

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 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 4 BY AMENDING SECTION 126.0402; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0502; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 1 BY AMENDING SECTION 132.0102; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14 BY AMENDING SECTIONS 132.1402 AND 132.1403; AMENDING CHAPTER 13, ARTICLE 2 BY ADDING NEW DIVISION 16 AND NEW SECTIONS 132.1601, 132.1602, 132.1605, 132.1610, 132.1615, 132.1620, 132.1625, AND 132.1630, AND 132.1635; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 141.0621; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0302; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 9 BY AMENDING SECTION 143.0920; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 10 BY AMENDING SECTION 143.1025; AND AMENDING CHAPTER 14, ARTICLE 3, DIVISION 14 BY AMENDING SECTION 143.1410, RELATING TO THE COLLEGE AREA COMMUNITY PLAN UPDATE.

§113.0103 Definitions

Abutting property through Parking, shared (See *shared parking*), *off-street* [No change in text.]

Parking space, off-street (see ~~off-street parking space~~ off-street parking space)

Parkway means the area within the *public right-of-way* between the curb of a *street* and the *public right-of-way* line. The parkway includes the following zones:

Frontage zone means the section of the public right-of-way between the thoroughway zone and the public right-of-way line.

Furnishings zone means the section of the public right-of-way between the curb and the thoroughway zone in which street trees, lights and street furniture are provided. Street furniture, including but not limited to, trash and recycle receptacles, and bicycle parking.

Thoroughway zone means the section of the public right-of-way between the furnishings zone and the frontage zone or the building fronting the street with a sidewalk for pedestrian travel only and clear of obstacles, including, but not limited to, driveway aprons.

Penthouse through Public service easement [No change in text.]

Public space means a publicly accessible outdoor area that is adjacent to or accessible from a public right-of-way or transit station that provides opportunities for public use and recreational activities. A public space shall have signs visible from the adjacent public right-of-way or transit station stating that the public space is open to the public. Public space can include seating, shade structures and landscaping. Public spaces include the following types:

Greenway means a public space parallel to the public right-of-way with a pedestrian pathway to enhance the thoroughway zone. See Chapter 15, Article 6, Division 3, section 156.0302 for the definition of Greenway within the Centre City Planned District.

Paseo means a pedestrian path that provides a connection from a public right-of-way to public spaces or public parks abutting or within a premises.

Plaza means a public space primarily composed of hardscape at ground level with a building fronting at least one side in the front or side yard.

Podium means a public space on an upper story of a building or parking structure with public access to the ground level and at least one building entrance. A pedestrian connection can be provided to an adjacent elevated transit station or development.

Urban green means a public space primarily composed of multi-purpose turf or other active usable ground cover at ground level with a building fronting at least one side in the front or side yard.

Public vantage point through Yard [No change in text.]

§126.0402 When a Neighborhood Development Permit Is Required

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

(t) A Neighborhood Development Permit is required for development that deviates from the required area for public spaces as described in Section 132.1615(b)(1).

§126.0502 When a Site Development Permit is Required

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

(c) A Site Development Permit decided in accordance with Process Three is required for the following types of development.

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

(9) In the Community Enhancement Overlay Zone, as described in Section 132.1602, *development* in the boundaries shown on a map identified in Section 132.1602 that does not comply with the *development* standards in the overlay zone, except that if the *development* is affordable housing, an in-fill project, and/or a sustainable building, as described in Section 143.0915, shall be processed in accordance with Section 126.0503 and Section 132.1602, Table 132-16B.

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

§132.0102 Overlay Zone Designations Table 132-01A

Overlay zones are designated on the Official Zoning Map as indicated in Table 132-01A. The overlay zone designation is shown after the base zone designation on the Official Zoning Map.

**Table 132-01A
Overlay Zone Designations**

Division Number	Title of Overlay Zone	Map Designation
Division 2 through Division 15	[No change in text.]	[No change in text.]
<u>Division 16</u>	<u>Community Enhancement Overlay Zone</u>	<u>CEOZ</u>

§132.1402 Where the Community Plan Implementation Overlay Zone Applies

(a) This overlay zone applies to properties that are identified in a community plan as areas requiring supplemental development regulations or processing of a *development permit* and that have been incorporated by ordinance into this overlay zone. Table 132-14A lists the community plan areas in which this overlay zone has been applied and the corresponding

rezone maps that indicate which properties are within the boundaries of the overlay zone. These maps are filed in the office of the City Clerk. The properties within this overlay zone are shown generally on Diagrams 132-14A through 132-14U.

Table 132-14A
Community Plans with Property in the Community Plan Implementation Overlay Zone

Community Plan	Map Number Showing Boundaries of CPIOZ Area
Barrio Logan (See Diagram 132-14T) through Clairemont Mesa (See Diagram 132-14 ^a)	[No change in text.]
College Area (See Diagram 132-14Q)	B-4339
Encanto Neighborhoods (See Diagram 132-14O) through Uptown (See Diagram 132-14K)	[No change in text.]

(b) [No change in text.]

Table 132-14B
Community Plan Implementation Overlay Zone Applicability

[No change in text.]

§132.1403 Exception to the Community Plan Implementation Overlay Zone

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

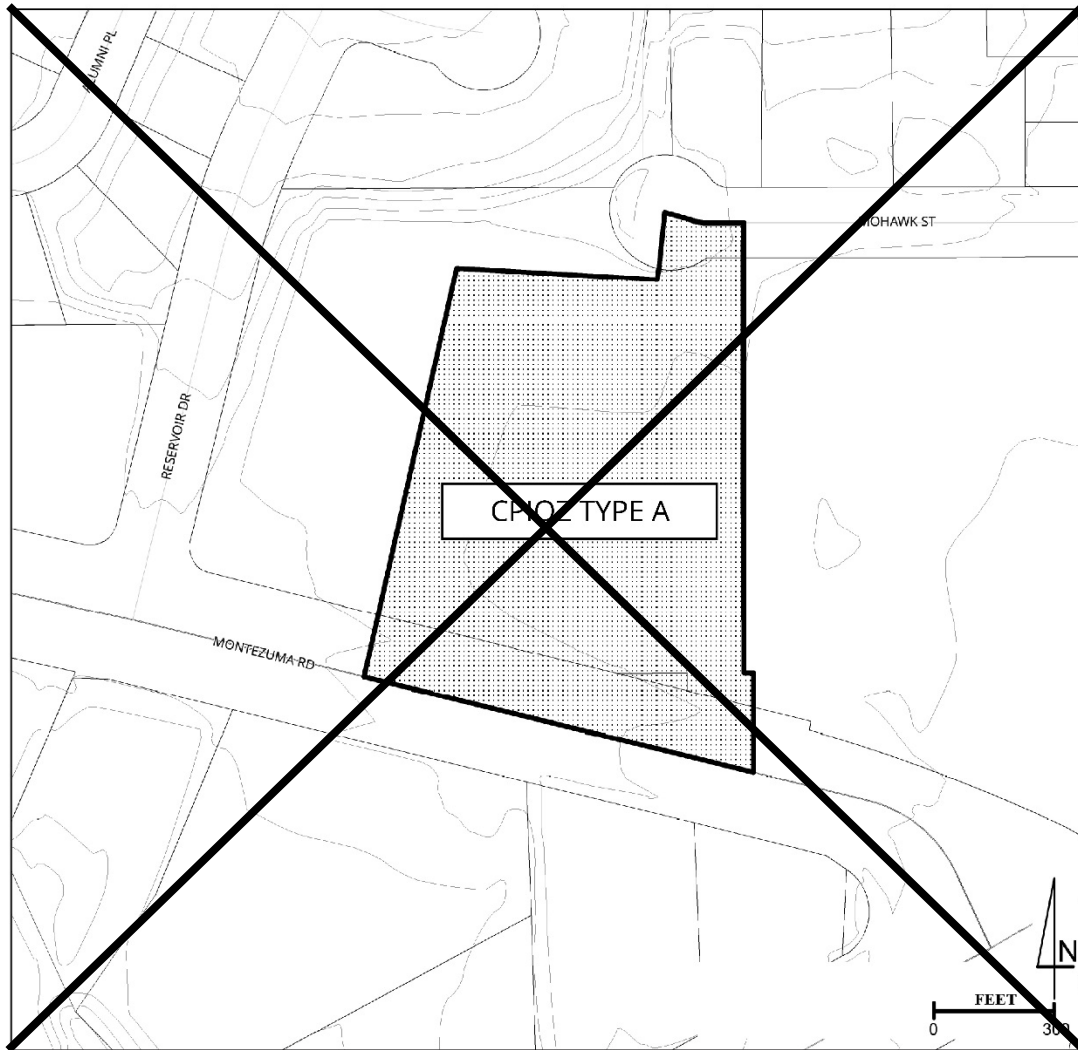


DIAGRAM 132-14Q
College Area Community Plan Implementation Overlay Zone

This is a reproduction of Map No. B-4339 for illustration purposes only.
(Added 7-9-2019 by O-21097 N.S.; effective 8-8-2019.)

[Editors Note: Amendments as adopted by O-21097 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21097-SO.pdf

DIAGRAM 132-14R through DIAGRAM 132-14U

[No change in text.]

Chapter 13: Zones

Article 2: Overlay Zones

Division 16: Community Enhancement Overlay Zone

§132.1601 Purpose

The purpose of the Community Enhancement Overlay Zone is to provide supplemental development regulations that are tailored to specific sites within community plan areas of the City which have increased allowed density and intensity as part of a community plan update or amendment. The intent of these regulations is to ensure that *development* provides community enhancements in locations which have benefitted from higher density and intensity near high-frequency transit stops, including additional pedestrian access, *public spaces*, and multimodal connectivity improvements.

§132.1602 Where the Community Enhancement Overlay Zone Applies

- (a) This overlay zone applies to properties that are identified on Diagrams 132-16A through 132-16B. Table 132-16A lists the community plan areas in which this overlay zone has been applied and the corresponding maps that indicate which properties are within the boundaries of the overlay zone. These maps are filed in the office of the City Clerk.

Table 132-16A

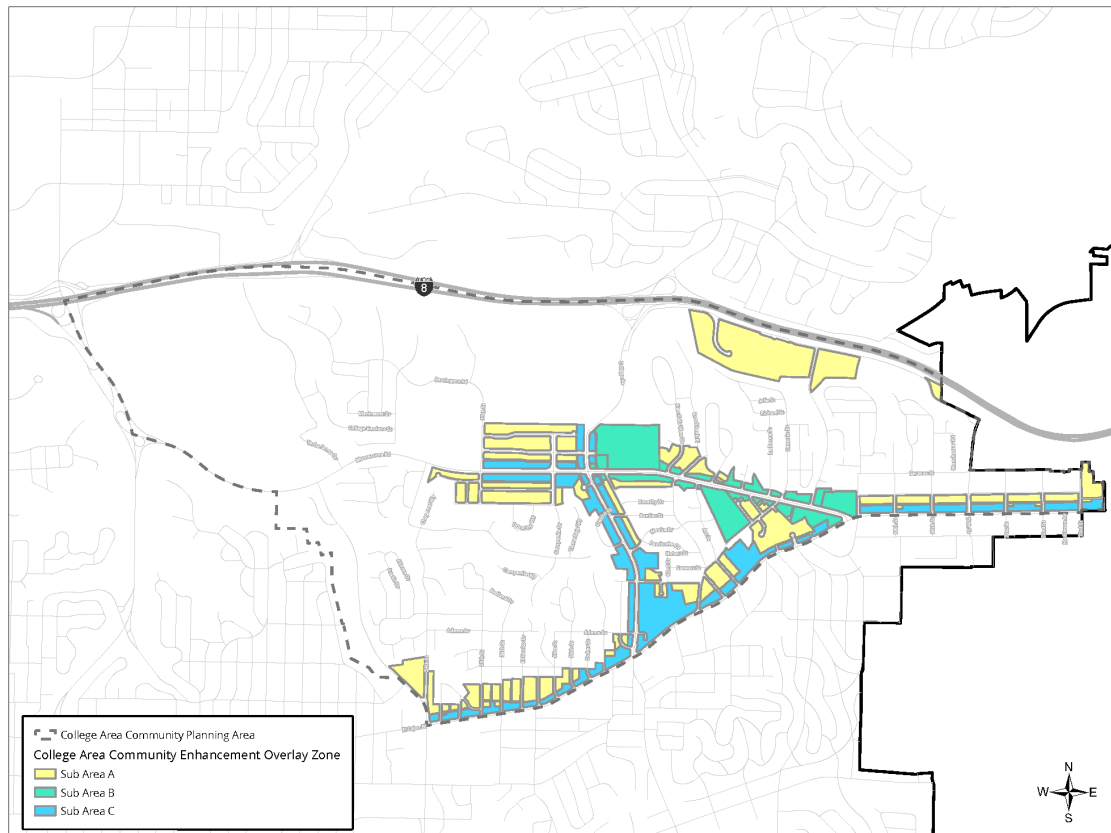
Community Plans with Property where Community Enhancement Overlay Zone Apply

<u>Community Plan</u>	<u>Map Number Showing Boundaries of CEOZ Area</u>
<u>College Area (See Diagram 132-16B)</u>	<u>C-1039</u>

- (b) Table 132-16B shows the location of the supplemental regulations and the type of permit required by this division, if any, for specific types of development in this overlay zone.

Table 132-16B
Community Enhancement Overlay Zone Applicability

<u>Type of Development</u>	<u>Supplemental Development Regulations</u>	<u>Required Permit Type/ Decision Process</u>
(1) <u>Interior building improvements that do not involve a change in use, or provide additional floor area, or improvements that do not require a construction permit.</u>	<u>None—Exempt from this division</u>	<u>No additional permit required by this division</u>
(2) <u>Any development within the boundaries shown on a map identified in Section 132.1602, where the proposed development complies with the supplemental development regulations of this division.</u>	<u>See the applicable requirements of this division</u>	<u>No additional permit required by this division</u>
(3) <u>Any development within the boundaries shown on a map identified in Section 132.1602, where the proposed development is affordable housing, an in-fill project, and/or a sustainable building as described in Section 143.0915 and does not comply with the supplemental development regulations of this division.</u>	<u>See the applicable requirements of this division</u>	<u>Neighborhood Development Permit/ Process Two subject to Section 143.0920(d).</u>
(4) <u>Any development within the boundaries shown on a map identified in Section 132.1602, where the proposed development does not comply with the supplemental development regulations of this division.</u>	<u>See the applicable requirements of this division</u>	<u>Site Development Permit/ Process Three</u>



College Area Community Enhancement Overlay Zone
This is a reproduction of Map No. C-1039 for illustration purposes only.

Diagram 132-16B

College Area Community Enhancement Overlay Zone

This is a reproduction of Map No. C-1039 for illustration purposes only.

§132.1605 Exception to the Community Enhancement Overlay Zone

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

§132.1610 Conflicts between Community Enhancement Overlay Zone and Other Regulations

- (a) If there is a conflict between the supplemental development regulations for the Community Enhancement Overlay Zone and the *development* regulations of the applicable base zone, the Community Enhancement Overlay Zone supplemental development regulation shall apply.
- (b) If there is a conflict between the supplemental development regulations for the Community Enhancement Overlay Zone and the *development* regulations adopted as part of a specific plan, the specific plan regulations shall apply.

§132.1615 **Public Spaces**

- (a) Applicability.
- (1) *Development on a premises* equal to or greater than 10,000 square feet and that proposes a total *gross floor area* of new *development* equal to or greater than a *floor area ratio* of 0.5 shall provide *public spaces* in accordance with this Section.
- (2) *Development on a premises* less than 10,000 square feet, if an *applicant* elects to provide *public spaces* in accordance with this Section, the *development* shall receive a *floor area ratio* bonus of 1.0.
- (3) A proposed *subdivision* of land equal to or greater than 10,000 square feet shall provide *public spaces* on all *lots* in accordance with this Section.
- (4) *Development* that qualifies for an exemption from the Citywide Park Development Impact Fees by constructing on-site park

improvements in accordance with Section 142.0640 and Council Policy 600-33 is exempt from this Section.

(b) Size.

(1) Development shall provide a minimum of 5 percent of the area of the premises as a public space, or 75,000 square feet, whichever is less.

(2) For development that exceeds the minimum required area of a public space for a premises, the development may receive a floor area ratio bonus of 0.2 for every 1,000 square feet of the provided public space up to a maximum of 5,000 square feet. The floor area ratio bonus for public space shall not exceed 1.0 and cannot be used with the floor area ratio bonus in section 132.1615(a)(2)

(3) For development on premises where resources such as important archaeological sites, traditional cultural properties, historical resources, or environmental sensitive lands limit the ability to meet the required area of a public space, the required area for the public space may be reduced to avoid the resource subject to approval of a Process Two Neighborhood Development Permit in accordance with sections 126.0402(t) and 126.0403, provided that the findings in section 126.0404(a) are met.

(4) If required stormwater, public utility, or transit infrastructure or facilities limit the ability to meet the required area for the public space, the required area for the public space may be reduced to

locate the required infrastructure or facilities to the satisfaction of the City Engineer.

- (3) The *applicant* may purchase a reduction in the required area of the *public space* at a rate of \$170 per square foot of reduction, which shall be increased, starting on July 1, 2026, and on each July 1st thereafter, based on the one-year change (from March to March) in the Construction Cost Index (CCI) for Los Angeles as published monthly in the Engineering News-Record, up to a maximum of 25 percent of the total required *public space* amenity size. Payment shall be deposited into the Citywide Park Development Impact Fee Fund prior to final inspection.

- (c) Type. An *applicant* shall satisfy the *public space* requirements through the provision of one or more of the following:

- (1) A *plaza*, *urban green*, or *podium* shall meet the following requirements:

- (i) A minimum area of 1,200 square feet; and
(ii) A minimum dimension of 20 feet in any direction.

- (2) A *greenway* shall have a minimum width of 8 feet measured perpendicular from the *parkway* to the *street wall* or in accordance with Table 132-16E.

- (3) A *paseo* shall have a minimum width of 8 feet or in accordance with Table 132-16G.

- (d) Amenities. A *public space* shall include amenities in accordance with

Table 132-16C and Table 132-16D.

- (1) Amenities in Category 2 shall satisfy two single amenities requirements in Table 132-16C.
- (2) A development shall not utilize the following amenity types more than once: Interactive/Technology Element; Placemaking Elements; Performance/Event/Cultural Space; Splash Pad; or Sports Court with Lighting.
- (3) A development less than 200,000 square feet may utilize either the Interactive/Technology Element amenity or Placemaking Elements amenity types. Use of both amenity types shall not be permitted.
- (4) An alternative compliance determination may be made by the City Manager for amenities not listed in Table 132-16D.
- (5) For development greater than 200,000 square feet , the applicant may purchase amenity points, up to a maximum of 30 percent of the total required amenity points based on the premise size of the development (with a minimum of 1 amenity point) at a rate of \$480,835 per amenity point, which shall be increased, starting on July 1, 2026, and on each July 1st thereafter, based on the one-year change (from March to March) in the Construction Cost Index (CCI) for Los Angeles as published monthly in the Engineering News-Record. Payment shall be deposited into the Citywide Park Development Impact Fee Fund prior to final inspection.

Table 132-16C
Public Space – Number of Required Amenities

<u>Premise Size</u>	<u>Required Amenities</u>
<u>Equal to or greater than 10,000 square feet but less than 100,000 square feet.</u>	<u>1 amenity</u>
<u>Equal to or greater than 100,000 square feet but less than 200,000 square feet.</u>	<u>2 amenities</u>
<u>Equal to or greater than 200,000 square feet but less than 400,000 square feet.</u>	<u>3 amenities</u>
<u>Equal to or greater than 400,000 square feet.</u>	<u>6 amenities</u>

Table 132-16D
Public Space Amenity Type

<u>Amenity Type</u>	<u>Required Amenity Features</u>	<u>Category</u>
<u>All-Weather Shade Cover/Pavilion with Tables and Seating</u>	<u>Minimum of 400 square feet and a minimum of two sets of fixed or movable tables and chairs. Shade covers shall not replace appropriate tree plantings or count toward tree canopy coverage.</u>	<u>1</u>
<u>Community Garden</u>	<u>Minimum of 1,500 square feet, containing at least 10 plots with a minimum of 80 square feet of soil area per plot, communal refuse/recycling area, and a dedicated water meter with hose bibbs.</u>	<u>1</u>
<u>Fitness Circuit</u>	<u>Minimum of 3 pieces of fitness equipment, clear signage and a connecting path.</u>	<u>1</u>
<u>Interactive/Technology Element</u>	<u>Provides features which can include, but are not limited to the following: publicly accessible Wi-Fi, solar panel furniture/feature, touchable information board, and smart kiosks, to the satisfaction of the City Manager. The element shall be accessible to the public during operating hours.</u>	<u>1</u>
<u>Multi-Purpose Natural Turf Area</u>	<u>Minimum of 10,000 square feet of continuous natural turf with a slope of 5 percent or less to support universal access. Multi-purpose turf area to be used for athletic competition shall provide a slope 2 percent or less.</u>	<u>1</u>
<u>Off-Leash Dog Area</u>	<u>Minimum of 2,000 square feet of fenced-in area.</u>	<u>1</u>
<u>Placemaking Elements</u>	<u>Minimum of 2 elements which can include, but are not limited to the following: artwork, interactive playscape, climbing structures, elements of historical or cultural</u>	<u>1</u>

<u>Amenity Type</u>	<u>Required Amenity Features</u>	<u>Category</u>
	<u>relevance, or community activation elements/games, to the satisfaction of the City Manager.</u>	
<u>Play Area</u>	<u>Minimum of 750 square feet with children’s play equipment and safety surfacing. Separate play areas shall be provided for children ages 2 to 5 and 5 to 12. A minimum of three play pieces shall be provided per play area.</u>	<u>1</u>
<u>Performance/Event /Cultural Space</u>	<u>Minimum of 2,500 square feet of paved area with seating for a minimum of 40 people, lighting, and utilities including power, data and sound.</u>	<u>2</u>
<u>Splash Pad</u>	<u>A Splash Pad (otherwise considered a “water playground”) measuring a minimum of 750 square feet.</u>	<u>2</u>
<u>Sports Court with Lighting</u>	<u>Minimum of one full court or two half-courts for sports, which can include but are not limited to the following: basketball, tennis, pickleball, and sand volleyball, to the satisfaction of the City Manager. Lighting appropriate to the sport shall be provided, and shall be sited and directed to minimize impacts to nearby residential uses in accordance with Chapter 14, Article 2, Division 16, section 142.0740.</u>	<u>2</u>

(e) Landscaping.

- (1) A minimum of 20 percent of a *public space* area shall be comprised of permeable landscape planting. This requirement is in addition to the landscape regulations in Chapter 14, Article 2, Division 4.
- (2) At least 30 percent of all paving within the *public space* on a ground level shall be shaded by a minimum of one, 24-inch box canopy form street tree, standard trunk, evergreen species for each 30 feet of *public space* on a ground level abutting a *street frontage*. The street tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City’s Street Tree Selection Guide.

(f) Trash and Recycling Containers. At least one trash and recycling container shall be provided with a minimum of one for every 1,000 square feet of public space.

(g) Seating and Tables.

(1) A minimum of one linear foot of seating shall be provided for every 100 square feet of public space. All or a portion of the required seating can be moveable.

(2) Tables and seating operated by on-site commercial tenants, or the record owner, may be included within the public space if they are accessible to the public and are limited to no more than 20 percent of the public space area.

(h) Lighting.

(1) A public space shall have lighting provided on either poles or bollards at the entrance, pedestrian pathways and edges.

(2) The lighting design within the public space shall coordinate with the architectural lighting of the abutting property.

(i) Access and Visibility.

(1) A public space on a ground level shall be designed to be visible from the abutting property and parkway.

(2) The public space at a ground level shall use different paving material from the public right-of-way to delineate the area maintained by the record owner.

(3) A minimum of 50 percent of a public space at a ground level shall

be free of physical barriers or obstructions to ensure universal access.

- (4) *Public space* at a ground level shall provide pedestrian connections to the abutting *parkway* and building entrances.

(i) *Fire Apparatus Access*

- (1) *Development* shall provide fire sprinklers and meet the access requirements of the California Fire Code, Appendix D, Sections 105.2 and 105.3 for all *structures* that exceed 30 feet in *structure height* where *public space* at a ground level would result in the distance between the *building facade* and the *street* being greater than 30 feet.

- (2) Any deviation from the fire sprinklers and access requirements shall comply with the construction type exceptions identified in the California Fire Code, Appendix D, Section 105.1.

(i) *Hours of Public Access.*

- (1) *A public space* and amenities shall be publicly accessible from at least 7:00 a.m. to 8:00 p.m. seven days a week or during the hours of operation of the commercial use.
- (2) A minimum of one wayfinding *sign* shall be provided per 100 feet of *street frontage*. The *sign(s)* shall be at least 2 square feet in size, located along and legible from the *public right-of-way*, advise the public of the hours of public access, and direct the public to any *public spaces* not located adjacent to a *public right-of-way*.

- (k) Maintenance. A *public space* shall be maintained by the *record owner*.
- (l) Building Façade. A minimum of one *building façade* shall face the *public space* in accordance with the following:
 - (1) The abutting *public space* shall be accessible from the adjacent building entrances as follows:
 - (i) Each commercial retail tenant space or residential *dwelling unit*; or
 - (ii) A building's common area for buildings without retail tenant space or residential *dwelling units*.
 - (2) An upper *story* of a building with a finish *floor* elevation of more than 25 feet above a *public space* at a ground level may have balconies, building elements or habitable space that projects over the *public space* to the *property line* or *setback* specified by the base zone.
- (m) Common Open Space. A *public space* may be counted towards common open space requirements of the base zone.
- (n) Garage Entrance or Driveway. A garage entrance or driveway is only allowed within a *public space* if the *premises* does not have access to another *public right-of-way*, subject to the satisfaction of the City Engineer.
- (o) Automobile *parking spaces*, loading berths/zones, trash storage facilities, utility boxes, as well as the access or service for these facilities are not permitted within the *public space*.

- (p) Best management practices for stormwater may be constructed within the landscaped area of a *public space* at ground level in accordance with Chapter 4: Health and Sanitation, Article 3: Environmental Health Quality Controls, Division 3: Stormwater Management and Discharge Control, only if pedestrian access to and within a *public space* is not hindered by the best management practices subject to the satisfaction of the City Engineer.
- (q) *Development* on a property with a mixed-use base zone and a *premise* greater than five acres shall be exempted from the requirements of Section 131.0718(d)(6) if the *development* provides *public spaces* in accordance with this Section.

§132.1620 Public Space – Greenway Site Specific Requirements.

- (a) *Development* with a *premises* identified on Table 132-16E that is subject to the *public space* requirements in accordance with Section 132.1615 shall provide a *public space – greenway*.
- (b) A *greenway* shall satisfy all or a portion of the *public space* size requirements in accordance with Section 132.1615(b).
- (c) A *greenway* shall have a minimum width as specified on Table 132-16E, measured perpendicular from the *parkway* to the *street wall*.

Table 132-16E
Public Space – Greenway Width

<u>Community Plan Area</u>	<u>Map No.</u>	<u>Sub Area</u>	<u>Location</u>	<u>Minimum Public Space – Greenway Width</u>
<u>College Area</u>	<u>C-1039</u>	<u>C</u>	<u>North side of El Cajon Boulevard between 54th Street and Keeny Street</u>	<u>8 Feet</u>
<u>College Area</u>	<u>C-1039</u>	<u>B</u>	<u>Both sides of College Avenue between El Cajon Boulevard and Cantina Way</u>	<u>8 Feet</u>
<u>College Area</u>	<u>C-1039</u>	<u>D</u>	<u>Both sides of Montezuma Road between 55th Street and College Avenue \</u>	<u>8 Feet</u>
<u>College Area</u>	<u>C-1039</u>	<u>E</u>	<u>Both sides of Montezuma Road between College Avenue and El Cajon Boulevard \</u>	<u>8 Feet</u>

§132.1625 **Parkway Site Specific Requirements.**

- (a) Development with a premises identified on Table 132-16F shall provide a parkway with a minimum width as specified on Table 132-16F.
- (b) The parkway shall be measured in accordance the Street Design Manual of the Land Development Manual.
- (c) Improvements within the parkway shall be designed and constructed in accordance with the requirements of Chapter 14, Article 2, Division 6 and the Street Design Manual of the Land Development Manual.

Table 132-16F
Parkways Width Requirements

<u>Community Plan Area</u>	<u>Map No.</u>	<u>Sub Area</u>	<u>Location</u>	<u>Minimum Parkway Width</u>
<u>College Area</u>	<u>C-1039</u>	<u>E</u>	<u>Both sides of Montezuma Road between College Avenue and El Cajon Boulevard</u>	<u>14 Feet</u>

§141.0621 Sidewalk Cafes, Streetaries, and Active Sidewalks

The sidewalk cafes, streetaries, and active sidewalks regulations establish requirements for outdoor dining and other uses located within the *public right-of-way*. For the purposes of this Section, sidewalk cafes are defined as outdoor dining spaces located within the sidewalk area of the *public right-of-way* that are associated with adjacent eating and drinking establishments; streetaries are defined as outdoor spaces located in a *street* space formerly dedicated to parking spaces that serves as an extension of an eating and drinking establishment; and active sidewalks are defined as the permanent extension of the curb into the *public right-of-way* to facilitate activation of the *public right-of-way* through recreational amenities, landscaped areas, seating areas, farmers market, *artworks* or outdoor dining. Sidewalk cafes, streetaries, and active sidewalks are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. It is not the intent of this Section to regulate outdoor eating and drinking establishment areas that are located on private property.

- (a) [No change in text.]
- (b) Limited Use Regulations for Streetaries
 - (1) through (3) [No change in text.]
 - (4) Accessibility
 - (A) through (G) [No change in text.]
 - (H) Terraced or Multi-Level Streetaries
 - (i) through (iii) [No change in text.]

- (iv) The wheelchair accessible entry shall include a *structure* on the sidewalk within the sidewalk ~~furnishing zone~~ furnishings zone that provides a transition between the sidewalk and streetary deck.

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

(5) [No change in text.]

(c) [No change in text.]

§143.0302 When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply

This Division applies to any *development* for which a Neighborhood Development Permit or Site Development Permit is required as described in Sections 126.0402 and 126.0502, in accordance with Table 143-03A.

Legend for Table 143-03A

NDP	Neighborhood Development Permit
SDP	Site Development Permit

Table 143-03A**Supplemental Neighborhood Development Permit or Site Development Permit Regulations Applicability**

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
Affordable housing, in-fill projects, and sustainable buildings projects as described in Section 143.0915 where a Site Development Permit or Planned Development Permit would otherwise be required.	126.0503, 126.0603, 143.0303, 143.0305, 143.0910, 143.0915, 143.0920	NDP/Process Two
<i>Development of a large retail establishment of 50,000 or more square feet gross floor area in all commercial, industrial, and mixed-use zones, and in all planned districts, except the Centre City Planned District</i>	143.0303, 143.0305, 143.0355, 143.0375	NDP/Process Two
<i>Development of a large retail establishment of 100,000 or more square feet gross floor area in all commercial, industrial, and mixed-use zones, and in all planned districts</i>	143.0303, 143.0305, 143.0355, 143.0375	SDP/Process Four
Site Containing <i>Environmentally Sensitive Lands</i>	143.0101-143.0160, 143.0303, 143.0305, 143.0350, 143.0375, 143.0380	NDP/Process Two or SDP/Process Three or Four

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
<i>Any capital improvement program project on a Site Containing Environmentally Sensitive Lands</i>	143.0101-143.0160, 143.0303, 143.0305, 143.0350, 143.0375, 143.0380	SDP/Process CIP-Two or SDP/Process CIP-Five
<i>Any capital improvement program project on a Site Containing Historical Resources</i>	143.0201, 143.0260, 143.0303, 143.0305, 143.0360, 143.0375, 143.0380	SDP/Process CIP-Two or SDP/Process CIP-Five
<i>Site Containing Historical Resources</i>	143.0201, 143.0240, 143.0260, 143.0303, 143.0305, 143.0360, 143.0375, 143.0380	NDP/Process Two or SDP/Process Four
<i>Fences or Retaining Walls Exceeding the Permitted Height</i>	143.0303, 143.0305, 142.0350, 143.0375	NDP/Process Two
<i>Relocated Building Onto a Site With an Existing Building</i>	143.0303, 143.0305, 143.0345, 143.0375	NDP/Process Two
<i>Site with Previously Conforming Conditions</i>	127.0102-127.0106, 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Nonresidential Development Exceeding the Maximum Permitted Parking</i>	142.0540(b), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Shared Parking for Uses Not Listed in Section 142.0545(c)</i>	142.0545(b)(7), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Previously Conforming Parking for a discontinued use</i>	142.0510(d)(4), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Mobilehome Parks in RM Zones</i>	143.0303, 143.0305, 143.0340, 143.0375	NDP/Process Two
<i>Mobilehome Parks in RS, RX Zones</i>	143.0303, 143.0305, 143.0340, 143.0375	SDP/Process Three
<i>Discontinuance of Mobilehome Park</i>	143.0610-143.0640, 132.0701-132.0705, 143.0303, 143.0305, 143.0375	SDP/Process Three

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Multiple Dwelling Unit <i>Development</i> that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Nonresidential <i>Development</i> (With TDM Plan) that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Community Plan Implementation Overlay Zone	132.1401-132.1405, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Mission Trails Design District	132.1201-132.1205, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
<i>Development</i> of a small lot subdivision in accordance with Section 143.0365	143.0303, 143.0305, 143.0310, 143.0365, 143.0375	SDP/Process Three
<i>Development</i> Within the Urban Village Overlay Zone	132.1101-132.1110, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
<i>Public improvements</i> on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply	142.0601-142.0670, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
<i>Any capital improvement program project</i> on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply	142.0601-142.0670, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process CIP-Two
Manufactured Slopes in Excess of 25% Gradient and 25 Feet in Height	142.0101-142.0149, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
<i>Condominium Conversions</i> with Deviations from Development Regulations	143.0303, 143.0305, 143.0360, 143.0375	SDP/Process Four

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
Clairemont Mesa Height Limit Overlay Zone	132.1301-132.1306, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Five
<i>Development</i> requesting a deviation from the Climate Action Plan Consistency Regulations in Chapter 14, Article 3, Division 14.	143.0303, 143.0305, 143.0375	NDP/Process Two
<u>Community Enhancement Overlay Zone</u>	<u>132.1601-132.1635, 143.0303, 143.0305, 143.0375,143.0380</u>	<u>SDP/Process Three</u>

§143.0920 Affordable Housing, In-Fill Projects, and Sustainable Buildings Deviations

Development identified in Section 143.0915 may be permitted with a Neighborhood Development Permit decided in accordance with Process Two, except as provided in Section 143.0920(e), for the following:

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

(f) Residential *development* in the Community Enhancement Overlay Zone that does not comply with the *development* standards within the Community Enhancement Overlay Zone, as described in section 132.1602, provided that the findings in section 126.0404(a) are made. If a deviation is requested, the supplemental findings in Section 126.0404(f) shall also be made.

§143.1025 Supplemental Development Regulations

Development utilizing the regulations in this Division must comply with the following Supplemental Development Regulations and may not utilize the

waivers provided in Section 143.1010(g) to deviate from the requirements in Section 143.1025.

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

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

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

(C) An *applicant* may meet the urban *parkway* minimum width requirement in Section 143.1025(a)(1) by providing a *public space* fronting the urban *parkway* if all the following requirements are met:

(i) Up to 4 feet of the urban *parkway* may be satisfied through the provision of a public space fronting the urban *parkway*, so long as the minimum *parkway* requirements in Section 142.0670(a)(3), ~~and~~ Community Plan Implementation Overlay Zone

regulations in Chapter 13, Article 2, Division 14, or
Community Enhancement Overlay Zone regulations
in Chapter 13, Article 2, Division 16, if applicable,
are met;

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

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

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

§143.1410 Mobility and Land Use Regulations

The following regulations support alternative mobility options, such as walking and biking, that reduce vehicle dependency and associated greenhouse gas emissions.

(a) Pedestrian enhancements that reduce heat island effects shall be provided as follows:

(1) *Development on a premises* that contains a *street yard* or abuts a *public right-of-way* with a ~~Furnishings Zone~~furnishings zone, at least 50 percent of the ~~Throughway Zone~~throughway zone shall be shaded as specified below.

(A) If the abutting *public right-of-way* contains a ~~Furnishings Zone~~furnishings zone, shading shall be provided by street trees.

(B) If the abutting *public right-of-way* does not contain a ~~Furnishings Zone~~furnishings zone, shading may be

provided by a combination of trees and shade structures
placed in the *street yard*.

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

(2) *Development* on a *premises* that does not contain a *street yard* and
does not abut a *public right-of-way* with a ~~Furnishings~~
~~Zone~~furnishings zone, the *applicant* shall do one of the following:

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

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

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