlay Zone,~~ shall be acted upon in accordance with Process CIP/Public Project-Five. An application for a Process CIP/Public Project-Five decision may be approved, conditionally approved, or denied by the City Council. A Process CIP/Public Project-Five decision shall be made in the following manner.

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

§113.0103 Definitions

Abutting property through MSCP Subarea Plan [No change in text.]

Multiple dwelling unit means two or more *dwelling units* on a single *lot*. The term does not include ~~companion units, junior units,~~ *Accessory Dwelling Units, Junior Accessory Dwelling Units,* or employee housing.

Net building area through Surface mining [No change in text.]

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Sustainable Development Area means the area within a defined walking distance along a pedestrian path of travel from a *major transit stop* that is existing or planned, if the planned *major transit stop* is included in a transportation improvement program or applicable regional transportation plan, as follows:

- (a) Within Mobility Zones 1, 2, and 3, as defined in Section 143.1103, the defined walking distance in 1.0 mile.
- (b) Within Mobility Zone 4, as defined in Section 143.1103, the defined walking distance in .75 mile.

Target population through Wetland buffer [No change in text.]

Wetlands are defined as areas which are characterized by any of the following conditions:

- ~~1.~~(a) [No change in text.]
- ~~2.~~(b) [No change in text.]
- ~~3.~~(c) [No change in text.]
- ~~4.~~(d) [No change in text.]

It is intended for this definition to differentiate for the purposes of delineating *wetlands*, between naturally occurring *wetlands* and *wetlands* intentionally created by human actions, from areas with *wetlands* characteristics unintentionally resulting from human activities in historically non-wetland areas. With the exception of *wetlands* created for the purpose of providing *wetland* habitat or resulting from human actions to create open waters or from the alteration of natural stream courses, areas demonstrating *wetland* characteristics, which are artificially created are not considered *wetlands* by this definition.

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Taking into account regional precipitation cycles, all adopted scientific, regulator, and technological information available from the State and Federal resource agencies shall be used for guidance on the identification of hydrophytic vegetation, hydric soils and *wetland* hydrology.

Wireless communication facility through *Yard* [No change in text.]

§125.0940 Decision Process for a Public Right-of-Way Vacation

A decision on an application to vacate a ~~public right-of-way~~ public right-of-way shall be made in accordance with Process Five with the following exceptions to Process Five procedures:

- (a) The Notice of Public Hearing required by Section 112.0301(c) shall be distributed 14 calendar days before the date of the public hearing, and shall be published in a newspaper of general ~~daily~~ circulation for at least two successive weeks prior to the hearing in accordance with California Streets and Highways Code Section 8322. The Notice of Public Hearing shall be posted in accordance with California Streets and Highways Code Section 8323. Where the vacation of a *public right-of-way* occurs in conjunction with an application for a *tentative map*, notice in accordance with this section shall not be required
- (b) [No change in text.]

§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 36 months after the due date on which

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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.]

§126.0303 When a Conditional Use Permit is Required

An application for the following types of uses in certain zones may require a Conditional Use Permit. To determine whether a Conditional Use Permit is required in a particular zone, refer to the applicable Use Regulations Table in Chapter 13. The decision process is described in Section 126.0304.

(a) Conditional Use Permits Decided by Process Two

Battery energy storage facilities (under circumstances described in Section 141.0422)

Cannabis outlet (under circumstances described in Section 141.0504)

Cannabis production facilities (under circumstances described in Section 141.1004)

(b) Conditional use Permits Decided by Process Three

Agriculture equipment repair shops through Automobile service stations
[No change in text.]

Battery energy storage facilities (under circumstances described in Section 141.0422)

Cannabis outlets through Wireless communication facilities (under

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circumstances described in Section 141.0420) [No change in text.]

- (c) Conditional Use Permits Decided by Process Four

Battery energy storage facilities (under circumstances described in Section 141.0422)

Botanical gardens and arboretums through Wrecking and dismantling of motor vehicles [No change in text.]

- (d) [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) through (3) [No change in text.]

- (4) *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.

- (5) [No change in text.]

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

§126.0704 Exemptions from a Coastal Development Permit

The following *coastal development* is exempt from the requirement to obtain a Coastal Development Permit:

- (a) Improvements to existing *structures*, including the construction of attached *Accessory Dwelling Units* and *Junior Accessory Dwelling Units*

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in accordance with Section 141.0302 are exempt, except if the improvements involve any of the following:

(1) Improvements to any *structure* if the *structure* or improvements are located; on a beach; in a *wetland*; stream; lake; or seaward of the mean high tide line; where the *structure* or proposed improvements would encroach or within 50 feet of a *coastal bluff edge*.

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

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

§126.0707 Decision Process for a Coastal Development Permit

(a) [No change in text.]

(b) A decision on an application for a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Three, ~~except that a decision on a *capital improvement program project* or *public project* in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Section 126.0707(e) as set forth in Sections 112.0505 and 112.0506 and a decision on a *companion unit* an *Accessory Dwelling Unit*~~ shall be made in accordance with Section 126.0707(a). The decision may be appealed to the Planning Commission in accordance with Section 112.0506.

(c) A decision on an application for a City-issued Coastal Development Permit for a *capital improvement program project* or *public project* shall be made as follows:

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- (1) [No change in text.]
- (2) In the *appealable area* of the Coastal Overlay Zone, the decision shall be made in accordance with ~~Process CIP/Public Project Five~~ a Process Three as set forth in with Sections 112.0505 and 112.0506.

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

§126.0709 Notice of Final City Action on a Coastal Development Permit

- (a) Notice of Final City Action by Mail. No later than *5 business days* after the date on which all rights of appeal have expired for a Coastal Development Permit or any amendment or extension of a Coastal Development Permit, the City Manager shall ~~mail~~ provide a Notice of Final City Action to the Coastal Commission and to any other person who has requested this notice. Notice may be provided by electronic mail.
- (b) [No change in text.]

§128.0305 Public Notice of Draft Environmental Documents

- (a) Notice of Availability of a Draft Environmental Document. When a draft environmental document has been prepared and is available for public review and comment, the City Manager shall prepare and distribute a Notice of Availability.
 - (1) [No change in text.]
 - (2) Distribution. The City Manager shall distribute the notice as follows:
 - (A) By publishing the Notice of Availability one time in a

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newspaper of general ~~daily~~ circulation;

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

(3) [No change in text.]

(b) [No change in text.]

§129.0710 How to Apply for a Public Right-of-Way Permit

An application for a Public Right-of-Way Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Public Right-of-Way Permits are listed in the Land Development Manual. A *development permit* is required prior to issuance of a Public Right-of-Way Permit for the following:

(a) If the proposed *encroachment* involves construction of a privately-owned *structure* or facility into the *public right-of-way* dedicated for a *street* or an *alley*, and where the *applicant* is the *record owner* of the underlying fee title, a Neighborhood Development Permit is required in accordance with Section 126.0402(j) except for the following, which are subject to approval by the City Engineer in accordance with Process One:

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

(5) The *encroachment* is permitted under Section 141.0621 (Sidewalk Cafes, Streetaries, and Active Sidewalks).

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

(10) The *encroachment* is permitted under Section 141.0629 (Promenade).

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

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§131.0222 Use Regulations Table for Open Space Zones

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 ⁽¹¹⁾ -
	3rd >>	1-	2-	1-	1-		1-
	4th >>	1	1	1	1	2	1
Open Space through Institutional, Separately Regulated Institutional Uses, Airports [No change in text.]		[No change in text.]					
<u>Battery Energy Storage Facilities</u>							
<u>Small Scale (< 0.25 acre)</u>		<u>C</u>	<u>C</u>	=	<u>C</u>	=	
<u>Medium Scale (0.25 acre < 1 acre)</u>		=	=	=	=	=	
<u>Large Scale (>1 acre)</u>		=	=	=	=	=	
Botanical Gardens & Arboretums 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 agriculture zones are shown in Table 131-03B

Legend for Table 131-03B

[No change in text.]

**Table 131-03B
Use Regulations Table for Agriculture Zones**

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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 >>	AG		AR	
		1-		1-	
		1	2	1	2
Open Space through Institutional, Separately Regulated Institutional Uses, Airports [No change in text.]					
Institutional					
Battery Energy Storage Facilities					
Small Scale (< 0.25 acre)		=		C	
Medium Scale (0.25 acre < 1 acre)		=		=	
Large Scale (>1 acre)		=		=	
Botanical Gardens & Arboretums through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]					

Footnotes for Table 131-03B

¹ through ¹² [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 >>	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	
Open Space through Institutional, Separately Regulated Institutional Uses, Airports [No change in text.]																										
Battery Energy Storage Facilities		[No change in text.]																								

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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
<u>Small Scale (< 0.25 acre)</u>		<u>L</u>			<u>L</u>														<u>L</u>		<u>L</u>				
<u>Medium Scale (0.25 acre < 1 acre)</u>		<u>C</u>			<u>C</u>														<u>C</u>		<u>C</u>				
<u>Large Scale (>1 acre)</u>		<u>C</u>			<u>C</u>														<u>C</u>		<u>C</u>				
Botanical Gardens & Arboretums through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [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
Open Space through Institutional, Separately Regulated Institutional Uses, Airports [No change in text.]													
Battery Energy Storage Facilities													
Small Scale (< 0.25 acre)		L			L			L			L		L
Medium Scale (0.25 acre < 1 acre)		C			C			C			C		C
Large Scale (>1 acre)		C			C			C			C		C
Botanical Gardens & Arboretums through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]													

Footnotes for Table 131-04B

¹ through ¹⁰ [No change in text.]

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§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 <i>density</i> (DU per <i>lot</i>) through Min lot dimensions		[No change in text.]		
Setback requirements				
Min Front <i>setback</i> (ft) [See Section 131.0443(a)(1)-and (2)]		[No change in text.]		
Min Side <i>setback</i> (ft) [See Section 131.0443(a)(3)(4)] [Multiply number in table by actual <i>lot</i> width to calculate <i>setback</i>]		<u>20.08</u>	<u>20.08</u>	<u>20.08</u>
Min <i>Street</i> side <i>setback</i> (ft) [See Section 131.0443(a)(3)(4)] [Multiply number in table by the actual <i>lot</i> width to calculate <i>setback</i>]		<u>20.10</u>	<u>20.10</u>	<u>20.10</u>
Min Rear <i>setback</i> (ft) [See Section 131.0443(a)(4)(2)]		[No change in text.]		
Setback requirements for resubdivided corner lots [See Section 113.0246(f)] through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12]		[No change in text.]		

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

(e) RM Zones

**Table 131-04G
Development Regulations for RM Zones**

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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 lot coverage		[No change in text.]					
Max floor area ratio		0.75	0.90	1.05	1.20 ⁽²⁹⁾	1.35	1.50
<u>1 to 2 dwelling units</u>		<u>0.75</u>	<u>0.90</u>	<u>1.05</u>	<u>1.20⁽²⁹⁾</u>	<u>1.35</u>	<u>1.50</u>
<u>3 to 7 dwelling units</u>		<u>1.0⁽³⁹⁾</u>	<u>1.0</u>	<u>1.05</u>	<u>1.20⁽³⁸⁾</u>	<u>1.35</u>	<u>1.50</u>
<u>8 or more dwelling units</u>		<u>1.25⁽³⁹⁾</u>	<u>1.25</u>	<u>1.25⁽³⁹⁾</u>	<u>1.25⁽³⁹⁾</u>	<u>1.35</u>	<u>1.50</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.]					

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designat	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) through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12]		[No change in text.]					

Footnotes for Table 131-04G

¹ through ³⁷ [No change in text.]

³⁸ With the Peninsula and Ocean Beach community plan areas, the maximum floor area ratio is 1.0.

³⁹ For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is

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designated as a *historical resource* consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum *floor area ratio* shall not increase.

§131.0443 Setback Requirements in Residential Zones

(a) *Setbacks* in RE and RS Zones

(1) [No change in text.]

(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 131-04D, except as follows:

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

(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 setbacks 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.

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

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§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

[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 >> 3rd >> 4th >>	CN ⁽¹⁾ -						CR-		CO-						CV-		CP-	
		1-						1-	2-	1-		2-		3-		1-	2-	1-	
		1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Open Space through Institutional, Separately Regulated Institutional Uses, Airports [No change in text.]																			
<u>Battery Energy Storage Facilities</u>																			
<u>Small Scale (< 0.25 acre)</u>		=						<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	
<u>Medium Scale (0.25 acre < 1 acre)</u>		=						<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Large Scale (>1 acre)</u>		=						<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Botanical Gardens & Arboretums through Signs, Separately Regulated Signs Uses, Theater Marquees [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
Open Space through Institutional, Separately Regulated Institutional Uses, Airports [No change in text.]																																
Battery Energy Storage Facilities																																
Small Scale (< 0.25 acre)		L			L			L						L						L												
Medium Scale (0.25 acre < 1 acre)		C			C			C						C						C												
Large Scale (>1 acre)		C			C			C						C						C												
Botanical Gardens & Arboretums through																																

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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
Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]																																

Footnotes for Table 131-05B

¹ through ¹⁹ [No change in text.]

§131.0620 Use Regulations of Industrial Zones

The regulations of Section 131.0622 apply in the industrial zones where indicated in Table 131-06B.

(a) The uses permitted in any industrial zones may be further limited by the following:

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

(3) Use limitations applicable to Prime Industrial Land identified in an Table 131-06B. An adopted land use plan; may identify further use limitations.

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

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

§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**

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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 Institutional, Separately Regulated Institutional Uses, Airports [No change in text.]	[No change in text.]										
Battery Energy Storage Facilities											
Small Scale (< 0.25 acre)	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	
Medium Scale (0.25 acre < 1 acre)	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>L</u>	<u>L</u>	<u>C</u>	
Large Scale (>1 acre)	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Botanical Gardens & Arboretums through Retail Sales, Food, Beverages and Groceries [No change in text.]											
Consumer Goods, Furniture, Appliances, Equipment	-	-	-	-	P ^(2,13)	P ⁽¹³⁾	-	-	-	P ^(3,13)	<u>P⁽²²⁾</u>
Pets & Pet Supplies through Distribution and Storage, Equipment & Materials Storage Yards [No change in text.]	[No change in text.]										
Moving & Storage Facilities	-	-	-	-	P ⁽²³⁾	P ⁽²³⁾	P ⁽²³⁾	P ⁽²³⁾	P ⁽²³⁾	P ⁽²³⁾	-
Distribution Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]										

Footnotes for Table 131-06B

¹through ²¹[No change in text.]

²² A maximum of 10 percent of the gross floor area on the premises may be used for retail sales.

²³ Moving and Storage Facilities are prohibited where the applicable land use plan identifies the premises as Prime Industrial Lands.

§131.0701 Purpose and Intent

The purpose of the mixed-use zones is to provide housing and jobs near commercial centers and corridors to reduce dependency on the automobile, to promote access to transit and multi-modal transportation systems, and to provide for a walkable, pedestrian-oriented setting, including infill of existing development. The intent of these regulations is to create a mix of uses and provide distinct regulations for density, activation, and articulation that encourages pedestrian activity within ~~transit priority areas~~ Sustainable Development Areas.

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These zones are intended to accommodate small to large-scale horizontal or vertical mixed-use *development*, while maintaining connectivity to transit and promoting the livability and vitality of the *development*.

§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 07A

[No change in text.]

**Table 131-07A
Use Regulations Table for Mixed-Use 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 >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Open Space through Institutional, Separately Regulated Institutional Uses, Airports [No change in text.]							
<u>Battery Energy Storage Facilities</u>							
<u>Small Scale (< 0.25 acre)</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Medium Scale (0.25 acre < 1 acre)</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Large Scale (>1 acre)</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Botanical Gardens & Arboretums through <i>Wireless Communication Facility: Wireless communication facility</i> outside the <i>public right-of-way</i> [No change in text.]		[No change in text.]					
Retail Sales							
Building Supplies & Equipment		P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>
Food, Beverages and Groceries		P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>
Consumer Goods, Furniture, Appliances, Equipment		P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>
Pets & Pet Supplies		P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>
Sundries, Pharmaceutical, & Convenience Sales		P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>
Wearing Apparel & Accessories		P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>	P ⁽⁸⁾⁽⁷⁾ <u>L</u>

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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
Separately Regulated Retail Sales Uses through Commercial Services, Radio & Television Studios [No change in text.]		[No change in text.]					
Tasting Rooms		P ^(s)	P ^(s)	P ^(s)	P ^(s)	P ^(s)	P ^(s)
Visitor Accommodations through Separately Regulated Commercial Services Uses, Private Clubs, Lodges and Fraternal Organizations [No change in text.]		[No change in text.]					
Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size		C ⁽⁶⁾⁽⁵⁾	C ⁽⁶⁾⁽⁵⁾	C ⁽⁶⁾⁽⁵⁾	C ⁽⁶⁾⁽⁵⁾	C ⁽⁶⁾⁽⁵⁾	C ⁽⁶⁾⁽⁵⁾
Pushcarts through Vehicle & Vehicular Equipment Sales & Service [No change in text.]		[No change in text.]					
Commercial Vehicle Repair & Maintenance		-	-	-	P ₋	P ₋	P ₋
Commercial Vehicle Sales & Rentals		-	-	-	P ₋	P ₋	P ₋
Personal Vehicle Repair & Maintenance		-	-	-	P ₋	P ₋	P ₋
Personal Vehicle Sales & Rentals		-	-	-	P ₋	P ₋	P ₋
Vehicle Equipment & Supplies Sales & Rentals through Distribution and Storage, Equipment & Materials Storage Yards [No change in text.]		[No change in text.]					
Moving & Storage Facilities		P ₋	P ₋	P ₋	P ₋	P ₋	P ₋
Distribution Facilities		-	-	-	PC	PC	PC
Separately Regulated Distribution and Storage Uses through Signs [No change in text.]		[No change in text.]					
Allowable Signs		P ⁽⁷⁾⁽⁶⁾	P ⁽⁷⁾⁽⁶⁾	P ⁽⁷⁾⁽⁶⁾	P ⁽⁷⁾⁽⁶⁾	P ⁽⁷⁾⁽⁶⁾	P ⁽⁷⁾⁽⁶⁾
Separately Regulated Signs Uses through Theater Marquees [No change in text.]		[No change in text.]					

Footnotes for Table 131-047

¹ through ⁴ [No change in text.]

⁵ ~~Tasting rooms are only permitted as an accessory use to a beverage manufacturing plant or an artisan beverage producer. 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.~~

⁶ ~~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. All mixed-use zones shall use Category A within Section 142.1220.~~

⁷ ~~All mixed-use zones shall use Category A within Section 142.1220. Development of a large retail establishment is subject to Section 143.0302.~~

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⁸ ~~Development of a large retail establishment is subject to Section 143.0302.~~

§131.0718 Supplemental Regulations for Premises Greater Than Five Acres

The purpose and intent of these regulations is to break down sites larger than 5 acres into ~~approximately~~ two-acre segments to enhance a sense of place; facilitate pedestrian circulation; reduce walking distances; improve connections to the *public right-of-way* or private drives, transit, and adjoining neighborhoods; and promote the livability and vitality of such *development*. These requirements shall apply even in the event of the approval of a Lot Line Adjustment which reduces the size of the *premises* to less than 5 acres.

(a) Connectivity. A minimum of one *paseo* and one bicycle access way into the *development* shall be provided for ~~approximately~~ every two acres of developable area, as shown in Diagram 131-07B. Two *paseos* are required on corner sites.

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

§132.0402 Where the Coastal Overlay Zone Applies

(a) [No change in text.]

(b) Table 132-04A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone. Coastal Development Permit procedures are provided in Chapter 12, Article 6, Division 7.

**Table 132-04A
Coastal Overlay Zone Applicability**

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Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) <i>Coastal development</i> that is categorically excluded pursuant to order of the Coastal commission or that is exempted by Section 126.0704 through (4) <i>Coastal development</i> , except a <i>capital improvement program project</i> or <i>public project</i> , in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table [No change in text.]	[No change in text.]	[No change in text.]
(5) <i>Coastal development</i> for a <i>capital improvement program project</i> in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table and is in the <i>appealable area</i> of this overlay zone [No change in text.]	[No change in text.]	Coastal Development Permit/ Process CIP Five <u>Process-Three as set forth in Sections 112.0505 and 112.0506.</u>

Diagram 132-04A

Coastal Overlay Zone
[No change in text.]

§132.0404 **Supplemental Regulations within Areas of Future Sea Level Rise**

(a) Within the Coastal Overlay Zone, the following regulations apply to *dwelling units* constructed outside of *Special Flood Hazard Areas* and within an area of future sea level rise (within a 75-year horizon) as determined by the City Manager based on the most current sea level rise vulnerability maps:

(1) The *dwelling units* shall comply with the regulations in Section 143.0146(c) and if applicable, Section 143.0146(g). The *base flood elevation* utilized, and the applicability of Section 143.0146(g), shall be based on the *FIRM Zone* of the *Special Flood Hazard Area* in closest proximity to the *premises* on which the *dwelling unit* is proposed. The permit requirements of 143.0110(b) and

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other regulations of Chapter 14, Article 3, Division 1 do not apply unless the *premises* contains *Environmentally Sensitive Lands*.

(A) Hard shoreline armoring shall not be constructed to protect *dwelling units* from the effects of sea level rise.

(B) The *record owner* of the *dwelling unit* shall, in a form that is approved by the City Manager, acknowledge the following:

(i) The *dwelling unit* is located in an area of future sea level rise that may become hazardous in the future;

(ii) Sea level rise could render it difficult or impossible to provide public services to the *premises*;

(iii) The boundary between public land (tidelands) and private land may shift with rising seas and the *development* approval does not permit encroachment onto public trust land;

(iv) Additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified *Local Coastal Program*; and

(v) The *dwelling unit* may be required to be removed or relocated and the *premises* restored to City standards if it becomes unsafe; and

(vi) The *record owner* shall waive any rights under

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Public Resources Code Section 30235 and related

Local Coastal Program policies to any hard

shoreline armoring to protect the *dwelling unit*.

- (C) The *record owner* of the *dwelling unit* shall provide written notice to all occupants of the *dwelling unit* of the provisions in Section 132.0404(a)(1)(B) upon occupancy.

§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 (H) [No change in text.]

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- (I) *ADUs and JADUs constructed within Areas of Future Sea Level Rise must comply with the regulations in Section 132.0404.*

~~Within the Coastal Overlay Zone, the following regulations apply to *ADUs* and *JADUs* constructed outside of Special Flood Hazard Areas and within an area of future sea level rise (with a 75-year horizon) as determined by the City Manager based on the Seal Level Rise Policy Guidance adopted by the California Coastal Commission, as it applies to residential development:~~

- (i) ~~The *ADU* or *JADU* shall comply with the regulations in Section 143.0146(c) and, if applicable, Section 143.0146(g). The *base flood elevation* utilized, and the applicability of Section 143.0146(g), shall be based on the *FIRM Zone* of the *Special Flood Hazard Area* in closest proximity to the *premises* on which the *ADU* or *JADU* is proposed. The permit requirements of 143.0110(b) and other regulations of Chapter 14, Article 3, Division 1 do not apply.~~
- (ii) ~~Hard shoreline armoring shall not be constructed to protect an *ADU* or *JADU* from the effects of coastal hazards, including, but not limited to, sea level rise.~~

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- (iii) ~~The record owner of the ADU or JADU shall enter into an acknowledgement agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following acknowledgements and provisions: (1) that the ADU or JADU is located in an area of future sea level rise that may become hazardous in the future; (2) that sea level rise could render it difficult or impossible to provide services to the site; (3) that the boundary between public land (tidelands) and private land may shift with rising seas and the development approval does not permit encroachment onto public trust land; (4) that additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified Local Coastal Program; (5) that the owner waives any rights under Coastal Action Section 30235 and related Local Coastal Program policies to hard shoreline armoring to protect the ADU or JADU; and (6) that the structure may be required to be removed or relocated and the site restored if it becomes unsafe.~~

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- (iv) ~~The record owner of the ADU or JADU shall provide notice to all occupants of the ADU or JADU of the acknowledgements and provisions specified in Section 141.0302(b)(2)(I)(ii) and (iii). ADUs and JADUs constructed within Areas of Future Sea Level Rise must comply with the regulations in Section 132.0404.~~
- (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 (E) [No change in text.]
- (F) The minimum *gross floor area* of an *ADU* shall not be less than 150 square feet. The maximum *gross floor area* of an *ADU* shall not exceed 1,200 square feet. An *ADU* constructed within an existing *dwelling unit* or *accessory structure* does not have a maximum gross floor area and may construct an additional 150 square feet for ingress and egress only.
- (G) *ADU Bonus for Affordable ADUs*. One additional *ADU* shall be permitted for every *ADU* on the *premises* that is set aside as affordable to *very low income* and *low income*

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households for a period of not less than 10 years, or as affordable to moderate income households for a period of not less than 15 years, guaranteed through a written agreement and a deed of trust securing the agreement, entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission.

- (i) There is no limit on the number of bonus *ADUs* within a ~~*transit priority area*~~ *Sustainable Development Area*.
- (ii) One bonus *ADU* is permitted outside a ~~*transit priority area*~~ *Sustainable Development Area*.
- (iii) [No change in text]

Table 141-03A

Qualifying Criteria for Affordable *ADU* Bonus

[No change in text.]

- (d) [No change in text.]

§141.0318 Movable Tiny Houses

Moveable tiny houses are permitted as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and Chapter 15, Article 1, Division 4 (General and Supplemental Regulations), subject to the following regulations.

- (a) *Development Regulations*
 - (1) through (11) [No change in text.]

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- (12) Moveable tiny houses constructed within Areas of Future Sea Level Rise must comply with the regulations in Section 132.0404.

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

§141.0407 Educational Facilities--Schools for Kindergarten to Grade 12, Colleges/Universities, and Vocational/Trade Schools

Educational facilities are facilities that are designed or used to provide specialized training or education. This section distinguishes between kindergarten to grade 12 schools, colleges and universities, and vocational schools and trade schools. Educational facilities are permitted by right in zones indicated with a “P”, as a limited use in the zones indicated with an “L”, and may be permitted with a Conditional Use Permit decided in accordance with Process Three 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) [No change in text.]

(b) Schools for Kindergarten to Grade 12

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

(3) Limited use regulations. Schools for kindergarten to grade 12 are permitted as limited uses in zones indicated by an “L” subject to the following:

(A) Outside of a ~~Transit Priority Area~~ Sustainable Development Area, the facility design shall not accommodate more than 300 students, except that a new school may replace an

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existing school with current enrollment over 300 students if
the result is no increase in the number of students.

- (B) Within a ~~Transit Priority Area~~ Sustainable Development Area, the facility design shall not accommodate more than 600 students, except that a new school may replace an existing school with current enrollment over 600 students if the result is no increase in the number of students.

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

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

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

§141.0420 Wireless Communication Facilities

Wireless communication facilities shall comply with the approval process set forth in Section 141.0420(a) through (c) as applicable to the *development*. All *wireless communication facilities* are subject to the general regulations in Section 141.0420(d), the general design requirements in Section 141.0420(e) and the *Wireless Communication Facilities* Guidelines in the Land Development Manual. Section 141.0420 does not apply to amateur (HAM) radio communication facilities.

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

- (g) Park Site Installations

The following additional design requirements apply to *wireless communication facilities* in parks within the City of San Diego:

(1) [No change in text.]

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- (2) If the proposed *wireless communication facility* would be located on dedicated parkland subject to San Diego Charter section 55, equipment enclosures shall be placed underground unless the Parks and Recreation Department Director, or their designee, determines that an above-ground equipment enclosure would not violate Charter section 55, and a Neighborhood Development Permit is granted in accordance with Section 126.0402.

§141.0421 *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 (g) [No change in text.]
- (h) ~~*Placemaking on private property in Commercial Base Zones shall also be subject to the following regulations:*~~ *A placemaking project on a premises within a transit priority 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) ~~*A placemaking project on premises that are currently vacant shall not include retail or commercial services uses except as accessory uses to serve the placemaking use, and shall not operate except between the hours of 7:00 a.m. and 10:00 p.m., unless a separate Temporary Use Permit is obtained.*~~

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(2) ~~A placemaking project on a premises within a transit priority area that was previously a parking lot of a permitted eating and drinking establishment shall not include retail or commercial services uses except outdoor dining operations associated with the permitted eating and drinking establishment. The hours of operation of the outdoor operations shall be limited to the hours that the kitchen facilities of the associated eating and drinking establishment are open for meal ordering. Alcohol, food, or beverages shall not be served or permitted within the placemaking area after 10:00 p.m. Sunday through Thursday, and after 11:00 p.m. Friday through Saturday.~~

(A) ~~The area for eating and drinking shall be delineated by a barrier consisting of railings, fences, or a combination of railings and fences, and planter boxes that are 3 feet in height or less. Solid walls are not permitted.~~

(i) ~~The barrier may be either permanently installed or moveable. If it is moveable, it shall be affixed to a sidewalk while the eating and drinking establishment is open for business.~~

(ii) ~~A clear, transparent shatterproof glass or similar material may be used on top of the 3-foot barrier to enclose the eating and drinking area to minimize windy or cold climatic conditions. The height of the~~

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~~barrier plus the clear enclosure shall not exceed 5 feet. Barriers adjacent to parking stalls shall include reflective materials.~~

- (iii) ~~Awnings or umbrellas may be used in conjunction with an area for eating and drinking but shall not be used as a permanent roof or shelter over the area for eating and drinking.~~

- (B) ~~A *placemaking* area shall be designed and operated so that unsafe conditions are not created for the physically disabled, blind or partially sighted.~~

- (i) ~~The surface of the *placemaking* area shall be level and have a running slope and a cross slope that do not exceed 2 percent (1 unit vertical in 50 units horizontal).~~

- (ii) ~~The *placemaking* area shall not be located on a raised platform or in a sunken area, unless an accessible ramp is provided in accordance with the California Building Code, or the Americans with Disabilities Act, whichever provides greater accessibility.~~

- (iii) ~~At least one wheelchair accessible seating space shall be provided for every 20 seats, or portion thereof.~~

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- (iv) ~~When multiple wheelchair accessible seating spaces are provided, they shall be reasonably distributed and integrated within the *placemaking* area.~~
 - (v) ~~Wheelchair accessible seating spaces shall have a minimum unobstructed maneuverability dimension of 30 inches in width by 48 inches in depth.~~
 - (vi) ~~Access to designated wheelchair seating spaces shall be provided through an accessible path with not less than 36 inches unobstructed width.~~
- (3) ~~Commercial Base Zone regulations for *setbacks* and minimum *lot coverage* shall not apply.~~

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

§141.0422 Battery Energy Storage Facilities

This section regulates utility-serving battery energy storage facilities. The purpose of battery energy storage facilities is to store energy within enclosed buildings or modular containers and then release the energy directly back to the electrical grid.

Battery energy storage facilities do not include behind the meter battery installations that provide energy back to the same *premises* on which they are located.

This section distinguishes between small-scale battery energy storage facilities with a *development* footprint of one-quarter acre or less, medium-scale battery energy storage facilities with a *development* footprint of more than one-quarter acre but less than one acre, and large-scale battery energy storage facilities with a

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development footprint of one acre or more. Battery energy storage facilities shall comply with the approval process set forth in Section 141.0422(a) through (c) as applicable to the development. All battery energy storage facilities are subject to the general regulations in Section 141.0422(d) and the general design requirements in Section 141.0422(e).

(a) Small-scale battery energy storage facilities

The following regulations apply to battery energy storage facilities with a development footprint of one-quarter acre or less.

(1) Limited Use Regulations

Small-scale battery energy storage facilities are permitted as a limited use decided in accordance with Process One in zones indicated by an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following:

(A) In residential, commercial, and mixed-use base zones that permit residential development, battery energy storage facilities shall be limited to no more than 25 percent of the allowable development area and allowable gross floor area, unless the premises cannot be developed with residential uses due to site constraints beyond the applicant’s control – other than the presence of environmentally sensitive lands – such as the presence of utilities, easements, in which case the 25 percent limitation shall not apply.

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(B) In the IL (Industrial – Light) and IS (Industrial – Small Scale) Zones, battery energy storage facilities shall be limited to no more than 25 percent of the allowable development area and gross floor area, unless the premises cannot be developed with industrial uses due to site constraints – other than the presence of environmentally sensitive lands – beyond the applicant’s control, such as the presence of utilities and easements, in which case the 25 percent limitation shall not apply.

(2) Conditional Use Permit Regulations

Small-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following:

(A) In the OP (Open Space – Park) Zone, battery energy storage facilities may be permitted only if they do not result in loss of any publicly accessible active or passive recreation area.

(B) In the OR (Open Space – Residential) Zones, battery energy storage facilities may be permitted only in previously disturbed areas with utility easements.

(b) Medium-scale battery energy storage facilities

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The following regulations apply to battery energy storage facilities with a *development* footprint of more than one-quarter acre but less than one acre.

(1) Limited Use Regulations

Medium-scale battery energy storage facilities are permitted as a limited use decided in accordance with Process One in zones indicated by an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones).

(2) Conditional Use Permit Regulations

(A) Medium-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Two in industrial zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1, Division 6.

(B) Medium-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) as follows:

- (i) In commercial base zones that do not permit residential *development*.
- (ii) In residential, commercial, and mixed-use base zones that permit residential *development* if the

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premises cannot be developed with residential uses due to site constraints – other than the presence of environmentally sensitive lands – beyond the applicant's control, such as the presence of utilities and easements.

(c) Large-scale battery energy storage facilities

The following regulations apply to battery energy storage facilities with a development footprint of one acre or more.

(1) Conditional Use Permit Regulations

(A) Large-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in industrial zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1, Division 6.

(B) Large-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Four in zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) as follows:

(i) In commercial base zones that do not permit residential development.

(ii) In residential, commercial, and mixed-use base zones that permit residential development if the

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premises cannot be developed with residential uses due to site constraints – other than the presence of environmentally sensitive lands – beyond the applicant's control, such as the presence of utilities and easements.

(d) General Regulations

The following regulations apply to all battery energy storage facilities regardless of their size.

(1) Use Regulations

(A) The premises shall not contain a child care facility or school.

(B) Activities involving aerial transmissions are not permitted.

(2) Operational, Safety and Decommissioning Regulations

(A) Every application shall include documentation to the satisfaction of the Chief Building Official as follows:

- (i) Demonstrating that the battery energy storage facility complies with all applicable requirements imposed by state or federal regulatory agencies; and
- (ii) Identifying the facility type/application, total rated battery power capacity in kilowatts or megawatts, energy capacity in kilowatt-hours or megawatt-hours, storage duration, cycle life/lifetime, and type of battery chemistry.

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- (B) The *applicant* shall submit and implement an emergency response plan for battery storage fire events and other emergency events consistent with state and national standards and regulations to the satisfaction of the Fire Marshal.
- (C) The *applicant* shall obtain all necessary construction permits to comply with applicable building, fire, mechanical, electrical, and plumbing codes, and state and federal laws.
- (D) The *applicant* shall comply with all applicable state and national standards and requirements for the design, construction, installation, commissioning, operation, maintenance, and decommissioning of the battery energy storage facility.
- (E) Battery energy storage facilities shall be maintained in good working order, free from trash, debris, and graffiti, and designed to discourage vandalism. The *permit holder* or *record owner* shall repair or replace any damaged walls, fences, landscaping, buildings, structures, and equipment within 30 calendar days of receipt of a written notification from the City Manager.
- (F) The *permit holder* or *record owner* shall remove and decommission the battery energy storage facility from the

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premises and restore the premises to the condition preceding the construction and installation of the battery energy storage facility, at the sole cost and expense of the permit holder or record owner, if any of the following circumstances exists:

- (i) The permit authorizing the battery energy storage facility is expired and a new permit has not been obtained;
- (ii) The City Manager determines that the battery energy storage facility or components of the battery energy storage facility are non-operational or no longer in use; or
- (iii) The City Manager determines that the battery energy storage facility is a public nuisance.

(3) Noise Regulations. Noise generated from battery energy storage facilities shall not exceed the noise limits for the zone as established in the Noise Abatement and Control Regulations (Chapter 5, Article 9.5, Division 4: Limits).

(e) General Design Requirements

The following design requirements apply to all battery energy storage facilities regardless of their size.

- (1) Overhead wires connecting the battery energy storage facility to an energy generation station or substation are not permitted, unless

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the *premises* containing the energy generation station or substation immediately abuts the *premises* on which the battery energy storage facility is proposed and existing overhead connections are present on the *premises* containing the energy generation station or substation. Overhead wires shall not be permitted to cross other private property, public property, or *public right-of-way* to connect with an energy generation station or substation.

(2) Access to a battery energy storage facility shall be as direct as possible from primary arterials and major streets and shall avoid residential streets unless no other feasible options exist. Shared access with an adjacent energy generation station or substation is permitted.

(3) The *development* shall comply with the Street Tree and Public Right-of-Way Requirements in Section 142.0409.

(4) All mechanical equipment and storage areas shall be located within an enclosed building or modular container, as follows:

(A) The building or modular container, or both, shall be located on the *premises* so that visibility from adjacent *public rights-of-way* or adjacent *development* that is not of a similar nature is minimized.

(B) Battery energy storage facilities located on the same *premises* as residential uses shall be located within an

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enclosed building that is designed to be architecturally consistent with the primary *structure*.

(C) Mechanical equipment that supports the battery energy storage facility, such as HVAC equipment, may be located outside of a building or modular container, provided that the mechanical equipment is completely *screened* on all sides with a solid wall or *fence* that is painted or texturized to match the primary building on the *premises*, if one is present.

(5) Battery energy storage facilities that are not located within a building shall be enclosed and *screened* from the *public right-of-way* and adjacent properties by walls or *fences* with a minimum height of 6 feet that incorporate finishes and architectural detailing that are consistent with any buildings on the *premises* or any applicable design standards. The walls or *fences* shall be *screened* by landscaping as follows:

(A) Along the *street frontage*, the walls or *fences* shall be *screened* from the *public right-of-way* with plant material that includes 24-inch box evergreen canopy form trees separated by a maximum distance of 30 feet; and

(B) Along the side and rear yards, the walls or *fences* shall be *screened* from adjacent properties by 10-foot wide landscape strips that include 24-inch box evergreen species

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separated by a maximum distance of 30 feet along the side
and rear yards. For *premises* less than 10,000 square feet,
the landscape strips may be reduced to 5-feet in width.

§142.0305 When Fence Regulations Apply

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

**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 6 <u>7</u> feet	[No change in text.]	[No change in text.]
Any <i>fence</i> with a height of 6 <u>7</u> feet or greater	[No change in text.]	[No change in text.]
Any <i>retaining wall</i> with a height less than 3 feet	[No change in text.]	[No change in text.]
Any <i>retaining wall</i> with a height of 3 feet or greater 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.]	[No change in text.]

§142.0402 When Landscape Regulations Apply

(a) [No change in text.]

(b) Table 142-04A provides the applicable regulations required by this division for the landscaping required in conjunction with the specific types of *development* proposals. Any project that proposes more than one of the

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types of *development* shown is subject to all of the regulations for each type of *development*.

Table 142-04A
Landscape Regulations Applicability

Type of <i>Development</i> Proposal			Applicable Regulations
Column A	Column B	Column C ⁽¹⁾	
1. New <i>structures</i> that equal or exceed the <i>gross floor area</i> shown (Column B), and are proposing the type of <i>development</i> shown (Column C) through 4. New temporary parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a single lot in <i>single dwelling unit</i> zones [No change in text.]	[No change in text.]	[No change in text.]	[No change in text.]
5. Additions or modifications to existing permanent or temporary parking and <i>vehicular use area</i> that increase the number of parking spaces by four or more.			[No change in text.]
6. Single <i>dwelling unit</i> residential use projects proposing new private or <i>public rights-of-way</i>			[No change in text.]
7. Projects proposing slopes with gradients steeper than 4:1 (4 horizontal feet to 1 vertical foot) that are 5 feet or greater in height through 14. Small <i>Lot Subdivision</i> [No change in text.]			[No change in text.]

Footnote to Table 142-04A

¹ [No change in text.]

§142.0403 General Planting and Irrigation Requirements

All planting, irrigation, brush management, and landscape-related improvements required by this division must comply with the regulations in Section 142.0403 and with the landscape Standards in the Land Development Manual.

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

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(d) Planting Area Requirements

(1) Planting areas required by this division shall consist of the following:

(A) [No change in text.]

(B) Unattached unit pavers, or loose organic or inorganic materials; ~~or hardscape; or~~

(C) ~~Built improvements including water features, overhead structures (such as gazebos, trellis structures, etc.), or fixed seating.~~ Hardscape as limited by Sections 142.0405(b)(1) or 142.0405(c)(1).

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

§142.0404 Street Yard and Remaining Yard/Common Open Space Planting Area and Point Requirements

When new *structures* or additions to *structures* are subject to this section in accordance with Table 142-04A, the planting area required and the plants necessary to achieve the number of plant points required in Table 142-04C shall be provided. The required planting area is determined by multiplying the total square footage of the *street yard* or *remaining yard*/common open space area on the *premises*, by the percentage shown in Table 142-04C, unless stated otherwise in the table. The required planting points are determined by multiplying the total square footage of the *street yard* or *remaining yard*/common open space area on the *premises*, by the points shown in the table. The required planting area and plant points for the *street yard* shall be located within the *street yard*. The

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required planting area and plant points for the *remaining yard*/common open space shall be located within the *remaining yard*/common open space.

Table 142-04C
Street Yard and Remaining Yard/Common Open Space Planting Requirements

Type of Development Proposal ⁽⁶⁾	Type of Yard	Planting Area Required (Percentage of total <i>yard</i> area unless otherwise noted below) ⁽¹⁾	Plant Points Required⁽¹⁾
<i>Multiple Dwelling Unit Residential Development, or Residential Components of Mixed-Use Development through Condominium Conversion</i> [No change in text.]	[No change in text.]	[No change in text.]	[No change in text.]
Small <i>Lot Subdivision</i>	<i>Street Yard</i>	50% ⁽⁵⁾	0.05 points per square foot of total <i>street yard</i> area
	<i>Remaining Yard/Common Open Space</i>	N/A	<u>N/A</u>
Commercial <i>Development, Industrial Development</i> in Commercial Zones, or Commercial Component of Mixed-Use <i>Development</i> through <i>Large retail establishments</i> in any Industrial Zone [No change in text.]	[No change in text.]	[No change in text.]	[No change in text.]

Footnotes to Table 142-04C

¹ through ⁶ [No change in Text.]

§142.0405 Additional Yard Planting Area and Point Requirements

- (a) [No change in text]
- (b) Additional residential *yard* requirements:

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- (1) [No change in text.]
- (2) *Remaining Yard/Common Open Space*
 - (A) [No change in text.]
 - (B) Residential *development* with five *dwelling units* or more shall be subject to one or more of the following:
 - (i) A minimum of 30 percent of the ~~total~~ area within a 10-foot offset from the *structural envelope* of each residential *structure* shall be planting area and shall be planted at a rate of 0.05 points per square foot of ~~total~~ area within the each offset.
 - (ii) Where common open space areas are provided in the form of plazas, paseos, or courtyard, 20 percent of the ~~total~~ each common open space area shall be planting area and shall be planted at a rate of 0.05 points per square foot of the total of each area.
 - (c) through (d) [No change in text.]

§142.0407 Additional Vehicular Use Area Requirements

- (a) through (b) [No change in text.]
- (c) Trees used in a *vehicular use area* shall be canopy form, standard trunk, evergreen species at a minimum 24-inch box size.
- (d) [No change in text.]
- (e) ~~Solar mounted shade structures located above parking spaces within vehicular use areas shall cover a minimum of 50 percent of the exposed~~

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~~parking space.~~ Shade *structures* or photovoltaic solar canopies used in lieu of the *vehicular use area* tree distribution requirement shall meet the following criteria:

- (1) Shade *structures* or photovoltaic solar canopies shall:
 - (A) Cover a minimum of 50 percent of each individual parking stall, or
 - (B) Cover a minimum of 50 percent of each *vehicular use area* with no shade *structure* more than 15 feet from any parking stall.
- (2) For a *vehicular use area* located on the rooftop of parking *structures* or on *structural* podiums, shade *structures* with a maximum of 50 percent transparency or photovoltaic solar canopies may be provided.
- (3) For *vehicular use areas* at-grade, photovoltaic solar canopies may be provided.
- (4) Retrofits to existing at-grade *vehicular use areas* with photovoltaic solar canopies shall avoid, translocate, or replace existing trees to the satisfaction of the Development Services Department Director.
- (5) Placement of foundations and columns for shade *structures* or photovoltaic solar canopies may not reduce the minimum required depth of a parking stall.
- (f) Noncontiguous parking areas on a *premises* shall be calculated separately.

§142.0412 **Brush Management**

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Brush management is required in all base zones on publicly or privately owned *premises* that are within 100 feet of a *structure* and contain native or naturalized vegetation.

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

(i) An *applicant* may request approval of alternative compliance for brush management ~~in accordance with Process One~~ if all of the following conditions exist:

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

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

§142.0413 Water Conservation

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

(c) ~~Mulch Requirements. All required planting areas and all exposed soil areas without vegetation shall be covered with mulch to a minimum depth of 3 inches, excluding slopes~~ Reclaimed Water. Development in areas where reclaimed water is available and suitable for irrigation shall provide for a dual water distribution system for all landscaped areas. Only reclaimed water shall be used for irrigation purposes where it is available.

(d) ~~Water Budget.~~

(1) ~~All new development with a landscape area of 500 square feet or greater and landscape rehabilitation projects with a landscape area of 2,500 square feet or greater shall be subject to a Maximum Applied Water Allowance (MAWA) Water Budget, except as~~

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~~provided in Section 142.0413(h).~~

- (2) ~~The MAWA Water Budget is calculated using the following formula (see Landscape Standards of the Land Development Manual for additional information):~~

$$\text{MAWA Water Budget} = (ET_o)(0.62) [(ETAF)(LA) + (1 - ETAF)(SLA)]$$

$$\text{For residential landscape areas} = (ET_o)(0.62)[(0.55)(LA) + (0.45)(SLA)]$$

$$\text{For non-residential landscape areas} = (ET_o)(0.62) [(0.45)(LA) + (0.55)(SLA)]$$

~~Legend for MAWA Water Budget Calculation Formula~~

Symbol	Meaning of Symbol
ET _o	Evapotranspiration measured in inches per year ⁽¹⁾ ; see Table 6 ET _o Table
0.62	Conversion factor to gallons
ETAF 0.55 for Residential <u>landscape areas</u> ; 0.45 for Non-residential <u>landscape areas</u>	Evapotranspiration Adjustment Factor
LA	Landscape Area measured in square feet
1 - ETAF 0.45 for Residential <u>landscape areas</u> ; 0.55 for Non-residential <u>landscape areas</u>	Additional Evapotranspiration Adjustment Factor for Special Landscape Areas and Reclaimed Water
SLA	Special Landscape Area measured in square feet

- (3) ~~The irrigation system is required to be operated within the approved MAWA Water Budget.~~

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- (4) ~~The Estimated Total Water Use (ETWU), as calculated in Section 2.6 of the Landscape Standards of the Land Development Manual shall not exceed the MAWA Water Budget as calculated in Section 142.0413(d)(2).~~

Model Water Efficient Landscape Regulations (MWELO).

Development with a landscape area of 500 square feet or greater and rehabilitated landscape projects, as defined in California Code of Regulations section 491, with a landscape area of 2,500 square feet or greater shall be subject to the following pursuant to title 23, section 490.1 of the California

Code of Regulations:

(1) Water Budget

- (A) Maximum Applied Water Allowance (MAWA) water budget shall be calculated using the following formula:

$$\text{MAWA Water Budget} = (\text{ETo})(0.62)[(\text{ETAF})(\text{LA}) + (1 - \text{ETAF})(\text{SLA})]$$

$$\text{For residential landscape} = (\text{ETo})(0.62)[(0.55)(\text{LA}) + (0.45)(\text{SLA})]$$

$$\text{For non-residential landscape} = (\text{ETo})(0.62)[(0.45)(\text{LA}) + (0.55)(\text{SLA})]$$

Legend for MAWA Water Budget Calculation Formula

<u>Symbol</u>	<u>Meaning of Symbol</u>
<u>ETo</u>	<u>Evapotranspiration (inches per year)⁽¹⁾</u>
<u>0.62</u>	<u>Conversion factor to gallons</u>
<u>ETAF</u>	<u>Evapotranspiration Adjustment Factor</u>

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<u>Symbol</u>	<u>Meaning of Symbol</u>
<u>0.55 for Residential Landscape Areas</u> <u>0.45 for Non-Residential Landscape Areas</u>	
<u>LA</u>	<u>Landscape Area (square feet)</u>
<u>1-ETAF</u> <u>0.45 for Residential Landscape Areas</u> <u>0.55 for Non Residential Landscape Areas</u>	<u>Additional Evapotranspiration Adjustment Factor for Special Landscape Areas and Reclaimed Water</u>
<u>SLA</u>	<u>Special Landscape Area (square feet)</u>

Footnote for Table 142-04J

¹ Refer to Appendix E of the Landscape Standards of the Land Development Manual for ETo Map and ETo Table by Community Planning Area.

(B) Estimated Total Water Use (ETWU), as calculated in Section 2.6 of the Landscape Standards of the Land Development Manual, shall not exceed the MAWA water budget.

(C) The irrigation system is required to be operated within the approved MAWA Water Budget.

(2) Water Meters

(A) Residential

(i) Dedicated water meters or private submeters shall not be required for residential landscapes of less than 5,000 square feet.

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- (ii) Dedicated water meters or private submeters shall be required for irrigated landscapes of 5,000 square feet or greater.

(B) Non-Residential

- (i) Dedicated water meters or private submeters shall be required for irrigated landscapes greater than 1,000 square feet and less than 5,000 square feet.
- (ii) Dedicated water meters shall be required for irrigated landscapes greater than 5,000 square feet.

(3) Soil Preparation, Mulch and Analysis

- (A) An applicant subject to the MWELD per Section 142.0413(d) shall submit a Soil Management Report to the Development Services Department.
- (B) Soil amendments shall be incorporated according to the recommendations of a Soil Management Report.
- (C) Compost at a minimum of 4 cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of 6 inches into the soil.
 - (i) Soils with greater than 6 percent organic matter in the top 6 inches of soil are exempt from this requirement.

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- (D) All required planting areas and all exposed soil areas without vegetation shall be covered with mulch to a minimum depth of 3 inches, excluding slopes.
- (E) Organic mulch materials made from recycled or post-consumer materials shall be required over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available within a 500 mile radius. Organic mulches are not required where prohibited by fuel modification plan guidelines or ordinances.

(4) Irrigation Audit

- (A) An applicant subject to the MWELD pursuant to Section 142.0413(d) shall conduct and submit to the City an irrigation audit consistent with Section 2.7 of the Landscape Standards of the Land Development Manual.
- (B) All irrigation audits shall be conducted by a professional authorized by the State to perform this work.
- (C) The irrigation audit shall certify that all plant material, irrigation systems, and landscape features have been installed and operate as reviewed by the City to be consistent with any applicable design guidelines; and shall be submitted to the City prior to Certificate of Occupancy or Final Inspection.

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(5) Prescriptive Compliance

Pursuant to title 23, section 490.1 of the California Code of Regulations, an *applicant* with an aggregate landscape area of 2,500 square feet or less may alternatively comply with the MWEL Regulation calculations, if the *applicant* demonstrates to the satisfaction of the Development Services Director that the landscape area for the *development* will comply with all of the following:

(A) Incorporates compost at a rate of at least 4 cubic yards per 1,000 square feet to a total depth of 6 inches (unless contraindicated by Results of Soil Management Report.

(B) Includes climate adapted plants that meet the following:

(i) All plant species are identified on the Water Use Classification of Landscape Species (WUCOLS) list as requiring little or no summer water and have an average plant factor of 0.3; and

(ii) The minimum plant area for the climate adapted plants is at least 75 percent of the total plant area for residential *development* or 100 percent for non-residential *development*. Plant areas used for edibles or areas where recycled water is used for irrigation may be excluded from the calculation of total plant area.

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- (C) Incorporates a minimum 3-inch layer of mulch on all exposed soil surfaces of planting areas, except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
- (D) Minimizes the use of turf as follows:
- (i) Turf is not permitted for non-residential development or in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles and is irrigated by subsurface irrigation (or equivalent system that creates no overspray or runoff).
 - (ii) Turf for residential development landscape areas shall not exceed 25 percent of the landscape area and shall not be planted on sloped areas that exceed a slope of 1-foot vertical elevation change for every 4 feet horizontal length.
- (E) Provides an irrigation system that meets all of the following requirements:
- (i) Includes an automatic irrigation controller that utilizes a rain sensor and evapotranspiration or soil moisture sensor data, and that does not lose programming data if in the event a primary power source is interrupted;

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- (ii) Includes a pressure regulator to ensure the dynamic pressure of the system is within the manufacturer's recommended pressure range;
- (iii) Includes manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) installed as close as possible to the point of connection to the water supply;
- (iv) Includes irrigation sprinkler and emission devices that meet the State of California Landscape Irrigation Sprinkler and Emitter Standards;
- (v) Includes subsurface irrigation (or equivalent system that produces no overspray or runoff) in any landscape areas less than 10 feet in width in any direction; and
- (vi) Includes a private submeter for any non-residential development landscape areas that are 1,000 square feet or more in size.
- (F) Incorporates the following statement on the approved landscape plan set:

This landscape plan meets the requirements of the Model Water Efficient Landscape Ordinance (MWELO) in accordance with state law and Land Development Code Section 142.0413. Adherence to the MWELO is required,

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including compliance with the schedule of landscape and
irrigation maintenance.

(e) ~~Water Meters.~~

~~All new development with a landscape area equal to 500 square feet or greater and landscape rehabilitation projects with a landscape area of 2,500 square feet or greater shall be subject to irrigation meter requirements as follows:~~

(1) ~~Residential.~~

(a) ~~Dedicated water meters private submeters shall not be required for residential landscapes less than 5,000 square feet.~~

(b) ~~Dedicated water meters or private submeters shall be required for irrigated landscapes of 5,000 square feet or greater.~~

(2) ~~Non Residential.~~

(a) ~~Dedicated water meters or private submeters shall be required for irrigated landscapes between 1,000 and 5,000 square feet.~~

(b) ~~Dedicated water meters shall be required for irrigated landscapes greater than 5,000 square feet.~~

(f) ~~Irrigation Audit. An applicant subject to the requirement for a MAWA Water Budget is required to conduct and submit to the City an irrigation~~

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~~audit consistent with Section 2.7 of the Landscape Standards of the Land Development Manual.~~

- ~~(1) All irrigation audits shall be conducted by a professional authorized by the State to perform this work.~~
- ~~(2) The irrigation audit shall certify that all plant material, irrigation systems, and landscape features have been installed and operate as approved by the City; and shall be submitted to the City prior to occupancy and use.~~
- ~~(g) Reclaimed water. *Development* in areas where reclaimed water is available and suitable for irrigation shall provide for a dual water distribution system for all landscaped areas. Only reclaimed water shall be used for irrigation purposes where it is available.~~
- ~~(h) Pursuant to state law (California Code of Regulations section 490.1), an *applicant* with a project with an aggregate landscape area of 2,500 square feet or less may alternatively comply, if the *applicant* demonstrates, to the satisfaction of the Development Services Director, that the landscape area for the *development* will comply with all of the following instead of Section 142.0413(a) through (g):~~
 - ~~(1) Incorporates compost at a rate of at least 4 cubic yards per 1,000 square feet to a total depth of 6 inches (unless contraindicated by a soil test).~~
 - ~~(2) Includes climate-adapted plants that meet the following:~~

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- (A) ~~All plant species are identified on the Water Use Classification of Landscape Species (WUCOLS) list as requiring little or no summer water and have an average plant factor of 0.3; and~~
- (B) ~~The minimum plant area for the climate adapted plants is at least 75 percent of the total plant area for residential *development* or 100 percent for non-residential *development*. Plant areas used for edibles or areas where recycled water is used for irrigation may be excluded from the calculation of total plant area.~~
- (3) ~~Incorporates a minimum 3-inch layer of mulch on all exposed soil surfaces of planting areas, except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.~~
- (4) ~~Minimizes the use of turf as follows:~~
 - (A) ~~Turf is not permitted for non-residential *development* or in parkways less than 10 feet wide, unless the *parkway* is adjacent to a parking strip and used to enter and exit vehicles and is irrigated by subsurface irrigation (or equivalent system that creates no overspray or runoff).~~
 - (B) ~~Turf for residential *development* landscape areas shall not exceed 25 percent of the landscape area and shall not be~~

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~~planted on sloped areas that exceed a slope of 1 foot
vertical elevation change for every 4 feet horizontal length.~~

- (5) ~~Provides an irrigation system that meets all of the following requirements:~~
- ~~(A) Includes an automatic irrigation controller that utilizes a rain sensor and evapotranspiration or soil moisture sensor data, and that does not lose programming data if in the event a primary power source is interrupted;~~
 - ~~(B) Includes a pressure regulator to ensure the dynamic pressure of the system is within the manufacturer's recommended pressure range;~~
 - ~~(C) Includes manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) installed as close as possible to the point of connection to the water supply;~~
 - ~~(D) Includes irrigation sprinkler and emission devices that meet the State of California Landscape Irrigation Sprinkler and Emitter Standards;~~
 - ~~(E) Includes subsurface irrigation (or equivalent system that produces no overspray or runoff) in any landscape areas less than 10 feet in width in any direction; and~~
 - ~~(F) Includes a private submeter for any non-residential development landscape areas that are 1,000 square feet or more in size.~~

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- (6) ~~Incorporates the following statement on the approved landscape plan set:~~

~~The *applicant* agrees to comply with the requirements of the prescriptive compliance option to the Model Water Efficient Landscape Ordinance (MWELo) in accordance with state law and Land Development Code Section 142.0413(h), and will provide the record *owner* at the time of final inspection with a certificate of completion, certificate of installation, irrigation schedule, and schedule of landscape and irrigation maintenance.~~

§142.0560 Development and Design Regulations for Parking Facilities

- (a) through (b) [No change in text.]
- (c) Minimum Dimensions for Automobile Parking Aisles. The minimum dimensions for automobile parking aisles at permitted angles for one-way and two-way circulation are shown in Table 142-05L and illustrated in Diagram 142-05B, except as provided in Section 142.0560(e) for certain pre-existing parking facilities.

**Table 142-05L
Aisle Dimensions**

Angle Between Parking Space and Aisle	Minimum Required Aisle Width (feet)	
	One Way	Two Way
90° (perpendicular)	[No change in text.]	
75° through 0° (parallel) [No change in text.]	[No change in text.]	

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Footnote for Table 142-05L

- ¹ For narrow *lots* ~~50~~100 feet or less in width, the minimum drive aisle may be reduced to 22 feet.

Diagram 142-05B
Minimum Dimensions for Automobile Parking Spaces and Aisles

[No change in text.]

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

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

§142.0640 Development Impact Fees for Public Facilities and Spaces

- (a) [No change in text.]
- (b) Development Impact Fees (as defined in California Government Code Section 66000) for applicable *development* shall be paid prior to requesting a final inspection. A final inspection shall not occur until the applicable DIFs are paid in areas where DIFs have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require the payment of DIFs for *development* that would increase demand for public facilities and/or result in the need for new public facilities. DIFs shall not be required for inclusionary *dwelling units* provided pursuant to Chapter 14, Article 2, Division 13 if the *applicant* has satisfied all the requirements of Division 13 for inclusionary *dwelling units* on the same *premises* as the market-rate *dwelling units*. The DIF amount due shall be based upon the DIF schedule in effect when the ~~Building Permit was issued~~ *development* application was submitted, or the DIF schedule in effect when the fees are paid, whichever amount is lower,

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plus an automatic increase consistent with Section 142.0640(c), if applicable.

Exemptions:

- (1) *Accessory Dwelling Units, Junior Accessory Dwelling Units, moveable tiny houses*, and guest quarters are exempt from DIF except as follows:
 - (A) [No change in text.]
 - (B) *Accessory Dwelling Units* that are 750 or more square feet in *gross floor area* and are in excess of the first two *Accessory Dwelling Units* on a *premises* or are constructed in accordance with Section 143.1305(c)(1) shall be required to pay DIF at the *multiple dwelling unit rate*, which shall be scaled in accordance with ~~Resolution No. R-313688, adopting the Citywide Park Development Impact Fee and with Table 142-06A~~ based upon the *Accessory Dwelling Unit* size, or shall be proportionate in relation to the square footage of the *primary dwelling unit* on the *premises* at the *multiple dwelling unit rate*, whichever results in the lower DIF. The DIF for the *Accessory Dwelling Unit* shall not exceed the DIF for the *primary dwelling unit*.
 - (C) [No change in text.]
- (2) through (7) [No change in text.]

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- (8) The first two *dwelling units* constructed in accordance with Chapter 14, Article 3, Division 13 shall be exempt from the requirement to pay DIF. The ~~second-third~~ and ~~third-fourth~~ *dwelling units* constructed in accordance with Chapter 14, Article 3, Division 13 shall be required to pay DIF, which shall be scaled in accordance with ~~Resolution No. R-313688, adopting the Citywide Park Development Impact Fee and~~ Table 142-06A, based upon the *dwelling unit* size.

Table 142-06A
Scaled Development Impact Fee Rate for Specific Residential Development

[No change in text.]

- (9) *Development* that designs and constructs an onsite park that satisfies the *development's* park standard identified in the Parks Master Plan, shall not be subject to the requirement to pay the Citywide Park DIF, where the requirements set forth in San Diego Resolution R-313688 have been satisfied. *Development* that designs and constructs an onsite park that satisfies a portion of the *development's* parks standards shall be subject to a proportionate share credit of the DIF for the Citywide Park DIF where the requirements set forth in San Diego Resolution R-313688 have been satisfied. To be eligible for any exemption under this subsection, the following additional requirements shall apply:
- (A) [No change in text.]

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- (B) The park shall be designed and constructed in accordance with the City's Park Development Standard Terms and Conditions and Consultant's Guide to Park Design and Development to the satisfaction of the Parks and Recreation Director, or their designee;
- (C) The park shall be publicly accessible in perpetuity to the Parks and Recreation Director, or their designee;
- (D) If the *development* is receiving park credit for long-term maintenance in accordance with the Parks Master Plan, a maintenance agreement to maintain the park to the satisfaction of the Parks and Recreation Director, or their designee, shall be recorded with the County Recorder prior to final inspection of the first Building Permit;
- (E) A performance bond and payment bond shall be provided for the design and construction of the park prior to the ~~issuance~~ final inspection of the first ~~Building Permit for any dwelling units~~ in the *development*, and no final inspection shall occur for the remaining 50 percent of the total *dwelling units* in the *development* until the park has been constructed to the satisfaction of the Parks and Recreation Director, or their designee; and
- (F) [No change in text.]
- (10) [No changes in text.]

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

§142.1250 Permanent Secondary Signs in Commercial and Industrial Zones

(a) [No change in text]

**Table 142-12I
Permanent Secondary Signs**

[No change in text.]

(b) High-Rise Building Identification *Wall Signs*

(1) In *Sign* Category A only, building in excess of 100 feet in height shall be permitted additional *wall sign copy area* for building identification purposes subject to the following regulations.

(A) The high-rise building identification *wall sign* shall be placed on a building at a minimum height of 100 feet, above the uppermost row of windows, and not within ~~5~~2 feet of the top of a parapet wall.

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

(2) [No change in text.]

**Table 142-12J
High-Rise Building Identification Wall Sign Calculations**

[No change in text.]

(c) through (k) [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) through (2) [No change in text.]

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- (3) On different *premises* from the *development* that does not meet the locational criteria in Section 142.1305(a)(2) but lie within the City of San Diego, if the receiver site is within a ~~*transit priority area*~~ *Sustainable Development Area* and in an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, and the community planning area has less than five percent of its existing *dwelling units* as covenant-restricted *very low income, low income, or moderate income dwelling units*;

Editor's Note: The above language, added by Ordinance O-21432 (Feb. 23, 2022), was certified by the California Coastal Commission on August 10, 2022 and is effective in the Coastal Overlay Zone until the following language in Section 142.1305(a)(3) is certified by the California Coastal Commission.

- (2) On different *premises* from the *development* that does not meet the locational criteria in Section 142.1305(a)(2) but within the City of San Diego, if the receiver site is within a ~~*transit priority area*~~ *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

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area are covenant-restricted to *very low income*, *low income*, or *moderate income* households.

Editor's Note: The above language, added by Ordinance O-21439

(March 11, 2022), is effective outside the Coastal Overlay Zone and is pending review and certification by the California Coastal Commission. If this language is certified by the California Coastal Commission, it will supersede the language above, added by Ordinance O-21432, and will be effective Citywide.

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

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

§142.1307 Rehabilitation of Existing Dwelling Units, SRO Hotel Rooms, or Conversion of Guest Rooms

- (a) The requirements of this Division may be satisfied by the rehabilitation of existing *dwelling units* for conversion to inclusionary *dwelling units* affordable to *very low income* households or *low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 60 percent of *median income*, if the City Manager determines all of the following:

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

- (3) The rehabilitated *dwelling units* are located in an appropriate residential zone that can accommodate at least the number of rehabilitated *dwelling units* required by this Division, and if those rehabilitated *dwelling units* are located within a ~~*Transit Priority*~~

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~~Area~~ Sustainable Development Area, the number of *dwelling units* on the *premises* is at least 60 percent of the base *floor area ratio* or *density* designated by the zone in which the *premises* is located;

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

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

(d) The requirements of this Division may be satisfied by the conversion of existing *guest rooms* in a *motel* or *hotel* located outside of the Coastal Overlay Zone to inclusionary *dwelling units* affordable to *very low income* households or *low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 60 percent of *median income*, if the City Manager determines all of the following:

(1) [No change in text.]

(2) The *motel* or *hotel* is located in an appropriate residential zone that can accommodate at least the number of converted *guest rooms* required by this Division, and if the *motel* or *hotel* is located within a ~~Transit Priority Area~~ Sustainable Development Area, the number of *guest rooms* in the *motel* or *hotel* is at least 60 percent of the base *floor area ratio* or *density* designated by the zone in which the *motel* or *hotel* is located;

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

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

§143.0212 Need for Site-Specific Survey and Determination of Location of Historical Resources

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- (a) The City Manager shall determine the need for a site-specific survey for the purposes of obtaining a *construction permit* or *development permit* for *development* proposed for any parcel containing a *structure* that is 45 or more years old and not located within any area identified as exempt in the Historical Resources Guidelines of the Land Development Manual or for any parcel identified as sensitive on the Historical Resource Sensitivity Maps. The following *development* shall be exempt from the requirements of Section 143.0212:

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

- (4) Construction or demolition of a swimming pool in a rear yard, except on a property that requires a survey in accordance with Section 143.0212(b).

(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 ~~*transit priority area*~~ *Sustainable Development Area* 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.]

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

(1) 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 ~~*transit priority area*~~ *Sustainable Development Area* 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 ~~*transit priority area*~~ *Sustainable Development Area*, 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 ~~*transit priority area*~~ *Sustainable Development Area*, there shall be no limit on the number of *dwelling units* permitted.

(8) [No change in text.]

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- (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*~~ *Sustainable Development 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 as described above. For *development* meeting the same criteria within the Centre City Planned District Ordinance, the *development* must comply with Section 156.0309(ed)(1)(C).

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

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

§143.0740 Incentives in Exchange for Affordable Housing Dwelling Units

An *applicant* proposing *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 (d) [No change in text.]

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- (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 ~~*transit priority area*~~ *Sustainable Development Area* 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 ~~*transit priority area*~~ *Sustainable Development Area*, the *applicant* shall also receive a *structure height* increase of up to 3 additional *stories* or 33 feet.
- (f) [No change in text.]

Table 143-07A
Very Low Income Density Bonus Households

[No change in text.]

Footnotes for Table 143-07A

- ¹ For *development* containing 50 pre-*density dwelling units* or less, once this maximum is reached, an additional 25 percent *density* bonus and three incentives are allowed if an additional 10 percent of the pre-*density* bonus units are restricted in accordance with the provisions of this Division for households earning less than or equal to 120 percent of the area ~~*median income*~~ *median income*, as adjusted for household size, and the *development* is within a ~~*transit priority area*~~ *Sustainable Development Area*.
- ² Once this maximum is reached, an additional 25 percent *density* bonus and three incentives are allowed if an additional 10 percent of the pre-*density* bonus units are restricted in accordance with the provisions of this Division for households earning less than or equal to 120 percent of the area ~~*median income*~~ *median income*, as adjusted for household size, and the *development* is within a ~~*transit priority area*~~ *Sustainable Development Area*.

Table 143-07B
Low Income Density Bonus Households

[No change in text.]

Footnotes for Table 143-07B

- ¹ For *development* containing 50 pre-*density dwelling units* or less, once this maximum is reached, an additional 25 percent *density* bonus and three incentives are allowed if an

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additional 10 percent of the pre-*density* bonus units are restricted in accordance with the provisions of this Division for households earning less than or equal to 120 percent of the area ~~median income~~ median income, as adjusted for household size, and the *development* is within a ~~transit priority area~~ Sustainable Development Area.

- ² Once this maximum is reached, an additional 25 percent *density* bonus and three incentives are allowed if an additional 10 percent of the pre-*density* bonus units are restricted in accordance with the provisions of this Division for households earning less than or equal to 120 percent of the area ~~median income~~ median income, as adjusted for household size, and the *development* is within a ~~transit priority area~~ Sustainable Development Area.

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) Eligible Non-residential *Development*.
 - (1) The non-residential *development* shall be located within a ~~transit priority area~~ Sustainable Development Area.
 - (2) [No change in text.]
- (b) [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,

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Division 5, inclusive of disabled and guest parking, whichever is lower, shall apply. For purposes of this Division, a ~~development~~ 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~~ yard setback.

Table 143-07D
Parking Reduction for Proximity to Transit

Type of Development	Percent Affordable	Transit Requirement³	Parking Ratio for Development¹
Rental or for-sale <i>development</i> containing market rate and very low income, low income, and/or moderate income dwelling units <ul style="list-style-type: none"> • Very low income • Low income • Moderate income 	[No change in text.]	The <i>development</i> is located within a transit priority area <u>Sustainable Development Area</u> .	[No change in text.]
Rental housing <ul style="list-style-type: none"> • Very low income, low income and <u>and</u> moderate income 	[No change in text.]		[No change in text.]
Rental housing with an affordable housing cost to lower income senior citizens in accordance with California Civil Code Sections 51.3 and 51.12	[No change in text.]	[No change in text.]	[No change in text.]
Rental housing affordable to very low income and low income 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.]

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Type of <i>Development</i>	Percent Affordable	Transit Requirement ³	Parking Ratio for <i>Development</i> ¹
Section 51312 or a supportive housing <i>development</i> as defined in CHSC Section 50675.14			

Footnotes for Table 143-07D

¹ through ³ [No change in text.]

§143.0745 Locating Required Affordable Dwelling Units Off-site

A *development* that complies with the Affordable Housing Regulations may provide all or a portion of the required affordable *dwelling units* off-site in accordance with the following:

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

(c) Off-site affordable *dwelling units* that do not meet the locational criteria in Section 143.0745(a) may be located in an area where the receiver site is within a ~~*transit priority area*~~ *Sustainable Development Area*, an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, 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.

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

§143.0746 Affordable Housing in All Communities

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- (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 ~~California Tax Credit Allocation Committee~~ 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) [No change in text.]
- (2) The *premises* is located within all of the following:
 - (A) A ~~transit priority area~~ Sustainable Development Area;
 - (B) through (D) [no change in text.]
- (3) [No change in text.]
- (4) Residential *development* shall comply with the *development* regulations of the RM-2-5 zone with the exemption of *density*, *floor area ratio*, *lot* area, and *lot* dimensions ~~which shall comply with the base zone.~~
- (5) through (7) [No change in text.]

- (b) Affordable housing may be permitted on a *premises* owned by a public agency or a qualified nonprofit corporation (consistent with Chapter 2 of the Municipal Code) in accordance with 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 (4) [No change in text.]

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- (5) Residential *development* shall comply with the *development* regulations of the RM-2-5 zone which the exemption of *density*, *floor area ratio*, *lot area*, and *lot dimensions* ~~which shall comply with the base zone.~~

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

§143.0915 When Supplemental Neighborhood Development Permit Regulations Apply for Affordable Housing, In-Fill Projects, and Sustainable Buildings

These regulations apply to the following types of *development*:

- (a) [No change in text.]
- (b) In-fill projects, which is any of the following:
- (1) [No change in text.]
- (2) Residential or mixed-use *development*, ~~where all or a portion of the premises is located within a Transit Priority Area~~ Sustainable Development Area.
- (c) [No change in text.]

§143.1001 Purpose, Intent, and Definition

- (a) Purpose. The purpose of these regulations is to provide a *floor area ratio*-based *density* bonus incentive program for *development* within ~~Transit Priority Areas~~ Sustainable Development Areas that provides housing for *very low income*, *low income*, or *moderate income* households and provides neighborhood-serving infrastructure amenities. These regulations are intended to materially assist in providing adequate housing for all economic segments of the community; to provide a balance of

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housing opportunities within the City of San Diego with an emphasis on housing near transit; and to encourage use of mobility alternatives through the construction of neighborhood-serving infrastructure amenities.

Investment in neighborhood-serving infrastructure that creates destinations and encourages walking, biking and use of transit, particularly within ~~*Transit Priority Areas*~~ *Sustainable Development Areas*, is critical to the City's Climate Action Plan goal to reduce greenhouse gas emissions. These regulations do not implement California Government Code Section 65915 (State Density Bonus Law), which is implemented through San Diego Municipal Code Chapter 14, Article 3, Division 7.

- (b) Definitions. For the purposes of this Division, the following definitions shall apply:
- (1) [No change in text.]
 - (2) FAR Tier 2 means any *premises* where any portion of the *premises* is located in a regional or subregional employment area, as identified in the General Plan Economic Prosperity Element, or within a one-mile radius of any university campus that includes a medical center and is within a ~~*Transit Priority Area*~~ *Sustainable Development Area* that is located in a community planning area within Mobility Zone 3 as defined in Section 143.1103(a)(3).
 - (3) FAR Tier 3 means any *premises* where any portion of the *premises* is located in an area located within a ~~*Transit Priority Area*~~ *Sustainable Development Area* that is located in a community

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planning area within Mobility Zone 3 as defined in Section 143.1103(a)(3).

- (4) FAR Tier 4 means any *premises* where any portion of the *premises* is located in an area located within a ~~*Transit Priority Area*~~ *Sustainable Development Area* that is located in a community planning area within Mobility Zone 4 as defined in Section 143.1103(a)(4).
- (5) Community of Concern means a census tract that has been identified as having very low, ~~or low,~~ or moderate access to opportunity as identified in the San Diego Climate Equity Index.

§143.1002 Application of Complete Communities Housing Solutions Regulations

- (a) At the request of the *applicant*, except as otherwise provided in Section 143.1030, the regulations in this Division shall apply to any *development* within a ~~*Transit Priority Area*~~ *Sustainable Development Area* where any portion of the *premises* contains zoning that is commercial, residential, or mixed-use and the *premises* is zoned to allow 20 dwelling units per acre or greater or has a ~~land use plan~~ land use plan designation that allows for 20 *dwelling units* per acre or greater and is within one quarter mile of a rail station, not including additional ~~units~~ dwelling units permitted under this Division, if all of the following requirements are met:
- (1) The *development* includes on-site dwelling units affordable to very *low income*, *low income*, ~~or moderate income~~ households, in accordance with Section 143.1015(a)(1)-(3) or 143.1015(a)(4) and

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the following criteria.

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

(C) A portion of the total *dwelling units* in the *development* shall be reserved for *very low income*, *low income*, or *moderate-income* households, in accordance with Section 143.1015(a)(1)-(3) or 143.1015(a)(4).

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

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

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

[No change in text.]

§143.1015 Required Provision of Affordable Dwelling Units

(a) In accordance with Section 143.1002(a)(1), an *applicant* requesting application of the regulations in this Division shall provide a written agreement to provide on-site affordable *dwelling units*, entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission and secured by a deed of trust, that meets the following requirements:

(1) Provides at least 15 percent of rental *dwelling units* in the *development*, excluding any additional *dwelling units* allowed under a *floor area ratio* bonus, for rent by very *low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 50 percent of the area *median income*, as

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adjusted for household size.

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

(4) As an alternative to the requirements in Sections 143.1015(a)-(1)-(3) or 143.1015(a)(4), an *applicant* may provide at least 40 percent of rental *dwelling units* in the *development*, excluding any additional *dwelling units* allowed under a *floor area ratio* bonus, for rent by very low income households at a cost, including an allowance for utilities, that does not exceed 30 percent of 50 percent of the area *median income*, as adjusted for household size.

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

(b) Nothing in this Division shall preclude an *applicant* from using on-site affordable *dwelling units constructed* by another *applicant* to satisfy the requirements of this Division, including contracting with an affordable housing developer with experience obtaining tax-exempt bonds, low income housing tax credits, and other competitive sources of financing, upon approval by the San Diego Housing Commission. ~~pursuant to the standards set forth in the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual on file with the San Diego Housing Commission.~~

(c) [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:

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- (a) [No change in text.]
- (b) Public promenade alternative. In lieu of the fee described in Section 143.1020(a), *development* on a *premises* of at least 25,000 square feet ~~in an area or larger~~ with at least 200 linear feet of *street frontage* or on a separately-owned parcel within a ~~*Transit Priority Area*~~ *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 construct public amenities in the form of a public promenade.
 - (1) through (8) [No change in text.]

§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(h) to deviate from the requirements in Section 143.1025.

- (a) Pedestrian Circulation Space. All *development* shall include the following pedestrian circulation improvements:
 - (1) [No change in text]
 - (2) Street trees. At least one, 24-inch box canopy form tree is required for each 20 feet of *street frontage*. The *street frontage* excludes curb cuts and required clearances for designated bus stops. ~~The trees shall be placed on each side of the sidewalk where feasible.~~
The installed tree spacing and location may be varied to

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accommodate site conditions or design considerations.

(3) through (5) [No change in text]

(b) [No change in text.]

(c) Standards for Buildings over 95 Feet in Height on *Premises* over 20,000 Square Feet in Area. For the purposes of Section 143.1025, bulk and scale are divided into 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 shall comply with the following requirements:

(1) For a *development* that includes one or more *structures* over 95 feet in height, or *development* which exceeds the height limit of the base zone, whichever is greater, a Neighborhood Development Permit decided in accordance with Process Two is required.

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

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

~~(f) Climate Action Plan (CAP) Consistency Checklist Requirements. To ensure consistency with the City's CAP, all *development* shall comply with each of the measures identified in Step 1 of the CAP Consistency Checklist.~~

§143.1102 When Mobility Choices Regulations Apply

The Mobility Choices Regulations apply to any *development* for which a Building Permit is issued, except:

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

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- (g) ~~Multi-family residential~~ Multiple dwelling unit development ~~in a Transit Priority Area~~ within a Sustainable Development Area that provides the transportation amenities required by Section 142.0528; and
- (h) [No change in text.]

§143.1103 Mobility Choices Requirements

- (a) For the purposes of this Division, Mobility Zones shall be defined as follows:
 - (1) [No change in text.]
 - (2) Mobility Zone 2 means any *premises* located either partially or entirely in a ~~Transit Priority Area~~ Sustainable Development Area.
 - (3) through (6) [No change in text.]
- (b) through (c) [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 ~~and 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 ~~transit priority area~~ Sustainable Development Area, no off-street parking spaces are required.

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(B) Outside of a ~~transit priority area~~ Sustainable Development Area, off-street parking spaces shall be provided as

follows:

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

(4) [No change in text]

(5) ~~Supplemental Regulations within Areas of Future Sea Level Rise~~
Dwelling units constructed within Areas of Future Sea Level Rise
must comply with the regulations in Section 132.0404.

(A) ~~Within the Coastal Overlay Zone, the following regulations~~
~~apply to dwelling units constructed outside of Special~~
~~Flood Hazard Areas and within an area of future sea level~~
~~rise (within a 75-year horizon) as determined by the City~~
~~Manager based on the most current sea level rise~~
~~vulnerability maps:~~

(i) ~~The dwelling units shall comply with the regulations~~
~~in Section 143.0146(c) and if applicable, Section~~
~~143.0146(g). The base flood elevation utilized, and~~
~~the applicability of Section 143.0146(g), shall be~~
~~based on the FIRM Zone of the Special Flood~~
~~Hazard Area in closest proximity to the premises on~~
~~which the dwelling unit is proposed. The permit~~
~~requirements of 143.0110(b) and other regulations~~
~~of Chapter 14, Article 3, Division 1 do not apply.~~

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- (ii) Hard shoreline armoring shall not be constructed to protect *dwelling units* from the effects of sea level rise.
- (iii) The *record owner* of the *dwelling unit* shall, in a form that is approved by the City, acknowledge the following: (1) that the *dwelling unit* is located in an area of future sea level rise that may become hazardous in the future; (2) that sea level rise could render it difficult or impossible to provide services to the *premises*; (3) that the boundary between public land (tidelands) and private land may shift with rising seas and the *development* approval does not permit encroachment onto public trust land; (4) that additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified *Local Coastal Program*; and (5) that the *dwelling unit* may be required to be removed or relocated and the site restored if it becomes unsafe; and further the *record owner* shall waive any rights under Coastal Act Section 30235 and related *Local Coastal Program* policies to any hard shoreline armoring to protect the *dwelling unit*.

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- (iv) ~~The record owner of the dwelling unit shall provide notice to all occupants, upon occupancy, of the dwelling unit of the provisions in Section 143.1310(a)(5)(A)(iii).~~

(6) [No change in text.]

(b) [No change in text.]

§151.0103 Applicable Regulations

(a) [No change in text.]

(b) The following regulations apply in all planned districts:

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

(4) Solar energy systems regulations ~~and contained in Land Development Code Section 141.0418,~~ electric vehicle charging station regulations contained in Land Development Code ~~Section 141.0418 and~~ Section 141.0419, and battery energy storage facilities regulations contained in Land Development Code Section 141.0422.

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

§153.0311 Mixed-Use Center (MC)

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

(c) Development Regulations

The development regulations of the CC-5-5 zone of Chapter 13, Article 1, Division 5 (Commercial Base Zones) shall apply, except as follows:

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

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(3) Maximum Floor Area Ratio

The maximum floor area ratio is 1.2, except for projects that consist of homes which shall be limited to a maximum floor area ratio of 1.25.

(A) For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code the floor area ratio does not increase.

(d) through (f) [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
Max <i>floor area ratio</i> ¹	0.55 ^{1,2}	0.65 ^{1,2}	0.75 ^{1,2}	0.90 ^{1,2}	1.10 ²	1.30

Footnotes for Table 155-02A

¹ For development that consist of 3 to 7 dwelling units, the maximum floor area ratio shall be 1.0. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

² For development that consist of 8 to 10 dwelling units, the maximum floor area ratio shall be 1.25. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code,

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or within a *premises* that is designated as a *historical resource* consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum *floor area ratio* does not increase.

§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.]

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**Table 155-02C
Use Regulations Table for CU Zone**

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 Industrial, Separately Regulated Industrial Uses [No change in text.]		[No change in text.]									
<u>Artisan Food and Beverage Producer</u>		-		<u>L</u>			<u>L</u>				
<i>Cannabis Production Facilities</i> through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]				[No change in text.]							

Footnotes for Table 155-02C

¹ through ¹³ [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 >>	CU-							
	3rd >>	1-		2-	3-	2-		3-	
	4th >>	1(¹)	2(¹)	3	4	5	6	7	8
Max residential density-density (²)		5,000	3,000	1,000	600	1,000	1,500	5,000	3,000
Supplemental residential regulations (³)		applies	applies	applies	applies	applies	applies	applies	applies
Lot Lot area									
Min (sf)		5,000	5,000	2,500	2,500	2,500	5,000	2,500	2,500
Max (ac)		0.3	0.3	-	-	-	-	-	-
Lot Lot dimensions									
Min width (ft)		50	50	25	25	25	50	25	25
Min <i>street frontage</i> (ft)		-	-	25	25	25	50	25	25
Min depth (ft)		-	-	-	-	-	100	-	-
Max depth (ft)		-	-	-	-	-	150	-	-

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Development Regulations	Zone Designator	Zones							
	1st & 2nd >>	CU-							
	3rd >>	1-		2-	3-	2-		3-	
	4th >>	1 ⁽¹⁾	2 ⁽¹⁾	3		4	5	6	7 8
Setback Setback Requirements									
Min front setback (ft)		20 ⁽⁴⁾	20 ⁽⁴⁾	-	-	-	-	10	10
Max front setback (ft)		-	-	10 ⁽⁵⁾	10 ⁽⁵⁾	10 ⁽⁵⁾	100 ^(5,6)	-	-
Min side setback (ft)		10	10	10	10	10	10	5	5
Optional side setback (ft) [See Land Development Code Section 131.0543(b)]		0	0	0-	0	0	0	-	-
Side setback (ft) abutting residential [See Land Development Code Section 131.0543(c)]		applies	applies	applies	applies	applies	applies	applies	applies
Min street side setback (ft)		20 ⁽⁴⁾	20 ⁽⁴⁾	-	-	-	-	10	10
Max street side setback (ft)		-	-	10 ⁽⁵⁾	10 ⁽⁵⁾	10 ⁽⁵⁾	-	-	-
Min rear setback (ft)		10	10	10	10	10	10	10	10
Optional rear setback (ft) [See Land Development Code Section 131.0543(b)]		0	0	0	0	0	0	0	0

Development Regulations	Zone Designator	Zones							
	1st & 2nd >>	CU-							
	3rd >>	1-		2-	3-	2-		3-	
	4th >>	1 ⁽¹⁾	2 ⁽¹⁾	3		4	5	6	7 8
Rear setback (ft) abutting residential [See Land Development Code Section 131.0543(c)]		applies	applies	applies	applies	applies	applies	applies	applies
Max structure height (ft)		24 ⁽⁷⁾	24 ⁽⁷⁾	50	-	90	30	30	30
Min lot coverage (%)		-	-	-	35	35	-	-	-
Max floor area ratio		0.6 ⁽⁸⁾⁽⁹⁾	0.6 ⁽⁸⁾⁽⁹⁾	1.0 ⁽⁹⁾	2.0	2.0	0.75 ⁽⁸⁾⁽⁹⁾	0.5 ⁽⁸⁾⁽⁹⁾	0.5 ⁽⁸⁾⁽⁹⁾
Mixed use bonus/Min % to residential [See Land Development Code Section 131.0546(a)]		0.4/100	0.4/100	0.5/50	2.0/50	1.5/50	0.75/75	0.5/50	0.5/50
Pedestrian paths [See Land Development Code Section 131.0550]		applies	applies	applies	applies	applies	applies	applies	applies
Transparency [See Land Development Code Section 131.0552]		-	-	applies	applies	applies	-	applies	applies

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Development Regulations	Zone Designator	Zones							
	1st & 2nd >>	CU-							
	3rd >>	1-	2-	3-	2-	3-			
	4th >>	1 ⁽¹⁾	2 ⁽¹⁾	3	4	5	6	7	8
Building articulation [See Land Development Code Section 131.0554]		applies	applies	applies	applies	applies	applies	applies	applies
Parking lot orientation [See Land Development Code Section 131.0556]		-	-	-	-	-	applies	-	-

Footnotes for Table 155-02D

⁽¹⁾ through ⁽⁷⁾ [No change in text.]

⁽⁸⁾ For development that consist of 3 to 7 dwelling units, the maximum floor area ratio shall be 1.0. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premise that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

⁽⁹⁾ For development that consist of 8 to 10 dwelling units, the maximum floor area ratio shall be 1.0. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premise that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

§1513.0304 Property Development Regulations – Residential Subdistricts

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

(g) *Floor Area Ratio*

(1) The basic maximum *floor area ratio* shall be 1.1 for 1 to

7 dwelling units. The maximum floor area ratio shall be 1.25 for

8 to 10 dwelling units.

For development within a historic district or property included on

the State Historic Resources Inventory, as defined in Section

5020.1 of the Public Resources Code, or within a premises that is

designated as a historical resource consistent with Chapter 12,

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Article 3, Division 2 of the San Diego Municipal Code, the
maximum floor area ratio does not increase.

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

(h) [No change in text.]

§-1516.0114 Development Regulations Table for Old Town San Diego Residential Zones

**Table 1516-01C
Development Regulations for OTR Zones**

Development Regulations	Zone Designator	Zones			
	1st & 2nd>>	OTRS-	OTRM-		
	3rd >>	1-	1-	2-	2-
	4th >>	1	1	1	2
Max permitted density through Lot Coverage for sloping lots [See Section 1516.0132] [No change in text.]	[No change in text.]				
Max floor area ratio	0.6	0.7 ^(5,6)	1.0 ⁽⁶⁾	1.2 ⁽⁴⁾⁽⁶⁾	
Max paving/hardscape through Visibility Area [See Section 113.0273] [No change in text.]	[No change in text.]				

Footnotes for Table 1516-01C

¹ through ⁴ [No change in text.]

⁵ For development that consist of 3 to 7 dwelling units, the maximum floor area ratio shall be 1.0. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

⁶ For development that consist of 8 to 10 dwelling units, the maximum floor area ratio shall be 1.25. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

§-1516.0119 Development Regulations Table for Old Town San Diego Commercial Zones

**Table 1516-01E
Development Regulations for OTCC and OTMCR Zones**

	Zone	Zones
--	------	-------

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Development Regulations	1st & 2nd >> 3rd >>	OTCC-						OTMCR-		
		1-	2-	2-	2-	3-	3-	1-		
		1	1	2	3	1	2	1	2	3
Max Permitted Residential Density ⁽¹⁾ through Min Lot Coverage (%) ⁽²⁾ [No change in text.]		[No change in text.]								
Max Floor Area Ratio		2.0	1.0 ⁽⁴⁾	1.0 ⁽⁴⁾	1.2 ⁽⁴⁾	1.3	1.3	1.2 ⁽⁴⁾	2.0	2.0
Floor Area Ratio Bonus for Residential Mixed Use [See Section 1516.0136]		--	0.2	0.2	0.2	--	--	--	0.2	1.0
Minimum Floor Area Ratio for Residential Use [See Section 1516.0136]		--	0.2	0.2	0.2	--	--	--	--	0.2
Floor Area Ratio Bonus for Structured Parking [See Section 1516.0138] [No change in text.]		[No change in text.]								
Ground-Floor Height through Visibility Area [See Section 113.0273] [No change in text.]		[No change in text.]								

Footnotes for Table 1516-01E

¹ through ² [No change in text.]

³ For development that consist of 3 to 7 dwelling units, the maximum floor area ratio shall be 1.0. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

⁴ For development that consist of 8 to 10 dwelling units, the maximum floor area ratio shall be 1.25. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

SCE:cm
September 22, 2022
Or.Dept: Planning
Doc. No. 3095853

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 156.0301, 156.0302, 156.0304, 156.0306, 156.0307, 156.0308, 156.0309, 156.0310, 156.0311, 156.0313, AND 156.0315, RELATING TO THE CENTRE CITY PLANNED DISTRICT ORDINANCE.

Article 6: Planned Districts

Division 3: The Centre City Planned District

§156.0301 Purpose and Applicability

(a) Purpose

The purpose of the Centre City Planned District is to establish land use regulations and design and *development* criteria to implement the Downtown Community Plan. ~~This Division is intended to establish regulations that will:~~

- (1) ~~Result in a distinctive world-class downtown, drawing on the City's magnificent waterfront setting, its outstanding climate, and its location as a transportation hub.~~
- (2) ~~Establish downtown San Diego as the physical and symbolic heart of metropolitan San Diego, and the regional administrative, commercial, and cultural center.~~

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- (3) ~~Create an intense yet livable downtown that contributes to the area's vitality and its economic success, and allows residents to live close to work, transit, and culture.~~
- (4) ~~Reinforce transit, with a pedestrian emphasis, while accommodating vehicles.~~
- (5) ~~Link together a collection of unique, diverse, and memorable neighborhoods within downtown, with a full complement of uses, distinctive streetscapes, character, and scale.~~
- (6) ~~Reconnect downtown's neighborhoods to the waterfront, Balboa Park, and the surrounding neighborhoods.~~

(b) [No change in text.]

§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 Bona-fide eating establishment [No change in text.]

Bonus floor area ratio (Bonus FAR) means the additional *floor area ratio* that may be earned by meeting certain requirements listed in Section 156.0309(ed).

Brewery Tasting Room through Cultural institution or cultural use [No change in text.]

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Design Review means the ~~formal~~ staff-level review of a proposed *development* for consistency with the Downtown Design Guidelines.

~~*Disposition and Development Agreement (DDA)* means an agreement that was executed between the former *Redevelopment Agency* and a developer in which the *Redevelopment Agency* conveyed property to said developer to implement the *Redevelopment Plan* pursuant to a specified scope of *development*.~~

Employment uses [No change in text.]

Eco-roof means an open space area on top of a building roof that is landscaped and maintained according to the requirements of Section 156.0309(ed)(4).

Floor area ratio bonus (FAR bonus) through *Outfield Park* [No change in text.]

~~*Owner Participation Agreement (OPA)* means an agreement that was executed between the former *Redevelopment Agency* and a property owner specifying terms of a redevelopment action as it affects the owner's property.~~

Pedestrian entrance through *Pushcart* [No change in text.]

~~*Redevelopment Agency* means the *Redevelopment Agency* of the City of San Diego that exercises governmental functions prescribed by the Community Redevelopment Law of the California Health and Safety Code pursuant to Resolution No. 147378.~~

~~*Redevelopment Plan* means the plan for the Centre City Redevelopment Project, which was adopted on May 11, 1992, by the City Council pursuant to Ordinance No. O 17767, and any subsequent amendments thereto.~~

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Receiving site refers to a site where *gross floor area* is transferred from a *sending site* in accordance with the *Transfer of Development Rights* procedures in Section 156.0309(~~gf~~).

Reflective glass through *Screen* or *screening* [No change in text.]

Sending site refers to a site where *gross floor area* is transferred to a *receiving site* in accordance with the *Transfer of Development Rights* procedures in Section 156.0309(~~gf~~).

~~*Senior housing* or *senior unit* means a housing development as defined in State of California Civil Code Section 51.3.~~

Sensitive receptor through *Tower* [No change in text.]

Transfer of development rights (TDR) means the program whereby *gross floor area* may be transferred between sites for the purpose of establishing ~~*public parks*~~ publicly accessible parks or preserving *designated historical resources*.

~~*Transitional housing* has the same meaning as in Land Development Code Section 141.0313.~~

Transportation demand management (TDM) through *Urban open space* [No change in text.]

§156.0304 Administration and Permits

(a) Administration

The City Manager is responsible for the administration of planning and zoning for the City of San Diego within the Centre City Planned District.

~~The City Manager shall administer this Article to ensure compliance with the regulations and procedures of this Article, the Downtown Design~~

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~~Guidelines, the Downtown Community Plan, the Centre City Streetscape Manual, and any policies or guidelines adopted by the City of San Diego to implement the Downtown Community Plan.~~

(b) Permit Required

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.

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

(3) ~~Building Permits for new~~ Development that exceeds \$20 million in value, located along a *greenway*, shall meet all of the following requirements, as applicable:

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

(C) For *development* located along any other *greenway* identified in the Downtown Community Plan, the following *fronting public improvements* shall be provided:

- (i) Widening of the sidewalk, which may include the removal of any parking and vehicular lanes, to accommodate the *public improvements* identified in this Section 156.0304(b)(3)(C). A *greenway* may be closed to vehicular traffic, at the discretion of the

City Engineer, so long as pedestrian and bicycle traffic is maintained.

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

- (D) The *greenway* and associated ~~public improvements~~ public improvements shall be privately-maintained and publicly -accessible in perpetuity. ~~The applicant shall obtain a~~ All public improvements along a greenway as described in Section 156.0304(b)(3) shall be decided in accordance with a Process One Public Right-of-Way Permit and the applicant shall enter into an Encroachment Maintenance and Removal Agreement in accordance with Chapter 12, Article 9, Division 7.
- (E) [No change in text.]
- (F) The City Manager may waive or modify the requirement to include *public improvements* along a *greenway* as described in Section 156.0304(b)(3) if the installation of *public improvements* would create undesirable drainage or traffic or pedestrian circulation conditions, as determined by the City Engineer.
- (G) An *applicant* that provides *public improvements* in accordance with this 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

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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(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)(6)(A)-(C) shall not apply.

(4) [No change in text.]

(c) ~~Overview of 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 and as described below. The type of *development* proposed in the application determines the applicable process.

(1) ~~Process One~~

~~An application for a permit or approval processed in accordance with Process One may be approved or denied by a staff person designated by the City Manager pursuant to Section 111.0205, based upon criteria outlined in this Article, the Downtown Community Plan, the Downtown Design Guidelines, the Centre City Streetscape Manual, and any policies or guidelines adopted by the City of San Diego to implement the Downtown Community Plan. A public hearing will not be held and a Process One decision~~

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~~may not be appealed except as otherwise set forth in Section 141.0418(c).~~

~~(2) Process Two~~

~~An application for a permit or approval processed in accordance with Process Two may be approved, conditionally approved, or denied by a staff person designated by the City Manager pursuant to Section 111.0205 and in accordance with Section 112.0503. A public hearing will not be held. An *applicant* or any person who has filed an application for appeal may appeal Process Two decisions in accordance with Section 112.0504.~~

~~(3) Process Three~~

~~(i) An application for a permit or approval processed in accordance with Process Three may be approved, conditionally approved, or denied by a Hearing Officer in accordance with Section 112.0505. *Applicants or interested persons* may appeal Process Three decisions in accordance with Section 112.0506.~~

~~(ii) *Development* that does not comply with all base zone regulations, all development regulations, requires a variance, or that proposes to exceed limited deviations allowed by the regulations in Chapter 14, as described in Section 143.0410, shall be processed in accordance with Process Three as set forth in Section 156.0304(c)(3)(i),~~

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~~except that if the *development* is affordable housing, an in-fill project, and/or a sustainable building described in Section 143.0915, it may be permitted with a Neighborhood Development Permit decided in accordance with Section 126.0603.~~

~~(4) 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 in accordance with Section 112.0507 of the Land Development Code. *Applicants or interested persons* may appeal Process Four decisions in accordance with Section 112.0508 of the Land Development Code.~~

~~(5) 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 in accordance with Section 112.0509 of the Land Development Code.~~

(d) City Public Facilities Exemption

~~City of San Diego Capital Improvement Program Projects, Public facilities including fire stations, *schools, parks, greenways, transit improvements, public buildings and facilities,* police department facilities, and *structures* within *public open space* areas, 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*. ~~These projects shall be presented to the officially recognized community planning group as an informational item prior to a decision being made on the project.~~ 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.

§156.0306 Other Applicable Planning, Zoning, and Development Regulations

When not otherwise specified in this Article, the following chapters of ~~this the~~ Land Development Code apply. In case of conflict with any other provisions of ~~this the Land Development~~ Code, the regulations of this Article shall apply. The Downtown Community Plan, Gaslamp Quarter Planned District Ordinance, and this Article constitute the *Local Coastal Program* for the Downtown Community Plan Area.

- | | |
|------------|--|
| Chapter 11 | Land Development Procedures through Chapter 14 Article 2, Division 7, Off-site Development Regulations [No change in text.] |
| Chapter 14 | Article 2, Division 8, Refuse and Recyclable Materials Storage Regulations |
| Chapter 14 | Article 2, Division 9, Mechanical and Utility Equipment Screening through Chapter 15 Article 1, Planned Districts [No change in text.] |

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Downtown Design Guidelines. The Downtown Design Guidelines supplement the regulations set forth in this Article and are intended to provide a best practice framework for the design of downtown's major streets, buildings, and public realm. The Downtown Design Guidelines are not regulatory but provide guidance ~~to for the design of new development and shall be utilized in the permit review processes outlined in Section 156.0304.~~

Where there is a conflict between the Downtown Design Guidelines and this Article, the regulations of this Article shall govern. The Downtown Design Guidelines are filed in the office of the City Clerk as Document No. RR-307143. The Downtown Design Guidelines may be amended in one of the following ways:

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

§156.0307 Land Use Districts

~~Twelve~~ 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) [No change in text.]
- (b) Overlay Districts

The Airport Land Use Compatibility Overlay Zone as identified in Chapter 13, Article 2, Division 15, applies to properties that are located

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within an airport influence area. The following Overlay Districts apply as illustrated in Figures C, ~~D~~, and ~~F~~ through N:

- (1) ~~Airport Environs Overlay Zone (AEOZ).~~ This overlay district provides supplemental regulations for the property surrounding ~~San Diego International Airport (SDIA) at Lindbergh Field consistent with the Airport Land Use Compatibility Plan (ALUCP) adopted by the San Diego County Regional Airport Authority. The compatibility of specific land uses with the operations of SDIA is regulated pursuant to Chapter 13, Article 2 of the Land Development Code. Within the Centre City Planned District, the most recently adopted ALUCP shall determine land use compatibility.~~
- (2) ~~Airport Approach Overlay Zone (AAOZ).~~ This overlay district provides supplemental regulations for the properties surrounding the approach path for San Diego International Airport (SDIA) at Lindbergh Field, consistent with the Airport Land Use Compatibility Plan (ALUCP) most recently adopted by the San Diego County Regional Airport Authority. ~~The heights of buildings in this overlay zone are regulated by Chapter 13, Article 2 of this Code. Applicants for development proposals that meet the Notice Criteria for the Federal Aviation Administration (FAA) Obstruction Evaluation shall submit a Determination of No Hazard~~

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~~to Air Navigation to the City Manager prior to issuance of a building permit.~~

- (31) Coastal Zone Overlay (CZ.) This overlay district applies to lands near San Diego Bay in order to protect and enhance the quality of public access and coastal resources. *Development* within this overlay District requires a Process Two Coastal Development Permit in accordance with Chapter 12, Article 6, Division 7 of the Land Development Code.
- (42) *Commercial Street Overlay (CS). On commercial streets a minimum of 60 percent of the ground-floor street frontage shall contain commercial uses. This requirement shall only apply along the east side of Park Boulevard. Uses Active Commercial Uses appropriate for commercial streets are identified in Table 156-0308-A, under Main Street/Commercial Street overlays. Up to 50 percent of required active commercial uses can be met with residential uses, provided that each of the dwelling units contain a minimum of three-bedrooms and each dwelling unit on the ground floor fronting a public right-of-way has a separate ground floor entrance. Alternative Interim Uses may be permitted on commercial streets pursuant to Section 156.0315(ef).*
- (53) County Administration Center Design Zone Overlay (CAC). This overlay district ~~ensures that~~ provides design recommendations to facilitate new development surrounding the historic County

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Administration Center on Pacific Highway that is sympathetic in scale, character, and height to this important landmark. ~~New development shall conform to the Design Guidelines for the Pacific Highway County Administration Center Design Zone on file in the Development Services Department.~~

- (64) Employment Overlay (E). To ensure adequate opportunities for employment based commercial uses, at least 50 percent of the *gross floor area* within each *development* in this overlay district shall be dedicated to *employment uses* such as professional office, education, *cultural uses*, retail, *hotel*, or similar commercial uses. Multiple *developments* on adjoining individually owned *lots* may satisfy the requirements of this section through the recordation of a legal covenant in a form approved by the City Manager and the City Attorney. Uses appropriate for the E overlay are identified in Table 156-0308-A, under Employment Overlay. Residential uses in this district shall not exceed 50 percent of the *gross floor area* within any *development*, unless at least one of the following conditions are met:

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

- (75) Fine Grain Development Overlay (FG). The FG District requires that *development* incorporate design standards that exhibit architectural form and variety at a less than full block scale to ensure a pedestrian scale and diverse building designs.

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- (~~86~~) Large Floorplate Overlay (LF). The LF District allows larger *floor plates* and bulkier buildings at upper levels to accommodate *employment uses*. The *development* regulations within this overlay district accommodate these larger *floor plates*.
- (~~97~~) Limited Vehicle Access Overlay. No curb cuts are permitted on the streets designated on Figure E, except as provided in Section 156.0313(~~4k~~)(4).
- (~~408~~) Little Italy Sun Access (LISA). The LISA District maintains adequate sunlight and air to sidewalks and residential areas of Little Italy, as designated in Figure F, during the winter solstice (on or about December 21) between 10:30 a.m. and 1:30 p.m. The LISA Overlay establishes a *building envelope*, as illustrated in Figure N, which applies to the whole block.
- (~~419~~) Main Street Overlay (MS). On designated *main streets*, a minimum of 80 percent of the ground-floor *street frontage* shall contain *active commercial uses*. Those uses which are appropriate for locations along *main streets* are identified in Table 156-0308-A, under *Main Street/Commercial Street* overlays. On lots of 10,000 square feet or less, the percentage of *active commercial uses* may be reduced to 50 percent of the *street frontage*. *Alternative Interim Uses* may be permitted pursuant to Section 156.0315(~~ef~~).
- (~~4210~~) Park/Open Space Overlay (P). This overlay district identifies locations of existing and future *public park* sites designated in the

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Downtown Community Plan. These sites may include cultural, civic, governmental, and educational uses.

(~~13~~11) Park Sun Access Overlay (PSA). This overlay district ensures adequate sunlight to future park sites designated in the Downtown Community Plan by controlling the height of new *development* to the south and west as illustrated in Figure M.

(~~14~~12) Industrial Buffer Overlay (IB). This overlay district establishes a buffer zone to protect industrial lands by minimizing potential land use compatibilities that could result from proximity to *sensitive receptors*. *Sensitive receptors* are prohibited within the IB Overlay District.

§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	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Public Park/ Plaza/Open Space through Separately Regulated Institutional Uses, Correctional Placement Centers [No change in text.]	[No change in text.]													
Cultural Institutions	P	P	P	P	P	P	C ⁹ P	--	--	P	P	P		MS, CS, E
Educational Facilities	P	P	P	P	P	P	C ⁹ P	--	--	P	--	P		CS, E

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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	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays	
Separately Regulated Institutional Uses, Energy Generation & Distribution Stations through Commercial Services, Business [No change in text.]	[No change in text.]														
<u>Eating and Drinking Establishments⁽¹⁴⁾</u>	<u>[No change in text.]</u>														
<u>Commercial Services, Bona Fide Eating Establishments through Brewpubs</u>	<u>[No change in text.]</u>														
<i>Non-Bona Fide Eating Establishments w/ Alcohol</i>	N P	N P	N P	N P	N P	N P	--	--	--	N P	--	N P	§156.0315 (a)	MS, CS, E	
<i>Brewery Tasting Rooms</i>	C P	C P	C P	C P	C P	C P	C P	--	--	C P	--	C P	§156.0315 (b)(4)	MS, CS, E	
<i>Brewpub Tasting Rooms</i>	N P	N P	N P	N P	N P	N P	N P	--	--	N P	--	N P	§156.0315 (b)(3)	MS, CS, E	
Commercial Services, With Outdoor Use Area through Visitor Accommodations [No change in text.]	[No change in text.]														
<i>Hotels and Motels</i>	P	P ³	P	P	P	P	<u>P¹³</u>	--	--	P	--	P		CS, E	
Separately Regulated Commercial Service Uses															

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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	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Separately Regulated Commercial Service Uses, Boarding Kennels/Pet Day Care Facilities through <i>SRO Hotel</i>	[No change in text.]													
Offices ⁽⁹⁾	[No change in text.]													
Vehicle & Vehicular Equipment Sales & Service, Personal Vehicle Sales & Rental Offices through Other Use Requirements, <i>Temporary Uses</i> and Structures, [No change in text.]	[No change in text.]													

Footnotes for Table 156-0308-A

¹ through ⁸ [No change in text.]

⁹ ~~Educational facilities and cultural institutions are not permitted within the Airport Approach Zone as delineated in the Airport Land Use Compatibility Plan for the San Diego International Airport.~~ Research and Development and testing labs are permitted within the office use category.

¹⁰ through ¹² [No change in text.]

¹³ Visitor Accommodation uses are allowed as part of a mixed-use *development* that contains at least 80 percent residential uses and the *development* includes at least 90 percent of the base maximum floor area ratio.

¹⁴ Drive-ins and Drive-throughs are prohibited in the CCPDO.

§156.0309 FAR Regulations and TDRs

(a) [No change in text.]

(b) ~~Airport Approach Overlay Zone~~

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~~Within the Little Italy and Cortez neighborhoods of the Downtown Community Plan, which lie within the approach path as shown in the Airport Land Use Compatibility Plan (ALUCP) for San Diego International Airport (SDIA) at Lindbergh Field, adopted by the San Diego County Regional Airport Authority, new *development* may not intensify human occupancy of the site to greater than 110 percent of the average intensity of existing uses (exclusive of large assemblies) within a quarter mile radius of the *development* site. However, no increase in *density* is allowed within the runway protection zone. As an alternative to the above density criterion, a compatible land use within these neighborhoods may be limited to a maximum *FAR* of 2.0 and a maximum building height of 36 feet. Properties that are intersected by the airport approach/departure zone boundary shall be exempt from this density criterion.~~

(eb) Development Permit FAR

The approval and recordation of a *development permit* establishes the distribution of *gross floor area* within the *development*. The *development* may consist of one or more individually-owned *lots*, but the permitted *FAR* for any individual *lots* remain subject to the *FAR* limits within the *development* boundaries as defined by the *development permit*. If a *development* does not require a *development permit*, the distribution of *FAR* between the *lots* may be executed through the recordation of a legal covenant in a form approved by the City Manager and the City Attorney.

(~~dc~~) Ballpark Mixed-Use District

Within the Ballpark Mixed-Use District, illustrated in Figure B, a *FAR* of 6.5 shall apply.

To facilitate ancillary *development* near *PETCO Park* pursuant to Proposition C passed by the voters in 1998 and Ordinance No. O-18613, transfers may be approved of any portion of the *floor* area permitted pursuant to this Section from *PETCO Park* to any other property within the district, if: (1) the property to which the applicable *floor* area is transferred is developed pursuant to a common plan or program with the property from which the *floor* area is transferred as approved by the City Council; and (2) appropriate *CC&Rs* are recorded to memorialize the reallocation of permitted *floor* areas.

The district-wide *FAR* provisions shall not apply to the block bounded by Park Boulevard and J, K, and 13th Streets.

(~~ed~~) *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(~~ed~~)(1)). *Applicants* utilizing the *FAR bonus* program shall have *CC&Rs* recorded on the

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~~property, ensuring that the benefits or amenities provided to earn the bonus are maintained in perpetuity, or in the case of affordable housing, for the duration specified in Section 156.0309(e)(1)(B)(iv). 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.~~

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 <u>Section 156.0309(d)(1)</u> , below
<i>Urban Open Space</i> 10% of site 20% of site	<u>Up to 6.0</u> - See <u>Section 156.0309(d)(2)</u> , below 1.0 2.0
Three-bedroom units	5% of total units 0.5/1.0 —See <u>Section 156.0309(d)(3)</u> , below 10% of total units 1.0/2.0 —See (3) below
<i>Eco-Roofs</i>	Up to 1.0 – See <u>Section 156.0309(d)(4)</u> , below
<i>Employment Uses</i>	See <u>Section 156.0309(d)(5)</u> , below
Public Parking <u>Child Care Facilities</u>	See (6) below See <u>Section 156.0309(e)(6)</u> , below
<i>FAR Payment Bonus Program</i>	See <u>Section 156.0309(d)(76)</u> below, and Figure J
Sustainable Building	Up to 2.0 – See <u>Section 156.0309(d)(87)</u> , below
<i>Public Improvements along a Greenway</i>	2.0 (— See 156.0309(ed)(98), below)

- (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) The permitted *FAR* for a *development* containing affordable housing shall be calculated as follows:
Permitted *FAR* equals Pre-AHR bonus *FAR* minus the non-residential *FAR*, then multiplied by the AHR bonus percentage, then that total is added to the Pre-AHR bonus *FAR*.

For the purposes of the above calculation:

Pre-AHR bonus *FAR* means the Maximum *Base FAR* found in Figure H plus any additional *bonus FAR* ~~permitted in Figure K~~ earned through Section 156.0309(ed) and Section 156.0309(gf).

AHR bonus percentage means the percentage bonus for affordable housing found in Tables 143-07A, 143-07B, and 143-07C in the AHR.

- (ii) [No change in text.]

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- (iii) The maximum *FAR bonus* earned through the provision of affordable housing shall ~~not be restricted by and may be in addition to the maximum *FAR* limits shown in Figures H, K, and L~~ (other bonuses may be utilized up to these limits as provided elsewhere in this Section) be in addition to any other increase in *density* allowed in this Division.
- (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, or Drive-Through Restaurants, and those uses are to be replaced with residential *development*, an additional *density bonus*

of 50 percent shall be added to the AHR bonus percentage.

- (C) For *development* proposing to utilize Section 143.0720(i)(9) providing for a 100% *density* bonus for micro-unit *development*, the *development* must first utilize other *FAR* bonus programs as listed in Section 156.0309(ed) to achieve a minimum *FAR* bonus of 3.0. ~~If the *bonus FAR* permitted in Figure K is less than 3.0, then the *bonus FAR* in Figure K shall be required.~~

- (2) *Urban Open Space. Development* that reserves a portion of their site for the *development* of public *urban open space* may qualify for a *FAR bonus* of 1.0 or 2.0, as specified in Table 156-0309-A 4.0, or 6.0, subject to the following criteria:

- (A) ~~The *urban open space* shall be designed to meet the criteria listed in the Downtown Design Guidelines. 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.*
- (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.

(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.

(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.

(v) *Development* that includes either a public restroom

building containing a minimum of 2 stalls; a

performance/event space consisting of a minimum

of 5,000 square feet with seating, lighting and

utilities; or museum space consisting of a minimum

of 30,000 square feet to be made available at no

cost to a not-for-profit organization for a minimum

of 30 years, shall receive an *FAR Bonus* of 6.0.

- (B) The *urban open space* shall be open to the general public at least between the hours of 7:00 a.m. and 9:00 p.m. every day, with the exception of museum space, which may have limited hours but at a minimum must be open to the public

at least 24 hours per week. The *urban open space* area shall have *signs* indicating that the public is welcome and the hours of closure, if applicable.

(C) Either a public recreation easement or CC&Rs shall be recorded on the property providing for the *development* and on-going maintenance of the *urban open space* area to City standards in perpetuity. These provisions of the *CC&Rs* shall be approved by the City Manager and the City Attorney's Office.

(3) Three-*Bedroom* Units. To encourage larger *dwelling units* and accommodate larger *families, developments* that provide at least five three -*bedroom* units, ~~comprising a minimum of 10 percent of the total amount of residential *dwelling units* within the *development* with each *bedroom* containing a minimum of 70 square feet and have *CC&Rs* recorded on the property ensuring the number of *bedrooms* in those units~~ shall be entitled to a *FAR bonus*, subject to the following criteria:

(A) ~~There shall be at least five three *bedroom dwelling units* within the *development*;~~

(B) ~~Each *bedroom* in the *dwelling unit* use to earn the *FAR bonus* shall contain a minimum of 70 square feet, with additional area for an enclosed closet;~~

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- ~~(C)~~ ~~CC&Rs shall be recorded on the property ensuring the number of *bedrooms* in the units used to earn the *FAR bonus* shall not be reduced;~~
- ~~(DA)~~ ~~Development providing at least 50~~10 percent of the ~~gross floor area~~ for residential use may earn a ~~*FAR bonus* of 0.5 or 1.0~~ the total amount of *dwelling units* within the development as three-bedroom units shall receive a *FAR bonus* of 1.0.
- ~~(EB)~~ ~~Development providing at least 80~~20 percent of the ~~gross floor area~~ for residential use may earn a ~~*FAR bonus* of 1.0 or 2.0~~ total amount of *dwelling units* within the development as three-bedroom units shall receive a *FAR bonus* of 2.0.
- ~~(C)~~ Development providing at least 50 percent of the total amount of *dwelling units* within the development as three-bedroom units, with at least 20 percent of those units affordable up to 30 percent of 150 percent of the area median income, shall have no limit on *density*.

- (4) *Eco-Roofs*. *Eco-roofs* reduce storm water run-off, lower energy consumption, counter the increased heat of urban areas, and provide visual interest. To encourage landscaped and ecologically designed roof tops, a *FAR bonus* may be earned based on the amount of *eco-roof* area. ~~The *Eco-roof*~~ area only includes the

planted or landscaped area that is designed to sustain and support vegetation. Documentation, drawings, and specifications must be provided to the City Manager prior to the issuance of a building permit that describes all plant varieties, soil depths, soil content, water retention systems, and supporting structural systems.

(A) ~~The amount of *FAR bonus* allowed for a given development depends on the amount of *eco-roof* coverage in relation to the building's footprint above 30 feet from *grade* as follows:~~An *FAR Bonus* of 0.5 shall be granted if the total area of an *eco-roof* exceeds 50 percent of the building's footprint. An additional *FAR Bonus* of 0.5 shall be granted for an *eco-roof* area that is designed to be accessible to the building occupants and which remains accessible through the recording of CC&Rs pursuant to Section 156.0309(e)(4)(B).

- (i) ~~If the total landscaped area of *eco-roof* is 10 to 30 percent of the building's footprint, then each square foot of the *eco-roof* earns 1 square foot of additional floor area.~~
- (ii) ~~If the total landscaped area of *eco-roof* is 31 to 60 percent of the building's footprint, then each square foot of the *eco-roof* earns 2 square feet of additional floor area.~~

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- (iii) ~~If the total area of *eco-roof* exceeds 60 percent of the building's footprint, then each square foot of the *eco-roof* earns 3 square feet of additional *floor area*.~~
- (iv) ~~The maximum *FAR* which may be earned for an *eco-roof* is 0.5 *FAR*. However, an *eco-roof* area that is designed to be accessible to the building occupants, and which remains accessible through the recording of *CC&Rs* pursuant to Section 156.0309(e)(4)(B), may earn a maximum *FAR* of 1.0.~~

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

- (5) *Employment Uses*. To encourage the *development* of *employment uses* in the Centre City Planned District, a *FAR bonus* may be earned for the provision of *employment uses* within the *development*. In the Employment Overlay District, *development* containing 100 percent *employment uses*, excluding *hotel/motel* uses, ~~may increase their *FAR* by the maximum *FAR* illustrated on Figure L~~ shall have no limit on *FAR*. In all other areas of the Centre City Planned District, any *development* that contains at least 50 percent *employment uses*, excluding *hotel/motel* uses, ~~may increase their maximum *FAR* to the maximum *FAR* illustrated in Figure L~~ shall receive an *FAR bonus* of 50 percent and may utilize the

development regulations within the Large Floorplate Overlay District.

- (6) ~~Public Parking. One square foot of *FAR bonus* may be earned for every square foot of below *grade* parking area made permanently available for public use. A public parking easement shall be executed for such facilities, with restrictions and covenants acceptable to City Manager and the City Attorney's Office.~~ *Child Care Facilities. Development that includes a child care facility in compliance with the requirements of Section 141.0606 and will maintain an 'E' occupancy permit for a minimum of 20 years from the time of construction permit issuance will receive an FAR bonus at the rate of 20 square feet of additional gross floor area for each 1 square foot of gross floor area devoted to the child care facility. CC&Rs shall be recorded on the property ensuring the maintenance of the "E" occupancy.*

- (7) [No change in text.]

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

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

- (C) ~~CC&Rs~~ *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*.

~~These provisions of the CC&Rs shall be approved by the City Manager and the City Attorney's Office. 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. If the applicant fails to submit documentation, equivalent payment shall be made to the FAR Bonus Fund.~~

- ~~(D) If an applicant applies for an extension of time under Section 156.0304(e)(1)(F), the development shall be subject to all applicable provisions of Section 156.0309(e)(8) at the time the application for the extension is filed.~~

- ~~(E) LEED® Certification Performance Guarantee.~~
~~Applicants requesting an FAR Bonus who propose to utilize LEED® certification shall, prior to issuance of any Building Permits, provide a financial surety, deposit, or other suitable guarantee approved by the City Manager and the City Attorney's Office to ensure that the applicant completes the LEED® certification for the development as proposed to obtain an FAR Bonus under this section.~~
~~LEED® certification must be demonstrated through an independent report provided by the USGBC that confirms achievement of a LEED® Silver or Gold (or higher) level of~~

~~performance. The financial surety, deposit, or other suitable guarantee shall be in an amount equivalent to the value which would be required to purchase an equivalent amount of *FAR* under the *FAR* Payment Bonus Program, including any subsequent amendments in effect at the time of the *development permit* application. 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 as proposed under this section.~~

~~If the *applicant* fails to submit a timely report or demonstrate *LEED*® certification, payment shall be deducted against the financial security, deposit, or other suitable guarantee and deposited in the *FAR Bonus* Fund established under the *FAR* Payment Bonus Program. The amount of payment shall be calculated according to the following formula:~~

$$P = FAR \$ \times ((LCP - CPE) / LCP)$$

~~*P* = the payment amount which shall be paid to the *FAR Bonus* Fund~~

~~*FAR \$* = the amount of money which would be required to purchase *FAR* under the *FAR* Payment Bonus Program~~

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~~LCP = LEED® Certification Points needed to achieve the proposed LEED® certification level (Silver or Gold)~~

~~CPE = LEED® Certification Points actually earned by the development as certified by the USGBC~~

~~All funds provided by the applicant for the LEED® certification surety, deposit, or other suitable guarantee that are not paid to the FAR Bonus Fund shall be refunded to the applicant. In the event that the applicant submits a timely report and demonstrates the necessary level of LEED® certification for the applicant's desired FAR Bonus, the entire amount of the surety, deposit, or other suitable guarantee shall be refunded to the applicant.~~

(9) [No change in text.]

(fe) Exemptions from FAR Calculations

The following exemptions apply to the calculations for FAR:

- (1) *Historical Buildings.* The floor area within the historic building envelope of any designated historical resource shall not be counted as gross floor area for the purposes of calculating the FAR for the development, if the designated historical resource is preserved, rehabilitated, restored, or modified and the development results in no more than minor alterations to the designated historical resource consistent with the Secretary of the Interior's

Standards and Guidelines, or the *development* is approved through the Site Development Permit procedures, in accordance with Chapter 14, Article 3, Division 2 of the Land Development Code.

The *floor area* within the historic *building envelope* may also be exempted from the *FAR* calculations if the *designated historical resource* is reconstructed consistent with the Secretary of the Interior's Standards and Guidelines as part of the *development*.

Further, any remaining *FAR* on a *premises* containing a *designated historical resource* may be transferred in its entirety to any other *premises* within the Downtown Community Planning Area.

Appropriate *CC&Rs* shall be recorded to memorialize the reallocation of *FAR*.

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

(g) *Transfer of Development Rights (TDR) Program*

- (1) Purpose. The purpose of the *TDR* program is to ~~promote the creation of additional *public park* land downtown to meet the needs of residents, workers, and visitors within the Centre City Planned District and to encourage the preservation, restoration, and rehabilitation of *designated historical resources*. The City finds that the growing concentration of *development* in downtown requires the creation of new park land areas for the recreational and aesthetic benefit and enjoyment of the public, and that *historical resources* contribute to the quality of the urban~~

~~environment~~ encourage opportunities for the design, construction, and operation of additional publicly accessible parks within the Downtown Community Planning Area while also incentivizing the construction of additional housing and employment.

- (2) Eligible Sites. Eligible *receiving sites* and *sending sites* must both be within the Centre City Planned District. Eligible *receiving sites* are those sites identified in Figure K. Eligible park *TDR sending sites* are those sites identified as future *public park* sites in the Downtown Community Plan and in Figure C. Eligible *historical resource TDR sending sites* must contain a *designated historical resource* and qualify under either (A) or (B) below: where any portion of the *premises* is zoned for residential, commercial, or mixed-use. Eligible *sending sites* are those sites where a *development* designs and constructs an onsite publicly accessible park that satisfies or exceeds the park standard identified in the Parks Master Plan Area.

- (A) ~~The *sending site* is located on the same block as the *receiving site*; or~~
- (B) ~~The *historical resource* is in need of preservation, rehabilitation, or restoration and the ability to transfer *gross floor area* is needed to assist in the funding of such preservation, rehabilitation, or restoration. In order to qualify as a *sending site*, the *applicant* must submit a study~~

~~acceptable to the City Manager verifying the financial costs of such rehabilitation and preservation and the need for the transfer of *gross floor area* as a funding source.~~

~~The City Manager has sole discretion to approve any transfer of *gross floor area* to a *receiving site*. The City Manager has sole discretion to approve a transfer of *gross floor area* to a *TDR* bank to be maintained and tracked by the City.~~

~~The amount of *gross floor area* approved for transfer shall be determined based on the permitted transferable *gross floor area*, the extent of the rehabilitation and preservation costs needed for the *historical resource*, and the potential for appropriate future *development* on the *sending site* to achieve the goals and policies of the Downtown Community Plan and this Section.~~

- (3) ~~Preservation Agreement. *Applicants* or owners of *sending sites* taking part in the *historical resources TDR* program, shall enter into a Preservation, Rehabilitation, Restoration and Maintenance Agreement or similar agreement with the City, which guarantees the treatment of the *historical resource* consistent with the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties. The agreement shall also require the reconstruction of the *historical resource* according to the~~

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~~Secretary of the Interior's Standards for Historic Properties if the historical resource is destroyed by fire, natural disaster, or act of a public enemy.~~

(43) Allowable Transfers. All of the allowable *gross floor area* on a *sending site* may be transferred in its entirety, to a single *receiving site* or entity or in separate increments to several *receiving sites* in accordance with the procedures of Section 156.0309(g)(7). ~~Gross floor area may be transferred either directly from the owner of the sending site to the owner of a receiving site, or to a TDR bank maintained and tracked by the City Manager on behalf of the City. The City may acquire the gross floor area from the owner of a sending site and maintain such gross floor area for subsequent transfers to receiving sites.~~

(54) Permitted Transferable Gross Floor Area. The *gross floor area* that may be transferred shall be calculated as the permitted *gross floor area* based on the *sending site's* size and permitted maximum *base FAR*, as illustrated in Figure H. For transfers involving ~~sending sites containing designated historical resources, the gross floor area of any non-designated structure remaining on the sending site shall be deducted from the permitted transferable gross floor area in which the applicant enters into a maintenance~~

agreement to provide the long-term maintenance of the park in accordance with the Parks Master Plan, the amount of permitted transferable *gross floor area* shall be increased by 50 percent.

~~(6) Example Calculations:~~

~~Park Example: *Sending Site* = 10,000 square feet~~

~~Maximum base *FAR* = 6~~

~~Permitted Transferable *gross floor area* = 60,000 square feet~~

~~*Historical Resource* example:~~

~~*Sending Site* = 10,000 square feet~~

~~Maximum base *FAR* = 6~~

~~*Gross floor area* of Non-Historical *Structure* = 20,000 square feet~~

~~*Gross floor area* of Historical *Structure* (exempted from *FAR* calculations) = 20,000 square feet~~

~~Permitted Transferable *gross floor area* = 40,000 square feet.~~

~~(75) Procedures. The following procedures are required for any transfer of *gross floor area*:~~

~~(A) through (E) [No change in text.]~~

§156.0310 Development Regulations

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

(c) Building Height. The overall height of a building shall be measured from the average of the highest and lowest *grades* of the site to the top of the parapet of the highest habitable *floor*. Uninhabited roof *structures* up to 30 feet high that conceal mechanical equipment and elevator and stair

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overruns are not included in the measurement of the building height if they do not project above a 45-degree plane inclined inward from the top of the parapet(s) of the nearest building wall(s). The maximum heights of buildings are illustrated in Figure F, with the following additional restrictions:

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

(3) ~~For sites within the Airport Approach Overlay Zone, maximum building heights shall be determined by the most recently adopted Airport Land Use Compatibility Plan. Building heights shall not be limited by the former approach path for the decommissioned Runway 13-31.~~

(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) *Urban open space* ~~subject to the Downtown Design Guidelines~~;

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

(vi) Portions of *development* sites associated with documented active faults or no-build easements may be exempted from the *street wall* requirements;

~~or~~

(vii) Side yard setbacks up to 5 feet in width may be approved through *design review*; or

(viii) When a transformer is required to be located behind the property line, an exception may be approved through design review.

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

Table 156-0310-B: VIEW CORRIDOR SETBACKS

[No change in text.]

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

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

(g) Residential *Development* Requirements

The following standards apply to residential *developments* that contain fifty or more *dwelling units*:

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

(4) ~~Storage. Each *development* shall provide a personal storage area in accordance with Chapter 13, Article 1, Division 4 of this Code.~~

(54) Pet Open Space. Each *development* shall provide a minimum area of 100 square feet for every 200 *dwelling units*, or portion thereof, improved for use by pets and clearly marked for such exclusive use. Such areas shall include permeable surfaces, a hose bib, and be drained to the public sewer system (except for *at-grade* lawn areas).

(65) Commercial buildings that have been used for commercial uses for at least five years may be converted to a residential use without meeting the requirements listed in Section 156.0310(g)(1) through (54).

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

(j) Refuse, Organic Waste, and Recyclable Materials Storage
Development shall be subject to the Refuse, Organic Waste, and Recyclable Materials Storage Regulations in Sections 142.0805 through 142.0830, except that all storage areas shall be internal to the building and the minimum size requirements in Table 142-08B and Table 142-08C shall not apply. Recyclable materials and organic waste storage areas, shall, at a minimum, be equal in size to the area provided for refuse storage.

§156.0311 Urban Design Regulations

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~~Focusing on how buildings and the spaces between them are consciously designed and integrated, t~~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) [No change in text.]
- (b) Building Materials. The *building base* shall be clad in durable high-grade materials (stone, tile, metal, brick, glass or similar) from at least the *floor* slab of the second *floor* down to 1 inch of the finished sidewalk *grade*, and these materials shall wrap corners of exposed interior *property line* walls a minimum of 3 feet. No stucco is allowed. Exit corridors, garage openings, and all recesses shall provide a finished appearance to the *street* with *street* level exterior finishes fully wrapping into the openings a minimum dimension of 10 feet.

Designated historical resources are exempt from these standards, but shall utilize materials consistent with the historical significance of the resource(s) as established through the review and approval processes for *historical resources* contained in Chapters 11 through 14 of the Land Development Code.

- (c) 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.

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- (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 ~~approved by the decision maker for the development approval(s) in accordance with Section 156.0304(e).~~

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

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

(h) *Encroachments* into the *Public Rights-of-Way*

(1) [No change in text.]

(2) Oriel Windows. Oriel windows are subject to the following standards:

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

(D) Oriel windows (measured to finished exterior dimension) shall not project more than 4 feet into a *public right-of-way* and shall not extend beyond the curb line.

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

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

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

§156.0313 Parking, Loading, Traffic and Transportation Demand Management Standards

(a) Residential *Off-Street Parking Space* Requirements.

The parking requirements in Table 156-0313-A and Section 156.0313(a) shall apply to residential uses. *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. The provision of loading areas for residential uses shall
not be required.

**TABLE 156-0313-A
RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS**

[No change in text.]

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

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

(f) Existing Buildings

Buildings may be converted from one land use to another without
providing additional parking spaces. ~~The proposed expansion of any
building that cannot meet the parking requirements may be granted a
deviation from the parking requirements by the City Manager upon
approval of a Neighborhood Use Permit in accordance with Chapter 12,
Article 6, Division 2 of this Code.~~

(g) [No change in text.]

(h) Surface Parking ~~Lot~~ Lot Standards

Surface parking ~~lots~~ lots are interim land uses and shall be designed
according to the following standards:

(1) ~~For sites with an approved development permit or those designated
for as a public park in the Downtown Community Plan, temporary
surface parking lots may be approved for a maximum period of
two years. The parking lots shall be improved with appropriate
paving, striping, and security lighting to City standards. 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) Along all public *street frontages*, a minimum 36-inch high black or green vinyl-coated chain link *fence* is required. The *fence* shall provide pedestrian gaps at intervals of no more than 100 feet.
- (B) One tree shall be planted for every 12 parking stalls. All trees shall be planted in at least 36-inch containers. Along all public *street frontages* a double-row of canopy trees shall be provided at intervals of 10 feet.
- (C) Parking lots shall be improved with appropriate paving, striping, and security lighting to City standards.
- (D) A Conditional Use Permit for a temporary surface parking lot may not be renewed.

~~(2) For sites without an approved *development* permit or for parking lots improved and operated for a period of over two years, the following standards shall apply in addition to those listed above for temporary surface parking lots:~~

- ~~(A) Along all public *street frontages*, a minimum 36-inch high black or green vinyl-coated chain link *fence* is required. The *fence* shall provide pedestrian gaps at intervals of no more than 100 feet.~~

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- (B) ~~One tree shall be planted for every 12 parking stalls. All trees shall be planted in at least 36 inch containers.~~
- (32) Every vehicular access point to a public parking lot ~~structure~~, shall have at least one 4 by 4 foot, internally illuminated, cabinet *sign*, clearly visible to pedestrians and motorists with a parking symbol consisting of a white letter “P” on a green background. ~~Additional space may be added to the cabinet *sign* to indicate whether the lot is full, or provide information on prices, ownership, management, hours of operation, and whether it is for private or *public parking*. The 4 by 4 foot area shall not be reduced or encroached upon by this additional information. The 4 by 4 foot area shall not be included in calculations regarding other *signs* for the parking lot.~~
- (i) [No change in text.]
- (j) 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.
- ~~Parking spaces provided in excess of the number of spaces required may deviate from the standards, but the final and permanent size of any non-standard spaces for exclusive use by a *dwelling unit* in a residential *development* shall be disclosed to the resident prior to the execution of a sales or rental agreement.~~
- (k) through (n) [No change in text.]

Table 156-0313-D
TRANSPORTATION DEMAND MANAGEMENT (TDM)

[No change in text.]

§156.0315 Separately Regulated Uses

(a) [No change in text.]

(b) Off-Site Alcohol Beverage Sales

The sale of alcoholic beverages for off-site consumption shall be subject to the following regulations and permits, in addition to applicable state and local regulations:

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

(3) *Brewpub tasting rooms* offering alcoholic beverages manufactured by the business for off-site consumption as an *accessory use* shall be ~~required to obtain a Neighborhood Use Permit in accordance with Process Two,~~ subject to the following regulations:

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

(4) *Brewery tasting rooms* offering alcoholic beverages manufactured by the business for off-site consumption shall be ~~required to obtain a Conditional Use Permit in accordance with Process Three~~ subject to the following regulations:

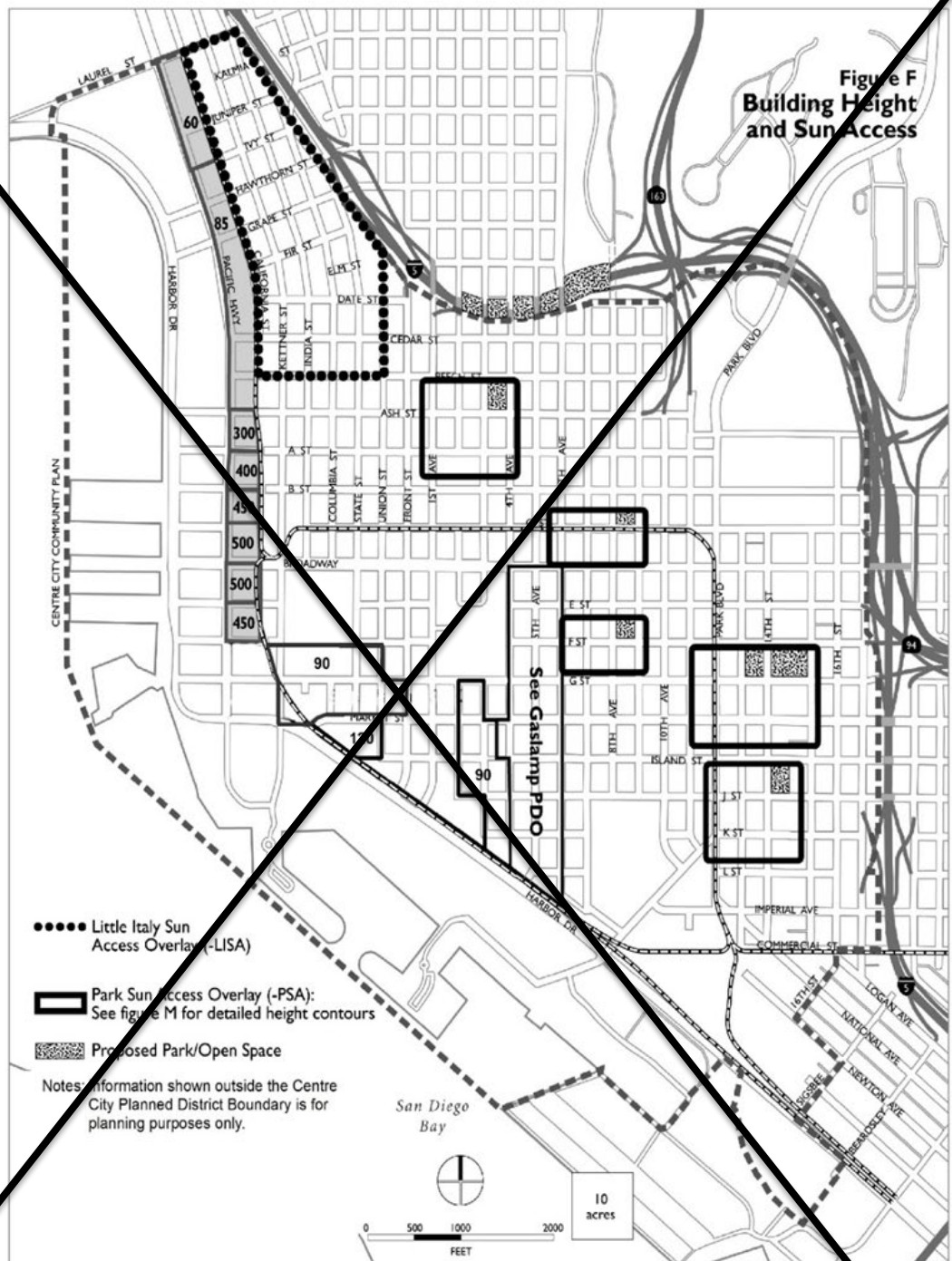
(A) through (D) [No change in text.]

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

Figures B through E

[No change in text.]

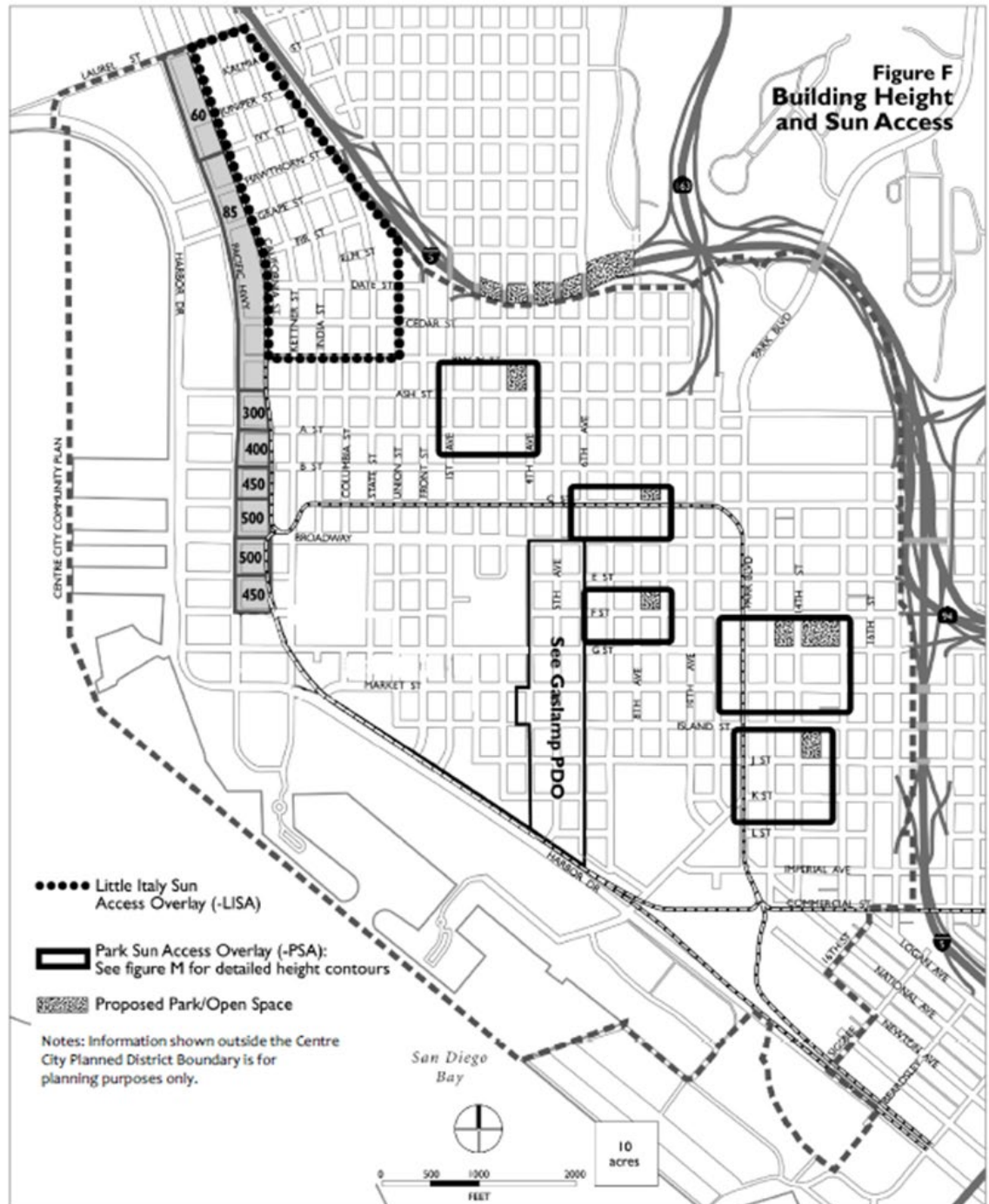
Figure F



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San Diego Municipal Code
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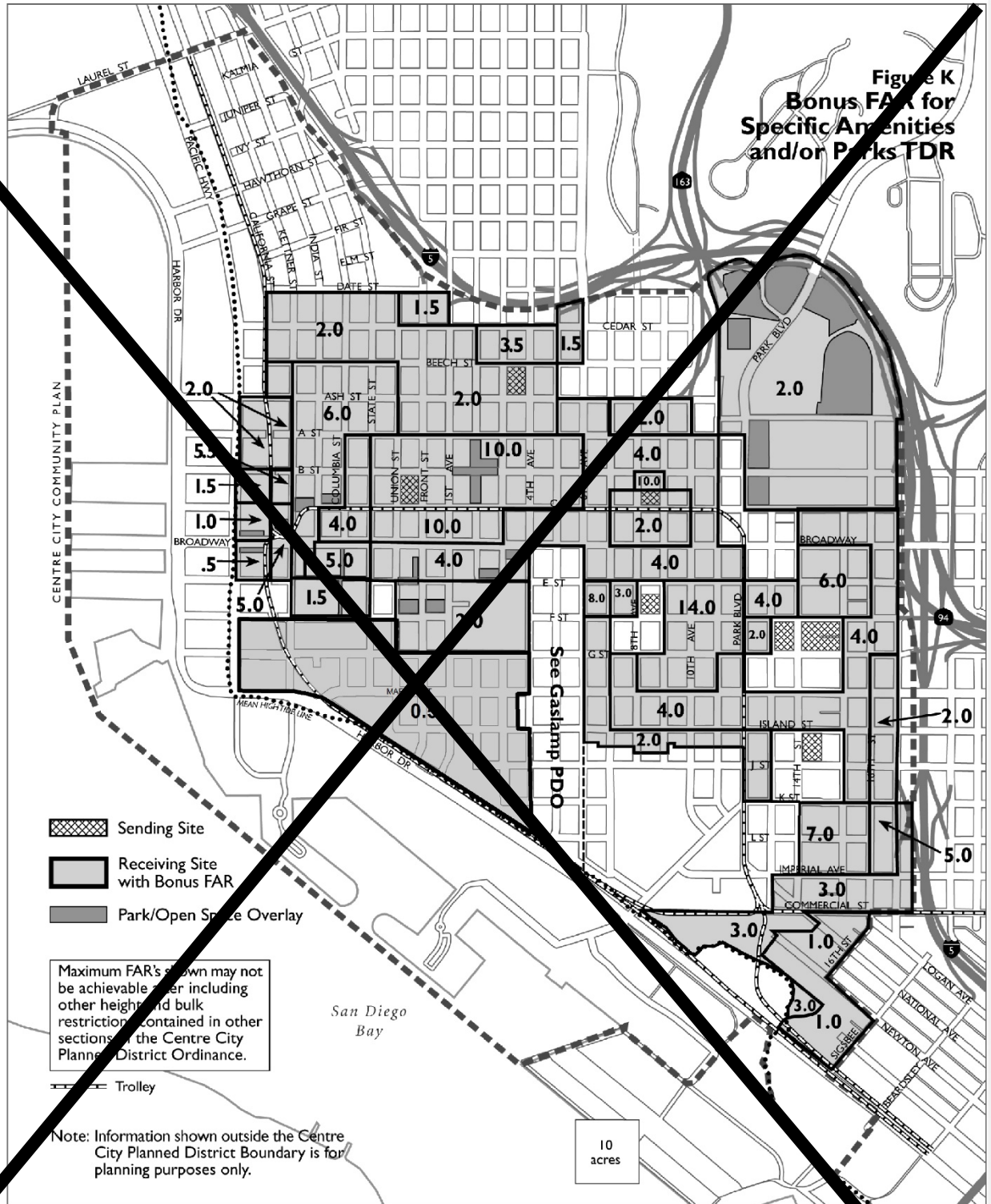
Chapter 15: Planned Districts



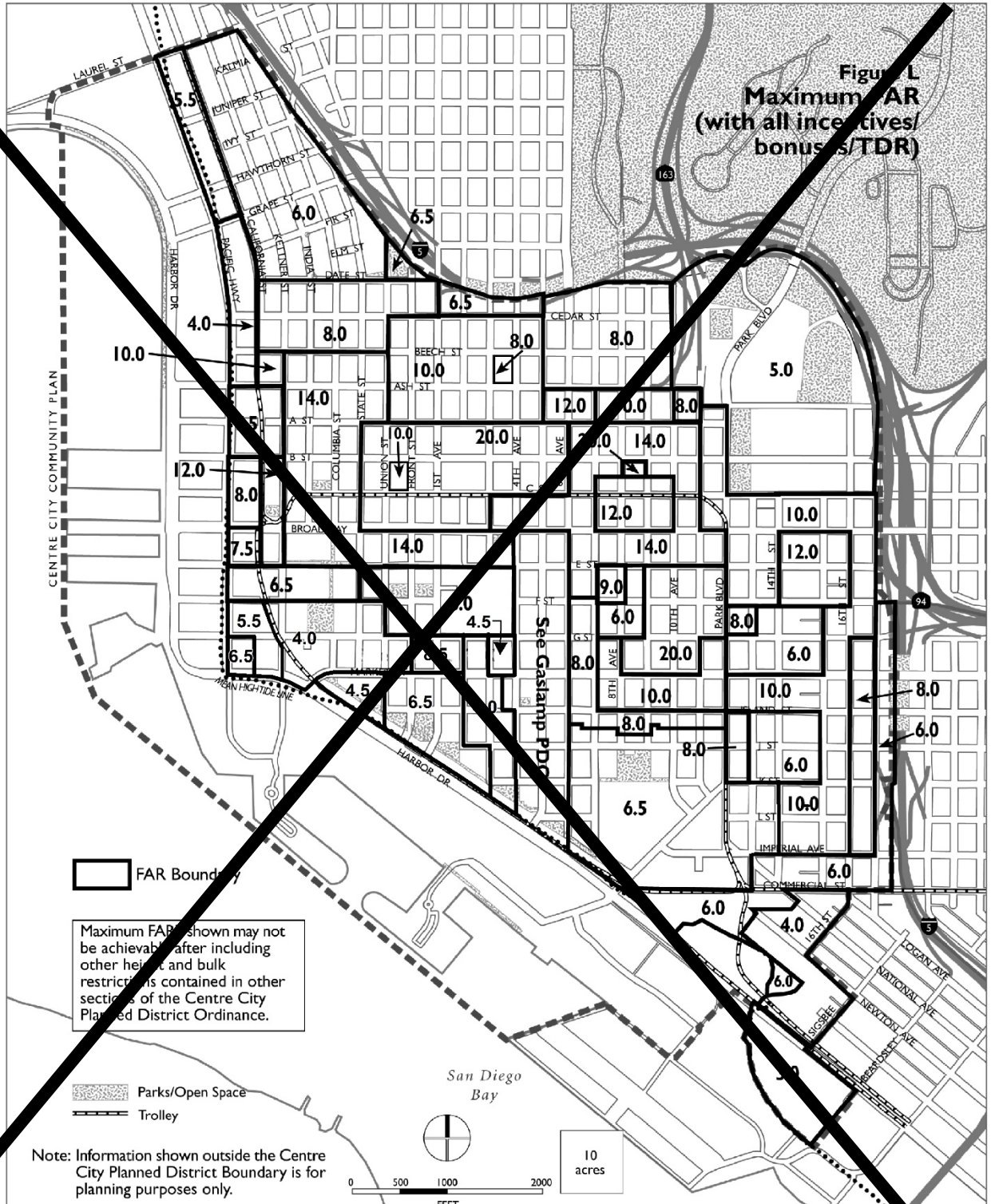
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Figures G though J

[No change in text.]



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Figures M through N

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