

## 2025 Land Development Code Update – Citywide Review Draft

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## Item 81

### **§12.0609 Abatement Penalty**

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

- (e) Abatement penalties for causing or maintaining a public nuisance shall be assessed at a daily rate determined by the Director or Enforcement Hearing Officer pursuant to the criteria listed in section 12.0610 of this Division. The maximum rate shall be ~~\$2,500~~ \$10,000 per violation. The maximum amount of civil penalties shall not exceed ~~\$200,000~~ \$500,000 per parcel or structure for any related series of violations.

## Item 82

### **§12.0803 Authority**

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

- (d) Civil penalties for violations of any provision of the Municipal Code or applicable state codes shall be assessed at a daily rate determined by the Director or Enforcement Hearing Officer pursuant to the criteria listed in Section 12.0805 of this Division. The maximum rate shall be \$10,000 per violation. The maximum amount of civil penalties shall not exceed ~~\$400,000~~ \$500,000 per parcel or structure for any related series of violations.

## Item 1

### **§12.0908 Penalties Assessed**

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

- (c) An Administrative Citation may be issued for each violation observed on a

property. The penalty assessed for each violation may be issued in any amount ~~\$100; \$250; \$500; \$750; or \$1,000~~ up to \$10,000 or a greater amount as authorized by City Council Resolution.

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

## Item 62

### §22.4102 Definitions

Each word or phrase that is defined in this Division appears in the text of this Division in italicized letters. For purposes of this Division, the following definition(s) shall apply:

*Related entities* mean those independent agencies, joint power authorities, special districts, component units, or other entities created by ordinance of the City Council or by State law that issue securities, for which the City Council serves as the governing or legislative body, or for which at least one City officer serves as a member of the governing or legislative body in his or her official capacity, or for which the City has agreed to provide disclosure. *Related entities* include but are not limited to the Public Facilities Financing Authority of the City of San Diego, the San Diego Facilities and Equipment Leasing Corporation, the City of San Diego/MTDB Authority, the City of San Diego Tobacco Settlement Revenue Funding Corporation, the Convention Center Expansion Financing Authority, ~~the Redevelopment Agency of the City of San Diego,~~ the San Diego Open Space Park Facilities District No. 1, the reassessment districts, and community facilities districts created by the City. The Controls and Procedures shall include a current list of *related entities*.

## Item 62

### §22.4302 Definitions

For purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

*Benefits through Cash Equivalent* [No change in text.]

*City* means the City of San Diego, its organizational subdivisions, agencies, offices, commissions, or boards, but does not include independent agencies, such as the Housing Authority, ~~Redevelopment Agency~~, and the Retirement Board.

*Contract through Equal Benefit* [No change in text.]

## Item 83

### §54.0315 Abandoned Property Penalty

- (a) If an *abandoned property* is left in an abandoned state for more than ninety (90) consecutive calendar days, the *responsible person* for that *abandoned property* may be liable for a civil penalty in the amount of ~~five hundred dollars (\$500)~~ up to \$10,000 per property, not to exceed ~~five thousand dollars (\$5,000)~~ \$500,000 per property in a calendar year unless:
- (1) through (2) [No change in text.]
- (b) If the property continues to meet the definition of *abandoned property* as provided in this Division beyond the initial ninety (90) calendar days, and if the *responsible person* does not meet any of the exceptions set forth in this Section, the *Director* may continue to assess penalties ~~in up to~~ up to the following amounts: ~~one thousand dollars (\$1,000)~~ \$10,000 for the next ninety (90) calendar day period the property continues to meet the definition of an

*abandoned property* as provided in this Division; ~~one thousand five hundred dollars (\$1,500)~~ \$15,000 for the next ninety (90) calendar day period; and ~~two thousand dollars (\$2,000)~~ \$20,000 for the next ninety (90) calendar day period that the property continues to meet the definition of an *abandoned property* as provided in this Division. At no time may the amount of the civil penalty exceed ~~five thousand dollars (\$5,000)~~ \$500,000 per property in a calendar year.

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

## Item 11

### §59.5.0401 Sound Level Limits

- (a) It shall be unlawful for any person to cause noise by any means to the extent that the one-hour average sound level exceeds the applicable limit given in the following table, at any location in the City of San Diego on or beyond the boundaries of the property on which the noise is produced unless otherwise authorized by a special event permit, development permit, or other permit or agreement approved by the City Manager, or their designee.

The noise subject to these limits is that part of the total noise at the specified location that is due solely to the action of said person.

#### TABLE OF APPLICABLE LIMITS

[No change in text.]

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

## Item 62

### §112.0102 Application Process

An application for a permit, map, or other matter shall be filed with the City Manager in accordance with the following requirements:

- (a) [No change in text.]
  - (1) through (3) [No change in text]
  - (4) ~~Any person who has an approved and executed Disposition and Development Agreement with the Redevelopment Agency of the City of San Diego.~~

## Item 35

### §112.0301 Types of Notice

- (a) through (b) [No change in text.]
- (c) Notice of Public Hearing. A Notice of Public Hearing shall be provided before a decision is made on an application for a permit, map, or other matter acted upon in accordance with Process Three, Process Four, or Process CIP-Five, or an appeal of a Process Two, Process CIP-Two, Process Three, or Process Four decision, or of an *environmental determination*. A Notice of Public Hearing shall also be provided before a decision is made by the City Council in accordance with Section 132.1555 (Overrule Process).
  - (1) through (2) [No change in text.]
  - (3) Distribution. Except as otherwise provided by the Municipal Code, the City Manager shall publish the Notice of Public Hearing in accordance with Section 112.0303, and shall mail the Notice of Public Hearing to the persons described in Section 112.0302(b), at

least 10 *business days* before the date of the public hearing. Where fees are being imposed on a specific project to defray the cost of public facilities, the Notice of Public Hearing shall also be published, in accordance with California Government Code section 6062a, or as amended. The notice shall be mailed as follows:

(A) If the hearing is before the Planning Commission and is for the consideration of a zoning ordinance or a rezoning ordinance, the notice shall be published at least 20 days before the date of the public hearing; and

(B) If the hearing is before the City Council, the notice shall be published at least 10 *business days* before the date of the public hearing.

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

### Item 35

#### **§112.0305 Notice for Land Use Plans or Zoning Ordinances**

When a *land use plan*, a zoning ordinance, or a rezoning ordinance is to be considered at a public hearing, the City Manager shall submit a Notice of Public Hearing for publication as set forth in Section 112.0303 to be published at least 10 *business days* before the date of the public hearing, unless otherwise indicated in subsection (a) of this Section. The Notice of Public Hearing shall include the date, time, and place of the hearing, the identity of the hearing body, a general explanation of the matter to be considered, and a general description of the location of the real property, if any, that is the subject of the hearing. This notice

shall be provided in addition to the other notices required by this ~~d~~Division. The notice shall be published as follows:

- (a) If the hearing is before the Planning Commission and is for the consideration of a zoning ordinance or a rezoning ordinance, the notice shall be published at least 20 days before the date of the public hearing;  
and
- (b) If the hearing is before the City Council, the notice shall be published at least 10 *business days* before the date of the public hearing.

### Item 36

#### **§112.0310 Notice of Right to Appeal Environmental Determination**

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

- (a) [No change in text.]
- (b) A Notice of Right to Appeal Environmental Determination is not required to be posted for the following:
  - (1) [No change in text.]
  - (2) Projects with an environmental document subject to a Hearing Officer or Planning Commission action to adopt or certify; ~~and~~
  - (3) Projects with an environmental document or an exemption determination subject to City Council approval; and



- (4) Projects with a *deemed complete* application submitted prior to January 1, 2030, that are determined to be exempt from the California Environmental Quality Act pursuant to Public Resources Code Section 21080.61.

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

## Items 12, 13, 37, 38, 44, and 62

### §113.0103 Definitions

*Abutting property through Appealable area* [No change in text.]

*Applicant* means any person who has filed an application for a permit, map, or other matter that is the *record owner* of the real property that is the subject of the permit, map, or other matter; the record owner's authorized agent; or any other person who can demonstrate a legal right, interest, or entitlement to the use of the real property subject to the application; ~~including any person who has an approved and executed Disposition and Disposition and Development Agreement with the Redevelopment Agency of the City of San Diego.~~

*Archaeological site, important through Low income* [No change in text.]

*Lower income students* means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in Section 69432.7(k)(4) of the California Education Code.

*Lowest Floor* [No change in text.]

*Major transit stop* means a site as defined in California Public Resources Code section 21064.3, as may be amended, or a site that contains an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the

intersection of two or more major bus routes with a frequency of service interval of ~~15~~20 minutes or less during the morning and afternoon peak commute periods.

*Map, amended 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 *Accessory Dwelling Units*, *Junior Accessory Dwelling Units*, multiple detached single dwelling units on the same lot, or employee housing.

*Net building area through Penthouse* [No change in text.]

*Permanent supportive housing* means housing with no limit on length of stay that is occupied by the *target population*, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. *Permanent supportive housing* may provide mental health support and counseling, as well as other services needed to support *families* and individuals with independent living. *Permanent supportive housing includes transitional housing for youth and young adults, and may include nonresidential uses and administrative office space, as provided in accordance with Government Code sections 65650 and 65651.*

*Permit holder through Sex offender treatment and counseling facility* [No change in text.]

*Shared parking* means the sharing, under legal agreement, of an off-street parking facility or facilities by two or more uses or developments.

*Shared Housing Buildings. A shared housing building means a residential or mixed-use structure that:*

- (a) Contains five or more units common to or shared by two or more parties;
- (b) Includes one or more common *kitchens* and dining areas designed to adequately accommodate all residents; and
- (c) Is intended for the permanent residence of tenants for periods exceeding 30 days.
- (d) A *shared housing building* may include:
  - (1) Other *dwelling units* that are not *shared housing units*, provided that those *dwelling units* occupy no more than 25 percent of the building's *gross floor area*. A *shared housing building* may consist of 100 percent *shared housing units*.
  - (2) Incidental commercial uses, if permitted in the base zone, provided such uses are located only on the ground floor or the lowest floor abutting the *street* or sidewalk.
  - (4) A Continuing Care Retirement Community that is eligible for a *density* bonus in accordance with Section 143.0720(e).

*Shared Housing Units.* A *shared housing unit* means one or more habitable rooms that are not contained within another *dwelling unit*, that include the following:

- (a) A bathroom, sink, refrigerator, and microwave; and
- (b) A minimum *floor area* of not less than 70 square feet per room intended to be used for living or sleeping purposes.

*Shopkeeper unit* through *Sign, wall* [No change in text.]

*Single dwelling unit* means a detached *dwelling unit* or attached *dwelling units* where each *dwelling unit* is on an individual *lot*, not including accessory dwelling units or junior accessory dwelling units.

*Social service institution* through *Transit area* [No change in text.]

*Transit priority area* means the area defined in California Public Resources Code Section 21099, as may be amended, or an area within one-half mile of a *major transit stop* that is existing or planned, if the planned *major transit stop* is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan.

*Unaccepted offer of dedication* through *Yard* [No change in text.]

## Item 106

### §113.0222 Calculating Maximum Permitted Density

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

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

## Item 14

### §113.0234 Calculations Gross Floor Area

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

(a) [No change in text.]

(b) Additional Elements Included in *Gross Floor Area* in Residential Zones and for Residential Development in Other Zones. Section 113.0234(b) does not apply to commercial *development*.

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

(5) If a *premises* is located within two or more base zones, the maximum *gross floor area* and number of permitted *dwelling units* shall be calculated separately based on the *lot area* within each base zone. The *gross floor area* calculation for each portion of the *lot area* within a base zone shall then be added together to determine the maximum *gross floor area* and number of permitted *dwelling units* on the *premises*. The distribution of *dwelling units* and *floor area* may occur without regard to zone boundaries.

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

## Item 86

### §122.0106 Certification Requirements for Local Coastal Program Amendments

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

~~(e) *Certification of Local Coastal Program Amendments.* An amendment to the City's *Local Coastal Program* must be certified by the California Coastal Commission in accordance with Coastal Commission regulations. If the Coastal Commission certifies the amendment with modifications, the City Council shall conduct a public hearing, noticed in accordance with Sections 112.0301(c) and 112.0305, to consider the modifications, no later than 6 months after the Coastal Commission action.~~

(c) *Certification of Local Coastal Program Amendments.*

(1) An amendment to the City's *Local Coastal Program* must be certified by the California Coastal Commission in accordance with Coastal Commission regulations.

(2) If the Coastal Commission certifies the amendment with modifications, the City Council shall conduct a public hearing, noticed in accordance with Sections 112.0301(c) and 112.0305, to consider the modifications, no later than 6 months after the Coastal Commission action.

(3) Modifications made by the Coastal Commission to an amendment to the City's *Local Coastal Program* shall not require a Planning Commission recommendation.

### Item 63

#### §123.0205 Amendment or ~~Reversion~~ Rescission of Historical Resource Designation

[No change in text.]

### Items 15 and 39

**§125.0410 When a Tentative Map Is Required**

- (a) A *tentative map* is required for any *subdivision* of land creating:
  - (1) [No change in text.]
  - (2) Five or more condominiums as defined in California Civil Code sections 738 4125 or 6542;
  - (3) [No change in text.]
  - (4) The conversion of five or more *dwelling units* to a stock cooperative as defined in California Civil Code sections 4190 or 6566.
- (b) Notwithstanding Section 125.0410(a), A *tentative map* is not required for a subdivision of land if any of the following occurs:
  - (1) through (2) [No change in text.]
  - (3) The land before *subdivision* has a commercial, ~~mixed-use~~ or industrial base zone, has access to a public *street* or *freeway*, and *street* alignments and widths designed to the satisfaction of the City Engineer;
  - (4) through (6) [No change in text.]
- (c) [No change in text.]

**Items 40 and 41**

**§125.0430 Decision Process for a Tentative Map**

An application for a *tentative map* may be approved, conditionally approved, or denied in accordance with ~~Process Three for tentative parcel maps and Process Four for tentative final maps~~ except for those *tentative maps* that include proposals for the vacation of *public rights-of-way* or the abandonment of *public*

~~service easements, which shall be reviewed in accordance with Process Five. the~~  
following decision processes:

- (a) Process One for tentative maps consisting of 10 or fewer residential lots in accordance with Chapter 14, Article 3, Division 15;
- (b) Process Three for tentative parcel maps;
- (c) Process Four for tentative final maps; and
- (d) Process Five for tentative maps that include proposals for the vacation of public rights-of-way or the abandonment of public service easements.

#### Item 87

##### **§126.0203 When a Neighborhood Use Permit is Required**

- (a) [No change in text.]
- (b) The following activities require a Neighborhood Use Permit in any zone:
  - (1) through (2) [No change in text.]
  - (3) A change of use on a premises to allow a change in use from a previously conforming use to certain use categories or separately regulated use categories as described in Section 127.0110.

#### Items 94 and 96

##### **§126.0402 When a Neighborhood Development Permit is Required**

- (a) A Neighborhood Development Permit is required for the following types of development on sites with previously conforming premises or uses:
  - (1) through (5) [No change in text.]



(6) Maintenance, repair, rebuilding, or alteration of a *previously conforming sign* where the costs of new construction would exceed 50 percent of the assessed value of the existing *previously conforming sign*, but would not expand beyond the existing *structural envelope* as provided in Section 127.0202.

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

(m) A Neighborhood Development Permit is required for *development* of a *wireless communication facility* with an equipment enclosure that exceeds ~~250~~ 300 square feet as described in Section 141.0420(e)(3), or that includes equipment enclosures not placed underground as described in Section 141.0420(g)(2).

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

(t) A Neighborhood Development Permit is required for any *encroachment* that includes utility equipment necessary for fiber optic development or a *wireless communication facility* within the *public right-of-way*, and the *applicant* for the fiber optic or *wireless communication facility* industries can demonstrate that installation of the equipment cannot be undergrounded, to the satisfaction of the City Engineer or their designee, and where the *applicant* is not the record owner of the property, the Public Right-of-Way Permit shall be submitted in accordance with Section 129.0710(e)(2).

## Item 87

### §127.0103 Decision Process for Previously Conforming Premises and Previously

**Conforming Uses**

The decision process for approval of proposed *development* or activity varies based on the *previously conforming* aspects of the *development*, as shown in Table 127-01A. If the proposed *development* includes more than one *previously conforming* aspect, all corresponding regulations, as described in Sections 127.0104 through ~~127.0109~~ 127.0110, apply.

**Table 127-01A**  
**Decision Process for Previously Conforming Premises and Uses<sup>1</sup>**

Type of <i>Development</i> Proposal	Process One Approval Required	Process Two Approval Required
Maintenance, repair, alteration or replacement in accordance with Section 127.0104 through Expansion/enlargement in accordance with Sections 127.0106 and 127.0109, Of a <i>previously conforming</i> use [No change in text.]		
Change in use of <i>previously conforming</i> uses in accordance with Section 127.0107 <u>and Section 127.0110</u>		
	If a change to another <i>previously conforming</i> use within the same use category	N/A If a change from a <u><i>previously conforming</i> use to certain use categories or to separately use categories described in Section 127.0110.</u>
Resumption of a <i>previously conforming</i> use after a temporary discontinuance in accordance with Section 127.0108(d) [No change in text.]		

**Footnote to Table 127-01A**

<sup>1</sup> [No change in text.]

**Item 87**

**§127.0107 Change in Use of a Previously Conforming Use**

- (a) A change in use from a *previously conforming* use to another use within the same use category of the Use Regulations Tables of Chapter 13, Article 1, outside the Coastal Overlay Zone, is considered a change of use of equal intensity and retains the *previously conforming* rights for the new

use. A change of use from a *previously conforming* use to a use in another use category or to a separately regulated use category of the Use Regulations Tables of Chapter 13, Article 1, that does not qualify for an exemption pursuant to Section 127.0110 is not allowed.

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

#### Item 87

#### **§127.0110 Previously Conforming Use Regulations Not Within the Same Use Category**

A change in use from a *previously conforming* use to certain use categories or to separately regulated use categories is permitted subject to the following:

(a) This *previously conforming* use is located on a *premises* that meets all of the following:

(1) The *premises* is located in a commercial or mixed-use base zone;

(2) The *premises* was previously zoned for an industrial use on or before January 1, 2015; and

(3) The *premises* is located outside of an Environmental Justice Community as identified in a *land use plan*.

(b) A change in use from a *previously conforming* use to the following types of uses may be permitted with a Neighborhood Use Permit until December 31, 2040, in accordance with Process Two as described in Chapter 12, Article 6, Division 2:

(1) Retail Sales Uses;

(2) Commercial Services Uses;

(3) Office Uses;

- (4) Personal Vehicle Sales & Rentals;
- (5) Light Manufacturing; or
- (6) Research & Development;
- (c) Prior to the change in use, the applicant shall provide any street frontage improvements described in an applicable Community Plan Implementation Overlay Zone, Community Enhancement Overlay Zone, or the Street Design Manual, whichever standard is greater, for the premises. Street frontage improvements shall be installed along all portions of the premises that front a street. The premises shall also comply with the street tree requirements in Section 142.0409.
- (d) In-lieu of providing the street frontage improvements, the applicant may pay an In Lieu Fee as established by San Diego Resolution R-xxxxx (insert date) prior to the issuance of the Neighborhood Use Permit.
- (e) The provisions of this Section shall remain in effect until December 31, 2040. After that date, only a conforming use shall be permitted on the premises, except that any use allowed under this Section prior to that date shall be considered a previously conforming use and shall be subject to the requirements of this Division.
- (f) A previously conforming use permitted under this Section may continue for an additional five years after December 31, 2040, if approved through a Conditional Use Permit in accordance with Process Five. After the additional five years, only a conforming use shall be permitted on the premises, except that any use allowed under this Section prior to that date

shall be considered a *previously conforming use* and shall be subject to the requirements of this Division.

## Item 96

### §127.0202 General Rules for Previously Conforming Signs

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

(f) Maintenance, repair, rebuilding, or alteration of a *previously conforming sign* where the construction would be less than or equal to 50 percent of assessed value and would not expand beyond the existing *structural envelope*, is subject to review by the City Manager, or their designee in accordance with Process One. The *applicant* shall submit plans showing existing and proposed site conditions.

(g) Maintenance, repair, rebuilding, or alteration of a *previously conforming sign* where the construction would exceed 50 percent of the assessed value of the existing *previously conforming sign*, but would not expand beyond the existing *structural envelope*, requires a Neighborhood Development Permit.

(h) Any *previously conforming sign* that is repaired or altered according to the provisions of Section 127.0202(f) or (g) shall retain its *previously conforming status*.

## Item 88

### §129.0119 Bond Required for Construction Permit for Grading or Public Improvements

- (a) Persons performing work under Public Right-of-Way or Grading Permits issued in accordance with this article shall furnish a bond in accordance with the following provisions:
  - (1) through (6) [No change in text.]
  - (7) Projects with a completion cost, as estimated by the Building Official of \$100,000 or less, shall be exempt from providing a bond unless required by the City Engineer.
- (b) through (e) [No change in text.]
- (f) The City Manager may waive the requirement for a bond, ~~as established in the Land Development Manual,~~ unless otherwise required by this Section.

#### Item 89

##### **§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 (8) [No change in text.]

(9)     Encroachment of equipment necessary for the fiber optic development or ~~wireless communication facility~~ into the ~~public right-of-way~~ by ~~applicants~~ for the fiber optic or ~~wireless communication facility~~ industries that can demonstrate that installation of the equipment cannot be undergrounded, as verified by the City Engineer or designee. The equipment shall not exceed 3 feet above the finished ~~grade~~ of the curb line and 4 feet in diameter.

~~(10)~~(9) The encroachment is permitted under Section 141.0629 (Promenade).

(b)     If the proposed *encroachment* is erected, placed, constructed, established or maintained in the *public right-of-way* when the *applicant* is not the *record owner* of the property on which the *encroachment* will be located, a Site Development Permit is required in accordance with Section 126.0502(d)(6), except for the following:

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

~~(6)~~     Encroachment of equipment necessary for fiber optic development or a ~~wireless communication facility~~ into the ~~public right-of-way~~ by ~~applicants~~ for the fiber optic or ~~wireless communication facility~~ industries that can demonstrate that installation of the equipment cannot be undergrounded, as verified by the City Engineer or

~~designee. The equipment shall not exceed 3 feet above the finished grade of the curb line and 4 feet in diameter.~~

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

(e) If the proposed *encroachment* includes utility equipment necessary for fiber optic development or a *wireless communication facility* within the *public right-of-way*, and the *applicant* for the fiber optic or *wireless communication facility* industries can demonstrate that installation of the equipment cannot be undergrounded, as verified by the City Engineer or their designee, and where the *applicant* is not the *record owner* of the property, the *public right-of-way* permit shall be submitted as follows:

(1) Utility equipment necessary for fiber optic development or a *wireless communication facility* that is proposed to be erected, placed, constructed, established or maintained in the *public right-of-way* that does not exceed 48 inches above the finished *grade* of the curb line and 48 inches in width and height is subject to approval by the City Engineer in accordance with Process One.

(2) Utility equipment necessary for fiber optic development or a *wireless communication facility* that is proposed to be erected, placed, constructed, established or maintained in the *public right-of-way* that exceeds 48 inches above the finished *grade* of the curb line and 48 inches in width and height, a Neighborhood Development Permit is required in accordance with Section 126.0402(t).



**Item 16**

**§129.0750 Expiration of a Public Right-of-Way Permit**

- (a) A Public Right-of-Way Permit shall expire by limitation and become void 24 months after the date of permit issuance, ~~unless an exception is granted in one~~ except if any of the following ways apply:
- (1) At the time of permit issuance, the City Manager may approve an expiration date exceeding 24 months if the permittee can demonstrate that the complexity or size of the project makes completion of the project within 24 months unreasonable. The expiration date for the Public Right-of-Way Permit shall be specified on the permit; ~~or~~
- (2) A Public Right-of-Way Permit issued as part of a *subdivision* improvement agreement shall expire in accordance with the terms of that agreement; or
- (3) [No change in text.]
- (b) [No change in text.]

**Items 42 and 90**

**§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 <sup>(1)</sup> -	OF <sup>(1)</sup> -
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1	2
<b>Open Space through Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities</b> [No change in text.]		[No change in text.]				
<u>Emergency Shelters</u>		=	=	=	=	=
Employee Housing: 6 of Fewer Employees through <b>Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Congregate Meal Facilities</b> [No change in text.]		[No change in text.]				
<u>Emergency Shelters</u>		-	-	-	-	-
Homeless Day Centers through <b>Vehicle &amp; Vehicular Equipment Sales &amp; Service, Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses, Automobile Service Stations</b> [No change in text.]		[No change in text.]				
<u>Hydrogen Vehicle Fueling Stations</u>		=	=	=	=	=
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> through <b>Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]		[No change in text.]				

**Footnotes for Table 131-02B**

<sup>1</sup> through <sup>12</sup> [No change in text.]

**Item 17**

**§131.0231 Development Regulations Table for Open Space Zones**

The following development regulations apply in the open space zones as shown in Table 131-02C.

**Table 131-02C**

**Development Regulations for Open Space Zones**

Development Regulations [See Section 131.0230 for Development Regulations of Open	Zone Designator	Zones				
	1st & 2nd >>	OP-		OC-	OR-	OF <sup>(1)</sup> -
	3rd >>	1-	2-	1-	1-	1-
		1	1	1	1	2

Space Zones]	4th >>	1	1	1	2	1
<b>Max Permitted Residential <i>Density</i> (DU Per <i>Lot</i>) through Min <i>Lot</i> Dimensions, <i>Lot</i> Depth (ft)</b> [No change in text.]	[No change in text.]					
<b><i>Setback</i> Requirements</b> [See Section 131.0270]						
Min Front <i>Setback</i> (ft) through <b><i>Dwelling Unit</i> Protection Regulations</b> [See Chapter 14, Article 3, Division 12] [No change in text.]	[No change in text.]					

Footnotes for Table 131-02C

<sup>1</sup> through <sup>8</sup> [No change in text.]

Item 17

**§131.0270    Setback Requirements in Open Space Zones**

For all *structures*, the Fire Code Official may require a fire separation distance greater than the *setback* required by the base zone to ensure compliance with safety regulations that include, but are not limited to, the California Building Standards Code, Title 24 of the California Code of Regulations.

Items 42 and 90

**§131.0322    Use Regulations Table for Agricultural Zones**

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

**Legend for Table 131-03B**

[No change in text.]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones	
	1st & 2nd >>	AG	AR
	3rd >>	1-	1-

	4th >>	1	2	1	2
<b>Open Space through Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities</b> [No change in text.]		[No change in text.]			
<u>Emergency Shelters</u>		=		=	
Employee Housing: 6 or Fewer employees through <b>Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Congregate Meal Facilities</b> [No change in text.]		[No change in text.]			
<u>Emergency Shelters</u>		-		-	
Homeless Day Centers through <b>Vehicle &amp; Vehicular Equipment Sales and Service, Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses, Automobile Service Stations</b> [No change in text.]		[No change in text.]			
<u>Hydrogen Vehicle Fueling Stations</u>		=		=	
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> through <b>Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]		[No change in text.]			

**Footnotes for Table 131-03B**

<sup>1</sup> through <sup>13</sup> [No change in text.]

**Item 17**

**§131.0343 Setback Requirements in Agricultural Zones**

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

(c) For all *structures*, the Fire Code Official may require a fire separation distance greater than the *setback* required by the base zone to ensure compliance with safety regulations that include, but are not limited to, the California Building Standards Code, Title 24 of the California Code of Regulations.

**Items 42, 63, 64, and 90**

**§131.0422 Use Regulations Table for Residential Zones**

The uses allowed in the residential zones are shown in 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>>	RS-														RX-		RT-									
	3rd >>	1-														1-		1-									
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5					
<b>Open Space through Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities</b> [No change in text.]	[No change in text.]																										
<u>Emergency Shelters</u>	=														=		=										
Employee Housing: 6 or Fewer Employees through <b>Institutional, Separately Regulated Institutional Uses</b> , Homeless Facilities: Congregate Meal Facilities [No change in text.]	[No change in text.]																										
<u>Emergency Shelters</u>	-														-		-										
Homeless Day Centers through <b>Vehicle &amp; Vehicular Equipment Sales &amp; Services, Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses</b> , Automobile Service Stations [No change in text.]	[No change in text.]																										
<u>Hydrogen Vehicle Fueling Stations</u>	=														=		=										
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> through <b>Signs, Separately Regulated Signs Uses</b> , Theater <i>Marquees</i> [No change in text.]	[No change in text.]																										

Use Categories/	Zone Designator	Zones
--------------------	--------------------	-------

Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>		RM-											
			1-			2-			3-			4-		5-
	3rd >>	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
<b>Open Space through Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities</b> [No change in text.]	[No change in text.]													
<u>Emergency Shelters</u>	=			=			=			=		=		
Employee Housing: 6 or Fewer Employees through Residential Care Facilities, 7 or More Persons [No change in text.]	[No change in text.]													
Student Housing	L <sup>(+)(9)</sup>			L <sup>(+)(9)</sup>			L <sup>(+)(9)</sup>			L <sup>(+)(9)</sup>		L <sup>(+)(9)</sup>		
Transitional Housing: 6 or Fewer Persons through <b>Institutional, Separately Regulated Institutional Uses</b> , Educational Facilities: Kindergarten through Grade 12 [No change in text.]	[No change in text.]													
Colleges/Universities	C			C			C			C		=		
Vocational/Trade School through Homeless Facilities, Congregate Meal Facilities [No change in text.]	[No change in text.]													
<u>Emergency Shelters</u>	-			-			-			-		-		
Homeless Day Centers through <b>Vehicle &amp; Vehicular Equipment Sales and Service, Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses</b> , Automobile Service Stations [No change in text.]	[No change in text.]													
<u>Hydrogen Vehicle Fueling Stations</u>	=			=			=			=		=		
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> through <b>Signs, Separately Regulated Signs Uses</b> , Theater <i>Marquees</i> [No change in text.]	[No change in text.]													

Footnotes for Table 131-04B

<sup>1</sup> through <sup>10</sup> [No change in text.]

**Items 17 and 91**

**§131.0431 Development Regulations Table for Residential Zones**

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

(a) RS Zones

**Table 131-04D  
Development Regulations for RS Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
	<b>Max permitted <i>density</i></b> (DU per <i>lot</i> ) through <b>Min lot dimensions</b> , Lot depth (ft) [No change in text.]	[No change in text.]						
<b>Setback requirements</b> [See Section 131.0443(i)]								
<b>Setback requirements</b> , Min Front <i>setback</i> (ft) through <b>Dwelling Unit Protection Regulations</b> [No change in text.]	[No change in text.]							

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	8	9	10	11	12	13	14
	<b>Max permitted <i>density</i></b> (DU per <i>lot</i> ) through <b>Min lot dimensions</b> , Lot depth (ft) [No change in text.]	[No change in text.]						

<b>Setback requirements</b> [See Section 131.0443(i)]	
Min Front <i>setback</i> (ft) through <b>Dwelling Unit Protection Regulations</b> [No change in text.]	[No change in text.]

**Footnotes for Table 131-04D**

<sup>1</sup> through <sup>6</sup> [No change in text.]

(b) RX Zones

**Table 131-04E**  
**Development Regulations for RX Zones**

<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	<b>Zones</b>	
	1st & 2nd >>	RX-	
	3rd >>	1-	1-
	4th >>	1	2
<b>Maximum Permitted <i>Density</i></b> (DU per <i>lot</i> ) through <b>Min lot dimensions</b> , Lot depth (ft) [No change in text.]	[No change in text.]		
<b>Setback requirements</b> [See Section 131.0443(i)]			
Min Front <i>Setback</i> (ft) [See Section 131.0443(b)(1)] through <b>Dwelling Unit Protection Regulations</b> [See Chapter 14, Article 3, Division 12] [No change in text.]	[No change in text.]		

**Footnote for Table 131-04E**

<sup>1</sup> [No change in text.]

(c) RT Zones

**Table 131-04F**  
**Development Regulations for RT Zones**

<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	<b>Zones</b>				
	1st & 2nd >>	RT-				
	3rd >>	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5
<b>Maximum Permitted <i>Density</i></b> (DU per <i>lot</i> ) through <b>Min Lot dimensions</b> , Lot Depth (ft) [No change in text.]	[No change in text.]					



<b>Setback Requirements</b> [See Section 131.0443(i)]	
Min Front <i>Setback</i> (ft) [See Section 131.0443(c)(1)] through <b><i>Dwelling Unit Protection Regulations</i></b> [See Chapter 14, Article 3, Division 12] [No change in text.]	[No change in text.]

(d) RM Zones

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

<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	<b>Zones</b>					
	1st & 2nd >>	RM-					
	3rd >>	1-	1-	1-	2-	2-	2-
	4th >>	1	2	3	4	5	6
<b>Maximum permitted density<sup>(1),(2)</sup></b> (sf per DU) through <b>Min lot dimensions</b> , Lot depth (ft) [No change in text.]	[No change in text.]						
<b>Setback requirements</b> [See Section 131.0443(i)]							
Min Front <i>setback</i> (ft) through <b>Supplemental requirements</b> [No change in text.]	[No change in text.]						
<b><u>Building Transitions and Buffers from Adjacent Freeways</u></b> [See Section 131.0470]	=	=	=	<u>applies</u>	<u>applies</u>	<u>applies</u>	
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805] through	[No change in text.]						

<b><i>Dwelling Unit Protection Regulations</i></b> [See Chapter 14, Article 3, Division 12] [No change in text.]	
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<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	<b>Zones</b>					
	1st & 2nd >>	RM					
	3rd >>	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12
<b>Maximum permitted density<sup>(1),(2)</sup></b> (sf per DU) through <b>Min lot dimensions</b> , Lot depth (ft) [No change in text.]	[No change in text.]						
<b><u>Setback requirements</u></b> <b><u>[See Section 131.0443(i)]</u></b>							
Min Front <i>setback</i> (ft) through Std Front <i>Setback</i> (ft) through <b>Supplemental requirements</b> [No change in text.]	[No change in text.]						
<b><u>Building Transitions and Buffers from Adjacent Freeways</u></b> [See Section 131.0470]	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805] through <b><i>Dwelling Unit Protection Regulations</i></b> [See Chapter 14, Article 3, Division 12] [No change in text.]	[No change in text.]						

Footnote for Table 131-04G

<sup>1</sup> through <sup>39</sup> [No change in text.]

## Item 17

### §131.0443 Setback Requirements in Residential Zones

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

- (i) For all *structures*, the Fire Code Official may require a fire separation distance greater than the *setback* required by the base zone to ensure compliance with safety regulations that include, but are not limited to, the California Building Standards Code, Title 24 of the California Code of Regulations.

## Item 65

### §131.0448 Accessory Buildings in Residential Zones

This section is intended to clarify the regulations applicable to ~~non-habitable~~ *accessory buildings* in residential zones.

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

## Item 91

### §131.0470 Building Transitions and Buffers from Adjacent Freeways

- (a) Buffers from adjacent *Freeways*. *Development on a premises within 50 feet of a freeway, except for development within the Centre City Planned District, shall comply with the following:*
- (1) Landscape Buffer. *Development on a premises abutting a public right-of-way of a freeway shall provide a minimum 10-foot landscape buffer between the development and the freeway.*

(2) Orientation of Outdoor Areas. Outdoor areas such as patios, parks, plazas, and other common spaces used by residents, customers, or members of the public shall be oriented away from the *freeway*.

(b) Transition plane. In the RM-2-4, RM-2-5, RM-2-6, RM-3-7, RM-3-8, RM-3-9, RM-4-10, RM-4-11 and RM-5-12 zones, *development on a premises with a residentially zoned abutting property with a maximum permitted density of less than 15 dwelling units per acre or are zoned Open Space – Park (OP), Open Space – Conservation (OC), and Open Space – Residential (OR) shall:*

(1) Incorporate a transition plane in the development that does not exceed a 65-degree angle, subject to the following:

(A) The transition plane shall begin at the existing grade along the shared property line.

(B) The transition plane shall rise at an angle not to exceed 65 degrees away from the residentially zoned abutting property.

(C) No building element, architectural projection, or encroachment shall extend into the transition plane.

(D) If the shared property line is a rear property line, the transition plane shall extend into the lot for a distance equal to one-third of the lot depth or 25 feet, whichever is less.

(E) If the shared *property line* is a side *property line*, the transition plane shall extend into the *lot* for a distance equal to one-third of the *lot* width or 25 feet, whichever is less.

**Items 42, 63, 66, and 90**

**§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 <sup>(1)</sup> -						CR-		CO-						CV-		CP-	
		1-						1-	2-	1-		2-		3-		1-	1-		
		1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
<b>Open Space through Residential, Residential, Separately Residential Regulated Uses, Continuing Care Retirement Communities</b> [No change in text.]		[No change in text.]																	
<u>Emergency Shelters</u>		C		C		-		C		C		C		C		C		-	
Employee Housing: 6 or Fewer Employees through Student Housing [No change in text.]		[No change in text.]																	
Transitional Housing: 6 or Fewer Persons		P <sup>(2)</sup>		P		-		P		-P		P		P <sup>(2)</sup>		-			
7 or More Persons through <b>Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Congregate Meal Facilities</b> [No change in text.]		[No change in text.]																	
<u>Emergency Shelters</u>		€		€		-		€		€		€		€		€		-	
Homeless Day Centers through <b>Commercial Services, Tasting Rooms</b> [No change in text.]		[No change in text.]																	
<b>Visitor Accommodations</b>		P <sup>(21)</sup>		P <sup>(21)</sup>		P <sup>(21)</sup>		-		P <sup>(21)</sup>		P <sup>(21)</sup>		P <sup>(21)</sup>		P <sup>(21)</sup>		-	
<b>Separately Regulated Commercial Services Uses, Adult Day Care Facility through Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses,</b>		[No change in text.]																	

<b>Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses, Automobile Service Stations</b> [No change in text.]	
<u>Hydrogen Vehicle Fueling Stations</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>
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> through <b>Signs, Separately Regulated Signs Uses, Theater Marquees</b> [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  1st & 2nd >> 3rd >> 4th >>	Zones																														
		CC-																														
		1-			2-					3-											4-						5-					
		1	2	3	1	2	3	4	5	4	5	6	7	8	9	10	11	1	2	3	4	5	6	1	2	3	4	5	6			
<b>Open Space through Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities</b> [No change in text.]		[No change in text.]																														
<u>Emergency Shelters</u>		<u>L</u>							<u>L</u>						<u>L</u>	<u>L</u>		<u>L</u>					<u>L</u>									
Employee Housing: 6 or Fewer Employees through <b>Institutional, Separately Regulated Institutional Uses</b> , Homeless Facilities: Congregate Meal Facilities [No change in text.]		[No change in text.]																														
<u>Emergency Shelters</u>		<u>L</u>							<u>L</u>						<u>L</u>	<u>L</u>		<u>L</u>					<u>L</u>									
Homeless Day Centers through <b>Vehicle &amp; Vehicular Equipment Sales and Service, Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses</b> , Automobile Service Stations [No change in text.]		[No change in text.]																														
<u>Hydrogen Vehicle Fueling Stations</u>		<u>L</u>							<u>L</u>						<u>L</u>	<u>L</u>		<u>L</u>					<u>L</u>									
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> through <b>Signs, Separately Regulated Signs Uses</b> , Theater <i>Marquees</i> [No change in text.]		[No change in text.]																														

**Footnotes for Table 131-05B**

<sup>1</sup> through <sup>22</sup> [No change in text.]

**Items 17 and 91**

**§131.0531 Development Regulations Tables for Commercial Zones**

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

(a) CN Zones

**Table 131-05C  
Development Regulations for CN Zones**

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones					
	1st & 2nd >>	CN-					
	3rd >>	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6
<b>Max Permitted Residential Density</b> <sup>(1)</sup> through <b>Lot Dimensions</b> , Min <i>Lot</i> Depth (ft) [No change in text.]		[No change in text.]					
<b>Setback Requirements</b> <sup>(4)</sup> [See Section 131.0543(c)]							
<b>Setback Requirements</b> <sup>(4)</sup> , Min Front <i>Setback</i> (ft) through <b>Building Articulation</b> [See Section 131.0554] [No change in text.]		[No change in text.]					
<b>Building Transitions and Buffers from Adjacent Freeways</b> [See Section 131.0560]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805] through <b>Dwelling Unit Protection Regulations</b> [See Chapter 14, Article 3, Division 12] [No change in text.]		[No change in text.]					

**Footnotes for Table 131-05C**

<sup>1</sup> through <sup>4</sup> [No change in text.]

(b) CR, CO, CV, and CP Zones

**Table 131-05D  
Development Regulations for CR, CO, CV, CP Zones**

Development	Zone Designator	Zones
-------------	--------------------	-------

<b>Regulations</b> [See Section 131.0530 for Development Regulations of Commercial Zones]	1st & 2nd >>	CR-		CO-						CV-		CP-
	3rd >>	1-	2-	1-		2-		3-		1-		1-
	4th >>	1		1	2	1-	2-	1	2	3	1	2
<b>Max Permitted Residential Density</b> <sup>(1)</sup> through <i>Lot</i> dimensions, Min <i>Lot</i> Depth (ft) [No change in text.]	[No change in text.]											
<b>Setback Requirements</b> <sup>(5)</sup> [See Section 131.0543(c)]												
<b>Setback Requirements</b> <sup>(5)</sup> , Min Front <i>Setback</i> (ft) through <b>Parking Lot</b> <b>Orientation</b> [See Section 131.0556] [No change in text.]	[No change in text.]											
<b>Building Transitions and Buffers</b> <b>from Adjacent Freeways</b> [See Section 131.0560]	applies	applies	applies	applies	applies	applies	applies	applies	applies	applies	applies	applies
<b>Refuse and Recyclable Material</b> <b>Storage</b> [See Section 142.0805] through <i>Dwelling Unit Protection</i> <b>Regulations</b> [See Chapter 14, Article 3, Division 12] [No change in text.]	[No change in text.]											

**Footnotes for Table 131-05D**

<sup>1</sup> through <sup>5</sup> [No change in text.]

(c) CC Zones

**Table 131-05E**  
**Development Regulations for CC Zones**

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones															
	1st & 2nd >>	CC-															
	3rd >>	1-	2-	4-	5-	1-	2-	4-	5-	1-	2-	4-	5-	2-	3-	4-	5-
	4th >>	1				2				3				4			
Max Permitted Residential Density <sup>(1)</sup> through <i>Lot</i> Dimensions, Max <i>Lot</i> Depth (ft) [No change in text.]		[No change in text.]															
<u>Setback Requirements<sup>(5)</sup> [See Section 131.0543(c)]</u>																	
Min Front <i>Setback</i> (ft) through <b>Parking <i>Lot</i> Orientation</b> [See Section 131.0556] [No change in text.]		[No change in text.]															
<u>Building Transitions and Buffers from Adjacent Freeways [See Section 131.0560]</u>		<u>applies</u>				<u>applies</u>				<u>applies</u>				<u>applies</u>			



<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805] through <b><i>Dwelling Unit Protection Regulations</i></b> [See Chapter 14, Article 3, Division 12] [No change in text.]	[No change in text.]
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Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones											
	1st & 2nd >> 3rd >> 4th >>	CC											
		2-	3-	4-	5-	3-	4-	5-	3-	3-	3-	3-	3-
		5				6			7	8	9	10	11
Max permitted Residential Density <sup>(1)</sup> through <i>Lot Dimensions</i> , Max <i>Lot</i> Depth (ft) [No change in text.]		[No change in text.]											
<u>Setback Requirements<sup>(5)</sup></u> <u>[See Section 131.0543(c)]</u>													
Min Front <i>Setback</i> (ft) through <i>Parking Lot Orientation</i> [See Section 131.0556] [No change in text.]		[No change in text.]											
<u>Building Transitions and Buffers from Adjacent Freeways</u> [See Section 131.0560]		<u>applies</u>		<u>applies</u>		<u>applies</u>		<u>applies</u>		<u>applies</u>		<u>applies</u>	
Refuse and Recyclable Material Storage [See Section 142.0805] through <i>Dwelling Unit Protection Regulations</i> [See Chapter 14, Article 3, Division 12] [No change in text.]		[No change in text.]											

**Footnotes for Table 131-05E**

<sup>1</sup> through <sup>5</sup> [No change in text.]

**Items 17, 67, and 91**

**§131.0543 Setback Requirements for Commercial Zones**

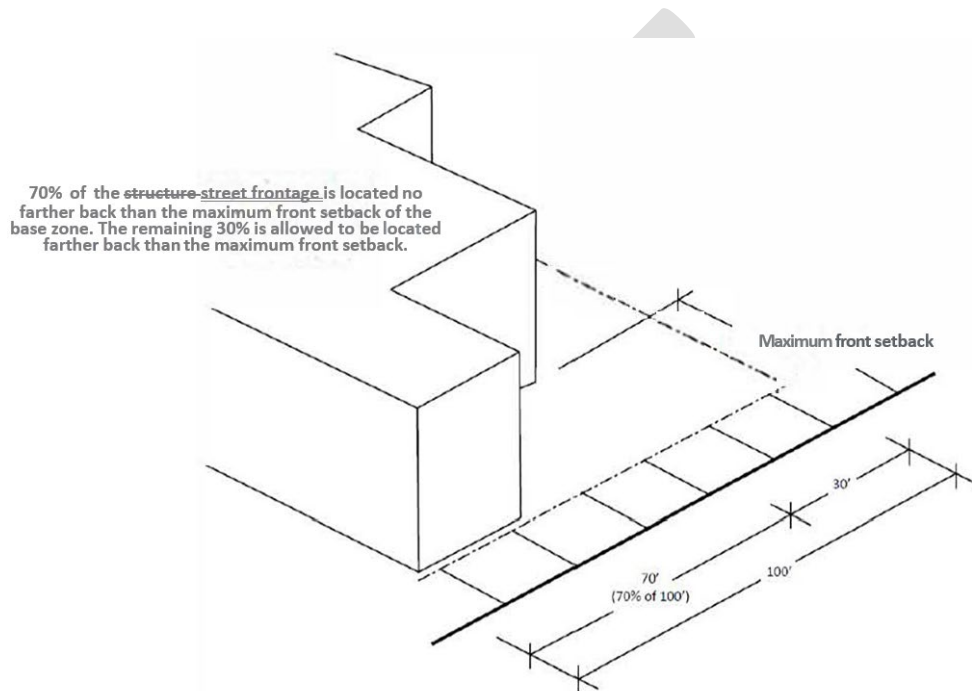
*Setback* requirements are specified in Tables 131-05C, 131-05D, and 131-05E and are subject to the following exceptions and additional regulations:

(a) Front and *Street Side Setback* Requirements

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

**Diagram 131-05B**

**Maximum Setback Requirement**



(3) [No change in text.]

(b) [No change in text.]

(e) ~~Commercial Development Abutting Residentially Zoned Properties~~

(1) ~~Commercial development abutting residentially zoned properties with a permitted density of less than 15 dwelling units per acre shall provide a 10-foot minimum setback for any side or rear yard that abuts low-density residential zoned property. The structure shall comply with additional step-back requirements in accordance with Section 131.0543(e)(3).~~

- (2) ~~Commercial development abutting residentially zoned~~  
~~properties with a permitted density of 15 dwelling units or~~  
~~more per acre that provide no side or rear setback and~~  
~~locate the structure at the property line as provided for by~~  
Section 131.0543(b) shall comply with the following:
- (A) ~~Minimum step back for structures placed at the~~  
~~side property line.~~
- (i) ~~Any portion of the structure exceeding~~  
~~15 feet in height shall be stepped back~~  
~~from the side property line 10 feet, or 10~~  
~~percent of the lot width but not less than~~  
~~5 feet, whichever is less.~~
- (ii) ~~Each 15 feet in height above 30 feet shall~~  
~~be stepped back at least 3 feet from the~~  
~~minimum setback of that portion of the~~  
~~structure immediately below.~~
- (B) ~~Minimum step back for structures placed at the~~  
~~rear property line.~~
- (i) ~~Any portion of the structure exceeding 15~~  
~~feet in height shall be stepped back from~~  
~~the rear property line 10 feet, or 10~~  
~~percent of the lot depth but not less than~~  
~~5 feet, whichever is less.~~

- (ii) ~~Each 15 feet in height above 30 feet shall be stepped back at least 3 feet from the minimum *setback* of that portion of the structure immediately below.~~
- (3) ~~For side and rear yards, if the structure is set back 10 feet or more from the property line, each 15 feet in height above 30 feet shall be stepped back at least 3 feet from the minimum *setback* of that portion of the structure immediately below.~~
- (c) For all structures, the Fire Code Official may require a fire separation distance greater than the *setback* required by the base zone to ensure compliance with safety regulations that include, but are not limited to, the California Building Standards Code, Title 24 of the California Code of Regulations.

### Item 3

#### §131.0546 Maximum Floor Area Ratio

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

- (a) *Floor Area Ratio* Bonus for Mixed Use
  - (1) A *floor area ratio* bonus is provided in some commercial zones, as indicated in Tables 131-05C, 131-05D, and 131-05E, for residential uses that are developed as a part of a mixed-use *development*. A minimum required residential *floor area ratio* is shown in the tables,

and must be applied toward the residential portion of the project.

The remainder of the bonus may be used for either commercial or residential uses. An additional *floor area ratio* bonus of 0.5 may be applied toward the residential portion of a mixed- use *development* that complies with all of the following:

- (A) Located in Mobility Zone 2 or Mobility Zone 3;
- (B) Located within a High or Highest California Tax Credit Allocation Committee (CTCAC) Opportunity Area, within the prior 12 months of when the *development* application is deemed complete; and
- (C) All affordable *dwelling units* shall be provided within the mixed-use *development* or on the same *premises*.

(2) [No change in text.]

(b) [No change in text.]

#### Item 91

##### **§131.0560 Building Transitions and Buffers from Adjacent Freeways**

- (a) Buffers from adjacent *Freeways*. *Development* on *premises* within 50 feet of a *freeway*, except for *development* within the Centre City Planned District, shall comply with the following:
  - (1) Landscape Buffer. *Development* on a *premises* abutting a *public right-of-way* of a *freeway* shall provide a minimum 10-foot landscape buffer between the *development* and the *freeway*.

(2) Orientation of Outdoor Areas. Outdoor areas such as patios, parks, plazas, and other common spaces used by residents, customers, or members of the public shall be oriented away from the freeway.

(b) Transition plane. In all commercial zones, development on a premises with a residentially zoned abutting property with a maximum permitted density of less than 15 dwelling units per acre or area zoned Open Space – Park (OP), Open Space – Conservation (OC), and Open Space – Residential (OR) shall:

(1) Incorporate a transition plane in the development that does not exceed a 65-degree angle, subject to the following:

(A) The transition plane shall begin at the existing grade along the shared property line.

(B) The transition plane shall rise at an angle not to exceed 65 degrees away from the residentially zoned abutting property.

(C) No building element, architectural projection, or encroachment shall extend into the transition plane.

(D) If the shared property line is a rear property line, the transition plane shall extend into the lot for a distance equal to one-third of the lot depth or 25 feet, whichever is less.

(E) If the shared *property line* is a side *property line*, the transition plane shall extend into the *lot* for a distance equal to one-third of the *lot* width or 25 feet, whichever is less.

## Items 42 and 90

### §131.0622 Use Regulations Table for Industrial Zones

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

#### Legend for Table 131-06B

[No change in text.]

**Table 131-06B**  
**Use Regulations Table for Industrial Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd> >	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities [No change in text.]	[No change in text.]										
<u>Emergency Shelters</u>	=	<u>C</u>	=	=	<u>C</u>	<u>C</u>	=	<u>C</u>	<u>L</u>	=	
Employee Housing: 6 or Fewer Employees through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Congregate Meal Facilities [No change in text.]	[No change in text.]										
<u>Emergency Shelters</u>	-	€	-	-	€	€	-	€	£	-	
Homeless Day Centers through Vehicle & Vehicular Equipment Sales & Service, Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses, Automobile Service Stations [No change in text.]	[No change in text.]										
<u>Hydrogen Vehicle Fueling Stations</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>	
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a Primary Use through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]										

#### Footnotes for Table 131-06B

<sup>1</sup> through <sup>23</sup> [No change in text.]

## Item 17

### §131.0631 Development Regulations Table for Industrial Zones

The following development regulations apply in the industrial zones as shown in Table 131-06C.

**Table 131-06C**  
**Development Regulations for Industrial Zones**

Development Regulations [See Section 131.0630 for Development Regulations of Industrial Zones]	Zone Designator	Zones									
	1st & 2nd >>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1			1			1		1	1
Max permitted residential <i>density</i> <sup>(10)</sup> through Min <i>Lot Dimensions, Lot</i> Depth (ft) [No change in text.]		[No change in text.]									
Setback Requirements [See Section 131.0643(h)]											
Min Front <i>Setback</i> (ft) through <i>Dwelling Unit Protection Regulations</i> [See Chapter 14, Article 3, Division 12] [No change in text.]		[No change in text.]									

#### Footnotes for Table 131-06C

<sup>1</sup> through <sup>11</sup> [No change in text.]

## Item 17

### §131.0643 Setback Requirements in Industrial Zones

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

(h) For all structures, the Fire Code Official may require a fire separation distance greater than the setback required by the base zone to ensure compliance with safety regulations that include, but are not limited to, the California Building Standards Code, Title 24 of the California Code of Regulations.

## Items 42 and 90

### §131.0707 Use Regulations Table for Mixed-Use Zones



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

### Legend for Table 131-07A

[No change in text.]

**Table 131-07A**  
**Use Regulations Table for Mixed-Use Zones**

Use Categories/Subcategories	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
<b>Open Space through Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities</b> [No change in text.]		[No change in text.]					
<u>Emergency Shelters</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Employee Housing: 6 or Fewer Employees through <b>Institutional, Separately Regulated Institutional Uses</b> , Homeless Facilities: Congregate Meal Facilities [No change of text.]		[No change in text.]					
<u>Emergency Shelters</u>		€	€	€	€	€	€
<b>Institutional, Separately Regulated Institutional Uses</b> , Homeless Day Centers through <b>Vehicle &amp; Vehicular Equipment Sales &amp; Service, Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses</b> , Automobile Service Stations [No change in text.]		[No change in text.]					
<u>Hydrogen Vehicle Fueling Stations</u>		≡	≡	≡	<u>L</u>	<u>L</u>	<u>L</u>
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> through <b>Signs, Separately Regulated Signs Uses</b> , Theater <i>Marquees</i> [No change in text.]		[No change in text.]					

#### Footnotes for Table 131-07A

<sup>1</sup> through <sup>10</sup> [No change in text.]

#### Items 17, 18, and 91

### §131.0709 Development Regulations Table for Mixed-Use Zones

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

**Table 131-07B**

**Development Regulations for RMX and EMX Zones**

Development Regulations	Zones					
	RMX-			EMX-		
	1	2	3	1	2	3
Minimum Lot Area (sf) through Minimum Lot Dimensions [No change in text.]	[No change in text.]					
Setback Requirements [See Section 131.0720]						
Min Front Setback (ft) through Minimum Ground-floor Height for Non-Residential Uses (ft) [No change in text.]	[No change in text.]					
Supplemental Regulations for RMX Zones [See Section 131.0712]	Applies			–	–	–
Supplemental Regulations for RMX and EMX Zones [See Section 131.0712]	Applies			Applies		
Building Frontage Activation, Articulation and Transparency [See Section 131.0713] through Supplemental Regulations for Premises Greater than Five Acres [See Section 131.0718] [No change in text.]	[No change in text.]					
Building Transitions and Buffers from Adjacent Freeways [See Section 131.0725]	Applies					
Loading Area Regulations [See Section 142.1001] through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [No change in text.]	[No change in text.]					

**Footnotes for Table 131-07B**

<sup>1</sup> through <sup>3</sup> [No change in text.]

**Item 18**

**§131.0712 Supplemental Regulations for RMX and EMX Zones**

These regulations are intended to enable joint living and working opportunities and contribute to the vitality of mixed-use zones. ~~The following regulations apply to development within RMX zones where indicated in Table 131-07B, when the primary use and secondary use are both residential.~~

(a) ~~A minimum of 10 percent of the structures' ground floor gross floor area ratio shall be dedicated to facilitating home-based employment, excluding leasing offices, gyms, or community rooms. This requirement can be met by including one or more of the following:~~

- ~~(1) Live/work quarters in accordance with Section 141.0311;~~
- ~~(2) Shopkeeper units; or~~
- ~~(3) A minimum of 500 square feet to accommodate home-occupation amenities, shared resources, and facilities such as conference rooms or co-work spaces.~~

(a) The following regulations apply to development within RMX zones where indicated in Table 131-07B, when the primary use and secondary use are both residential.

- (1) A minimum of 10 percent of the structures' ground floor gross floor area ratio shall be dedicated to facilitating home-based employment, excluding leasing offices, gyms, or community rooms.

This requirement can be met by including one or more of the following:

- (A) Live/work quarters in accordance with Section 141.0311;
- (B) Shopkeeper units; or
- (C) A minimum of 500 square feet to accommodate home-occupation amenities, shared resources, and facilities such as conference rooms or co-work spaces.

- (b) [No change in text.]
- (c) Within the EMX zones, no more than 50 percent of the gross floor area of a live/work quarter shall be counted as a non-residential use for the purposes of determining the primary use and secondary use.

## Item 19

### §131.0717 Bulk Standards for Buildings Over 90 Feet in Height

For purposes of this Section, bulk and scale are divided into the two main areas of the building base and the tower. Buildings over 90 feet in height shall adhere to the following requirements:

- (a) through (b) [No change in text.]
- (c) *A street wall* shall be provided for 70 percent of building frontage along the *public right-of-way*, with the following exceptions, which may be subtracted from the length of the frontage:

~~(A)~~(1) [No change in text.]

~~(B)~~(2) [No change in text.]

- ~~(C)~~(3) Recessed entrances up to a maximum of 25 feet in width and a maximum of 15 feet in depth. These may include an entry into an interior accessway for vehicles and pedestrians or vehicle or passenger drop-off area, which may be located behind the required street wall; and
- ~~(D)~~ Entries into interior or auto courts, or auto drop-offs may be allowed behind the required *street wall*.
- ~~(E)~~(4) Areas where the *existing grade* of the *public right-of-way* differs from the building pad *grade* by more than two feet, as measured vertically from the building pad grade to the existing grade of the public right of-way.

(d) [No change in text.]

#### Item 17

##### **§131.0720 Setback Requirements in Mixed-Use Zones**

For all structures, the Fire Code Official may require a fire separation distance greater than the setback required by the base zone to ensure compliance with safety regulations that include, but are not limited to, the California Building Standards Code, Title 24 of the California Code of Regulations.

#### Item 91

##### **§131.0725 Building Transitions and Buffers from Adjacent Freeways**

- (a) Buffers from adjacent Freeways. Development on a premises within 50 feet of a freeway, except for development within the Centre City Planned District, shall comply with the following:

- (1) Landscape Buffer. Development on a premises abutting a public right-of-way of a freeway shall provide a minimum 10-foot landscape buffer between the development and the freeway.
- (2) Orientation of Outdoor Areas. Outdoor areas such as patios, parks, plazas, and other common spaces used by residents, customers, or members of the public shall be oriented away from the freeway.
- (b) Transition plane. In all mixed-use zones, development on a premises with a residentially zoned abutting property with a maximum permitted density of less than 15 dwelling units per acre or area zoned Open Space – Park (OP), Open Space – Conservation (OC), and Open Space – Residential (OR) shall:

  - (1) Incorporate a transition plane in the development that does not exceed a 65-degree angle, subject to the following:

    - (A) The transition plane shall begin at the existing grade along the shared property line.
    - (B) The transition plane shall rise at an angle not to exceed 65 degrees away from the residentially zoned abutting property.
    - (C) No building element, architectural projection, or encroachment shall extend into the transition plane.
    - (D) If the shared property line is a rear property line, the transition plane shall extend into the lot for a distance equal

to one-third of the *lot* depth or 25 feet, whichever is less.

(E) If the shared *property line* is a side *property line*, the transition plane shall extend into the *lot* for a distance equal to one-third of the *lot* width or 25 feet, whichever is less.

**Items 42, 43, 68, 69, and 90**

**§132.1510 Noise Compatibility**

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

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

**Legend for Table 132-15D**

[No change in text.]

**Table 132-15D**

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

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
<b>Open Space</b> through <b>Residential, Separately Regulated Residential Uses</b> , Continuing Care Retirement Communities [No change in text.]	[No change in text.]			
<u>Emergency Shelters</u>	<u>P<sub>3</sub></u>	<u>P<sub>3</sub></u>	<u>=</u>	<u>=</u>
Employee Housing: 6 or Fewer Employees through Live/Work Quarters [No change in text.]	[No change in text.]			
<u>Low Barrier Navigation Center</u>	<u>P<sub>3</sub></u>	<u>P<sub>3</sub></u>	<u>=</u>	<u>=</u>
<i>Movable Tiny Houses</i> through <b>Institutional, Separately Regulated Institutional Uses</b> , Homeless Facilities: Congregate Meal Facilities [No change in text.]	[No change in text.]			

<u>Emergency Shelters</u>	<u>P<sup>3</sup></u>	<u>P<sup>3</sup></u>	-	-
Homeless Day Centers through Hospitals [No change in text.]	[No change in text.]			
<u>Hydrogen Vehicle Fueling Stations</u>	<u>P</u>	<u>P</u>	<u>P<sup>2</sup></u>	-
Intermediate Care Facilities & Nursing Facilities through <b>Wholesale, Distribution, Storage Equipment &amp; Materials Storage Yards</b> [No change in text.]	[No change in text.]			
<b>Moving &amp; Storage Facilities</b>	P	P	P <sup>2</sup>	- <u>P<sup>2</sup></u>
<b>Warehouses</b>	P	P	P <sup>2</sup>	- <u>P<sup>2</sup></u>
<b>Wholesale Distribution</b>	P	P	P <sup>2</sup>	- <u>P<sup>2</sup></u>
<b>Separately Regulated Wholesale, Distribution, and Storage Uses</b> through <i>Signs</i> , <b>Separately Regulated Signs Uses</b> , Theater <i>Marquees</i> [No change in text.]	[No change in text.]			

**Footnotes to Table 132-15D**

<sup>1</sup> through <sup>9</sup> [No change in text.]

**Legend for Table 132-15E**

[No change in text.]

**Table 132-15E**  
**Noise Compatibility Criteria for San Diego International Airport**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80 <sup>±</sup>
<b>Open Space</b> through <b>Residential, Separately Regulated Residential Uses</b> , Continuing Care Retirement Communities [No change in text.]	[No change in text.]			
<u>Emergency Shelters</u>	<u>P<sup>3</sup></u>	<u>P<sup>3</sup></u>	<u>P<sup>3</sup></u>	<u>P<sup>3</sup></u>
Employee Housing: 6 or Fewer Employees through Live/Work Quarters [No change in text.]	[No change in text.]			
<u>Low Barrier Navigation Center</u>	<u>P<sup>3</sup></u>	<u>P<sup>3</sup></u>	<u>P<sup>3</sup></u>	<u>P<sup>3</sup></u>
<i>Permanent Supportive Housing</i> through <b>Institutional, Separately</b>				



<b>Institutional Uses, Homeless Facilities: Congregate Meal Facilities</b> [No change in text.]	[No change in text.]			
<b>Emergency Shelters</b>	<b>P<sup>3</sup></b>	<b>P<sup>3</sup></b>	<b>P<sup>3</sup></b>	<b>P<sup>3</sup></b>
Homeless Day Centers through <b>Vehicle &amp; Vehicular Equipment Sales &amp; Service, Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses, Automobile Service Stations</b> [No change in text.]	[No change in text.]			
<u>Hydrogen Vehicle Fueling Stations</u>	<u>P</u>	<u>P</u>	<u>P<sup>1</sup></u>	<u>P<sup>1</sup></u>
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> through <b>Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]	[No change in text.]			

**Footnotes to Table 132-15E**

<sup>1</sup> through <sup>8</sup> [No change in text.]

**Items 42, 43, 69, 90, 92, and 93**

**§132.1515 Safety Compatibility**

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

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

(c) Rules for calculation and measurement of safety compatibility.

The intent is to measure the total number of *dwelling units* for a proposed residential *development* and the total intensity (people per acre) for a proposed non-residential *development* to determine compliance with the applicable safety zone. Uses that are identified as permitted in a safety zone are presumed to comply with the limits for that safety zone. Uses that

are identified as a limited use or require a *development permit* in accordance with Tables 132-15G, 132-15H, 132-15I, or 132-15J shall be subject to a calculation of *density* or intensity as follows:

- (1) Residential *development density*
  - (A) through (E) [No change in text.]
  - (F) Residential *development* shall be clustered to provide the maximum amount of open land; however, the minimum dimensions of the open land shall be 75 feet by 300 feet, with a maximum slope of 5 percent.
- (2) through (4) [No change in text.]
- (d) through (e) [No change in text.]
- (f) Safety Compatibility Review for MCAS Miramar and NOLF Imperial Beach.
- (1) through (2) [No change in text.]

**Legend for Table 132-15G**

[No change in text.]

**Table 132-15G**  
**Safety Compatibility Criteria for MCAS Miramar and NOLF Imperial Beach**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	APZ I	APZ II	TZ
Maximum People Per Acre	25	50	300
Open Space through Agriculture, Open Air Markets for the Sale of Agriculture- Related Products & Flowers [No change in text.]	[No change in text.]		

<b>Residential</b>			
<i>Mobilehome Parks</i>	-	SDP <sup>3</sup>	SDP <sup>3</sup> L <sup>17</sup>
<i>Multiple Dwelling Units</i>	-	SDP <sup>3</sup>	SDP <sup>3</sup> L <sup>17</sup>
<i>Rooming House</i> [See Section 131.0112(a)(3)(A)]	-	SDP <sup>3</sup>	SDP <sup>3</sup> L <sup>17</sup>
<i>Shopkeeper Units</i>	-	SDP <sup>3</sup>	SDP <sup>3</sup> L <sup>17</sup>
<i>Single Dwelling Units</i>	- <sup>11</sup>	SDP <sup>3</sup>	SDP <sup>3</sup> L <sup>17</sup>
<b>Separately Regulated Residential Uses, Accessory Dwelling Units</b> through Continuing Care Retirement Communities [No change in text.]	[No change in text.]		
<u>Emergency Shelters</u>	=	=	P
Employee Housing:			
6 or Fewer Employees	-	SDP <sup>3</sup>	SDP <sup>3</sup> L <sup>17</sup>
12 or Fewer Employees	-	SDP <sup>3</sup>	SDP <sup>3</sup> L <sup>17</sup>
Greater than 12 Employees	-	SDP <sup>3</sup>	SDP <sup>3</sup> L <sup>17</sup>
Fraternities and Sororities	-	-	L/1.38 <sup>317</sup>
Garage, Yard, & Estate Sales through Home Occupations [No change in text.]	[No change in text.]		
Interim Ground <i>Floor Residential</i>	-	SDP <sup>3</sup>	SDP <sup>3</sup> L <sup>17</sup>
<i>Junior Accessory Dwelling Units</i> [No change in text.]	[No change in text.]		
Live/Work Quarters	-	SDP <sup>3</sup>	SDP <sup>3</sup> L <sup>17</sup>
<u>Low Barrier Navigation Center</u>	=	=	L/.42
<i>Movable Tiny Houses</i> [No change in text.]	[No change in text.]		
<i>Permanent Supportive Housing</i>	-	SDP <sup>3</sup>	SDP <sup>3</sup> L <sup>17</sup>
Residential Care Facilities:			
6 or Fewer Persons	- <sup>11</sup>	SDP <sup>3</sup>	SDP <sup>3</sup> L <sup>17</sup>
7 or More Persons	-	SDP <sup>3</sup>	SDP <sup>3</sup> L <sup>17</sup>
Student Housing	-	-	L/1.38 <sup>317</sup>
Transitional Housing:			
6 or Fewer Persons	- <sup>11</sup>	SDP <sup>3</sup>	SDP <sup>3</sup> L <sup>17</sup>
7 or More Persons	-	SDP <sup>3</sup>	SDP <sup>3</sup> L <sup>17</sup>
Watchkeeper Quarters through <b>Institutional, Institutional Separately Regulated, Institutional Uses</b> , Homeless Facilities: Congregate Meal Facilities [60 sq ft per person] [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]	APZ I	APZ II	TZ
Maximum People Per Acre	25	50	300
<del>Emergency Shelters</del>	-	-	P
Homeless Day Centers [60 sq ft per person] through Hospitals [240 sq ft per person] [No change in text.]	[No change in text.]		
<u>Hydrogen Vehicle Fueling Stations</u>	<u>L/.17<sup>9</sup></u>	<u>L/.34<sup>9</sup></u>	<u>P<sup>9</sup></u>
Intermediate Care Facilities & Nursing Facilities [240 sq ft per person] through <b>Commercial Services, Separately Regulated Commercial Services Uses, Camping Parks</b> [No change in text.]	[No change in text.]		
<i>Child Care Facilities:</i>			
Child Care Centers	-	-	- <sup>14</sup> <u>L/.42</u>
Large Family Day Care Homes through <b>Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]	[No change in text.]		

**Footnotes to Table 132-15G**

<sup>1</sup> through <sup>2</sup> [No change in text.]

<sup>3</sup> Residential *development* is permitted up to a maximum *density* of .2 *dwelling units* per acre in the APZ II Zone, ~~and up to a maximum density of 60 dwelling units per acre in the Transition Zone.~~ Additional *density* may be requested with a Site Development Permit in accordance with Section 132.1515(c)(1)(~~DE~~) (up to a maximum of 2 *dwelling units* per acre in the APZ II Zone ~~and up to a maximum of 60 dwelling units per acre in the Transition Zone~~).

<sup>4</sup> through <sup>16</sup> [No change in text.]

<sup>17</sup> Residential *development* is permitted up to a maximum *density* of 60 *dwelling units* per acre in the Transition Zone in accordance with Section 132.1515(c)(1)(F).

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

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

**Legend for Table 132-15H**

[No change in text.]

**Table 132-15H**  
**Safety Compatibility Criteria for Brown Field Municipal Airport**  
**and Montgomery-Gibbs Executive Airport**

<b>Use Categories/ Subcategories</b> [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>	<b>Zone 4</b>	<b>Zone 5</b>	<b>Zone 6</b>
Maximum People Per Acre	N/A	84	156	156	240	No limit
Maximum <i>Lot Coverage</i> <sup>11, 18</sup>	N/A	50%	60%	70%	70%	N/A
<b>Open Space through Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities</b> [No change in text.]	[No change in text.]					
<u>Emergency Shelters</u>	<u>=</u>	<u>=</u>	<u>SDP<sup>16</sup></u>	<u>SDP<sup>16</sup></u>	<u>=</u>	<u>P</u>
Employee Housing: 6 or Fewer Employees through Live/Work Quarters [No change in text.]	[No change in text.]					
<u>Low Barrier Navigation Center</u>	<u>=</u>	<u>=</u>	<u>SDP<sup>16</sup></u>	<u>SDP<sup>16</sup></u>	<u>=</u>	<u>P</u>
<i>Movable Tiny Houses</i> through <b>Institutional, Separately Institutional Uses</b> , Homeless Facilities: Congregate Meal Facilities [60 sq ft per person] [No change in text.]	[No change in text.]					
<u>Emergency Shelters</u>	-	-	<u>SDP<sup>16</sup></u>	<u>SDP<sup>16</sup></u>	-	<u>P</u>
Homeless Day Centers [60 sq ft per person] through <b>Vehicle &amp; Vehicular Equipment Sales &amp; Services, Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses</b> , Automobile Service Stations [No change in text.]	[No change in text.]					
<u>Hydrogen Vehicle Fueling Stations</u>	<u>=</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a						

<i>Primary Use</i> through <b>Signs, Separately Regulated Signs</b> Uses, Theater <i>Marquees</i> [No change in text.]	[No change in text.]
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**Footnotes to Table 132-15H**

<sup>1</sup> through <sup>19</sup> [No change in text.]

(h) [No change in text.]

**Legend for Table 132-15I**

[No change in text.]

**Table 132-15I**  
**Safety Compatibility Criteria for San Diego International Airport – Uptown, Balboa Park and Centre City Neighborhoods**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Uptown			Balboa Park		Centre City							
						Cortez			East Vill- age	Little Italy			
Safety Zones	2E	3NE	3SE	2E	4E	2E	3SE	4E	4E	1	2E	3SE	5S
Maximum Dwelling Unit Per Acre	58	62	164	-	-	-	210	-	-	-	40	154	-
Maximum People Per Acre	272	278	674	96	240	96	842	240	240		255	732	180
Person per Household Multiplier for Mixed-Use Development	1.51	1.48	1.57	- 1.51	-	- 1.51	1.57	1.52	-	-	1.51	1.57	-
Open Space through Residential, Separately Regulated Residential Units, Continuing Care Retirement Communities [No change in text.]	[No change in text.]												
Emergency Shelters [60 sq ft per person]	L/.37	L/.38	L/.93	L/.13	L/.33	L/.13	L/.16	L/.33	L/.33	-	L/.35	L/ 1.01	=
Employee Housing (100 sq ft per person) through Live/Work Quarters [No change in text.]	[No change in text.]												
Low Barrier Navigation Center [60 sq ft per person]	L/.37	L/.38	L/.93	L/.13	L/.33	L/.13	L/.16	L/.33	L/.33	-	L/.35	L/ 1.01	=
Permanent Supportive Housing through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Congregate Meal Facilities	[No change in text.]												

[60 sq ft per person] [No change in text.]													
<del>Emergency Shelters</del> <del>[60 sq ft per person]</del>	<del>L/37</del>	<del>L/38</del>	<del>L/93</del>	<del>L/13</del>	<del>L/33</del>	<del>L/13</del>	<del>L/11</del> 6	<del>L/33</del>	<del>L/33</del>	-	<del>L/35</del>	<del>L/10</del> 1	-
Homeless Day Centers [60 sq ft per person] through <b>Vehicle &amp; Vehicular Equipment Sales &amp; Service, Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses, Automobile Service Stations</b> [No change in text.]	[No change in text.]												
<u>Hydrogen Vehicle Fueling Stations</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>P</u>	<u>P</u>	<u>P</u>
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> [250 sq ft per person] through <b>Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]	[No change in text.]												

**Footnotes to Table 132-15I**

<sup>1</sup> through <sup>6</sup> [No change in text.]

**Legend for Table 132-15J**

[No change in text.]

**Table 132-15J**

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

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Ocean Beach	Peninsula												
		Naval Training Center				Other Neighborhoods				Midway-Pacific Highway				
Safety Zones	4W	4	2W	3NW	3S W	2W	3N W	3S W	4W	1	2E	3NE	3NW	5N
Maximum <i>Dwelling Unit Per Acre</i>	31	-	-	-	-	20	10	9	36	-	46	-	44	-
Maximum People Per Acre	240	-	127	180	235	96	180	180	240	-	191	180	198	180
Person per Household Multiplier for Mixed-Use <i>Development</i>	2.14	-	2.35	2.27	2.23	2.35	2.27	2.23	2.14	-	1.51	1.48	2.27	-
Open Space through Residential, Separately Regulated Residential	[No change in text.]													

Uses, Continuing Care Retirement Communities [No change in text.]															
Emergency Shelters	<u>L/.33</u>	-	<u>L/.17</u>	<u>L/.25</u>	<u>L/.32</u>	<u>L/.13</u>	<u>L/.25</u>	<u>L/.25</u>	<u>L/.33</u>	-	<u>L/.26</u>	<u>L/.25</u>	<u>L/.27</u>	=	
Employee Housing [100 sq ft/person] through Live/Work Quarters [No change in text.]	[No change in text.]														
Low Barrier Navigation Center	<u>L/.33</u>	-	<u>L/.17</u>	<u>L/.25</u>	<u>L/.32</u>	<u>L/.13</u>	<u>L/.25</u>	<u>L/.25</u>	<u>L/.33</u>	-	<u>L/.26</u>	<u>L/.25</u>	<u>L/.27</u>	=	
Permanent Supportive Housing through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Congregate Meal Facilities [60 sq ft per person] [No change in text.]	[No change in text.]														
Emergency Shelters [60 sq ft per person]	<u>L/.33</u>	-	<u>L/.17</u>	<u>L/.25</u>	<u>L/.32</u>	<u>L/.13</u>	<u>L/.25</u>	<u>L/.25</u>	<u>L/.33</u>	-	<u>L/.26</u>	<u>L/.25</u>	<u>L/.27</u>	-	
Homeless Day Centers [60 sq ft per person] through Vehicle & Vehicular Equipment Sales & Service, Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses, Automobile Service Stations [No change in text.]	[No change in text.]														
Hydrogen Vehicle Fueling Stations	<u>P</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a Primary Use [250 sq ft per person] through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]														

**Footnotes to Table 132-15J**

<sup>1</sup> through <sup>5</sup> [No change in text.]

**Item 93**

**§132.1535 Previously Conforming**

The sSection applies to the *development* and operation of existing uses of *structures* located within the Airport Land Use Compatibility Overlay Zone that were legally



established in an airport influence area prior to the adoption of an Airport Land Use Compatibility Plan.

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

(d) Existing facilities for the following *previously conforming* uses may be expanded as follows:

(1) [No change in text.]

(2) Expansion of a child care center shall be limited to a maximum occupancy of 50 people in any single structure;

~~(A) In the Transition Zone of the MCAS Miramar airport influence area;~~

~~(B)~~(A) In Safety Zones 3 and 4 for the Brown Field Municipal Airport and Montgomery-Gibbs Executive Airport influence areas; and

~~(C)~~(B) Expansion in the San Diego International Airport safety zones is permitted in accordance with Section 132.1535(b)(3).

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

### Item 33

#### **§132.1555 Overrule Process**

(a) An *applicant* may request a decision from the City Council to overrule a determination of inconsistency made by the Airport Land Use Commission in accordance with the consistency determination process in Section 132.1550. Any decision by the City Council to overrule a determination of

inconsistency requires a Planning Commission recommendation and two City Council hearings as follows:~~The first hearing shall be a proposed decision to overrule and the second hearing shall be a final decision to overrule.~~

(1) A City Council hearing shall be held to propose a decision to overrule a determination of inconsistency made by the Airport Land Use Commission;

(2) The Planning Commission shall hold a public hearing to provide a recommendation on the City Council's proposed decision to overrule the determination of inconsistency, in accordance with a Site Development Permit decided in accordance with Process Five;  
and

(3) The second City Council hearing shall be a final decision to overrule the determination of inconsistency.

(b) ~~Associated development permits shall be consolidated and by the City Council as~~ As part of the hearing to overrule the Airport Land Use Commission, the City Council shall only consider the proposed overrule action and shall not consolidate this action with the associated development permits.

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

## Items 70 and 78

### §141.0302 Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)

*Accessory Dwelling Units (ADUs)* and *Junior Accessory Dwelling Units (JADUs)*, are permitted 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) Regulations for *ADUs* and *JADUs*.

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

(9) By-right *ADUs* and *JADUs* allowed under state law shall be exempt from Chapter 14, Article 3, Division 14.

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

(d) *ADU* Home Density Bonus. In addition to the *ADUs* and *JADUs* permitted under Sections 141.0302(b) and 141.0302(c), additional bonus *ADUs* and affordable *ADUs* shall be permitted subject to the following:

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

(3) *Floor Area Ratio*.

(A) Within a base zone that permits *single dwelling unit developments* but not *multiple unit developments*, the maximum *floor area ratio* shall be determined as follows:

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

(iii) For the ~~RS-1-1~~, RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, RS-1-7 base zones, the applicable *floor area ratio* shall be determined in accordance with Table 131-04J using the adjusted *lot* area as described in

Sections 141.0302(d)(3)(A)(i) and  
141.0302(d)(3)(A)(ii).

(B) Within a base zone that permits *multiple dwelling unit developments*, where the lot contains *environmentally sensitive lands*, the maximum permitted *floor area ratio* shall be determined by using the area of the *lot* that does not contain *environmentally sensitive lands*.

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

(10) All affordable ADUs and bonus ADUs in the development shall comply with the Climate Action Plan Consistency regulations in accordance with Chapter 14, Article 3, Division 14.

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

#### Item 44

#### **§141.0315 Permanent Supportive Housing**

*Permanent supportive housing* 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 (d) [No change in text.]

(e) The non-residential gross floor area within a permanent supportive housing development shall be used for on-site supportive services and administrative office space in the following amounts:

(1) On-site supportive services.

- (A) For developments with 20 or fewer permanent supportive housing units, at least 90 square feet must be allocated for on-site supportive services.
- (B) For developments with more than 20 permanent supportive housing units, at least three percent of the total gross floor area of the development must be dedicated to on-site supportive services intended solely for tenant use. These may include, but are not limited to, community rooms, case management offices, computer rooms, and common kitchens.
- (2) Administrative office space. Administrative office space shall not exceed 25 percent of the total gross floor area of the development. The term administrative office space means the main or auxiliary offices used by a qualified nonprofit corporation to provide on-site supportive services at a permanent supportive housing development authorized by Section 141.0315 and any off-street parking spaces required to serve the office space. It may also include space used for other qualified nonprofit corporation activities not directly related to the corresponding permanent supportive housing development.

**Item 90**

**§141.0316 Emergency Shelters**

Emergency shelters are facilities that provide housing for homeless persons with minimal supportive services that are limited to occupancy of six months or less.

An emergency shelter may be seasonal or year-around. Emergency shelters operating for 30 days or less in any 365-day period which are *accessory uses* to religious institutions or religious organizations are exempt from this Section.

Emergency shelters 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 in Section 141.0316(a). Emergency shelters may be permitted with a Conditional Use Permit decided in accordance with Process Five in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations in Section 141.0316(b).

(a) Limited Use Regulations

- (1) Emergency shelters shall provide an on *premises* waiting area of at least 10 square feet per bed to accommodate clients and to prevent queuing into the *public right-of-way*. Any outdoor waiting area shall be physically separated from the *public right-of-way*.
- (2) Emergency shelters shall provide off-street parking at a rate of at least 1 space for each full-time-equivalent employee, calculated at 8 hours of working time per employee per 24-hour period.
- (3) Hours of operation shall be limited to the hours between 6:00 p.m. and 8:00 a.m.

(4) Emergency shelters shall provide on-site supervision at all times.

At least one full-time equivalent employee shall be provided for every 20 beds.

(5) The *applicant* shall submit and implement the following:

(A) A communications plan for addressing issues or concerns regarding the emergency shelter raised by the local community, neighborhood, business organizations, and adjacent neighbors;

(B) A loitering control plan to minimize the congregation of overnight residents during daylight hours on the *premises*, in parking lots serving the *premises*, and on public sidewalks adjacent to the *premises*; and

(C) A litter control plan to maintain the *premises* and any adjacent *premises* in a litter free condition at all times.

(6) Adequate outdoor lighting for public safety shall be maintained.

Outdoor lighting shall comply with Section 142.0740.

(c) Conditional Use Permit Regulations

(1) Emergency shelters are not permitted in *Proposition A Lands*.

(2) Emergency shelters shall provide at least 35 square feet of sleeping area per bed.

(3) Emergency shelters shall provide a waiting area of at least 10 square feet per bed to accommodate clients and to prevent queuing into the *public right-of-way*. Any outdoor waiting area shall be

physically separated from the *public right-of-way*.

- (4) Emergency shelters shall provide at least 1 toilet for every 15 beds.
- (5) Emergency shelters shall provide off-street parking at a rate of at least 1 space for each full-time-equivalent employee, calculated at 8 hours of working time per employee per 24-hour period.
- (6) Hours of operation shall be limited to the hours between 6:00 p.m. and 8:00 a.m.
- (7) Emergency shelters shall provide on-site supervision at all times. At least one full-time equivalent employee shall be provided for every 30 beds.
- (8) Living, dining, and *kitchen* areas shall be physically separated from sleeping areas. The shelter shall provide telephone services separate from the office phone in order to provide privacy.
- (9) The *applicant* shall submit and implement the following:
  - (A) A communications plan for addressing community-raised issues or concerns regarding the emergency shelter with the local community, neighborhood, business organizations, and adjacent neighbors;
  - (B) A loitering control plan to minimize the congregation of overnight residents during daylight hours on the *premises*, in parking lots serving the *premises*, and on public sidewalks adjacent to the *premises*; and
  - (C) A litter control plan to maintain the *premises* and any



adjacent *premises* in a litter free condition at all times.

## Items 63 and 90

### §141.0412 Homeless Facilities

- (a) This section ~~regulates~~ applies to the following homeless facilities.
- (1) [No change in text.]
- (2) ~~Emergency Shelters: Any facility that provides housing for homeless persons with minimal supportive services that is limited to occupancy of six months or less. An emergency shelter may be seasonal or year-around.~~
- ~~Emergency shelters operating for 30 days or less in any 365-day period which are *accessory uses* to religious institutions or religious organizations are exempt from this section.~~
- ~~(3)~~(2) Homeless day centers: Any facility that provides basic services, including personal hygiene, information and referral, employment, mail, and telephone services, during daylight hours to homeless persons.
- (b) [No change in text.]
- (c) ~~Emergency Shelters~~
- (1) ~~Emergency shelters are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.~~
- (A) ~~Emergency shelters shall provide an on *premises* waiting area of at least 10 square feet per bed to accommodate~~

~~clients and to prevent queuing into the *public right of way*.~~

~~Any outdoor waiting area shall be physically separated  
from the *public right of way*.~~

- (B) ~~Emergency shelters shall provide off-street parking at a rate  
of at least 1 space for each full-time equivalent employee,  
calculated at 8 hours of working time per employee per 24-  
hour period.~~
- (C) ~~Hours of operation shall be limited to the hours between  
6:00 p.m. and 8:00 a.m.~~
- (D) ~~Emergency shelters shall provide on-site supervision at all  
times. At least one full-time equivalent employee shall be  
provided for every 20 beds.~~
- (E) ~~The *applicant* shall submit and implement the following:~~
  - (i) ~~A communications plan for addressing issues or  
concerns regarding the emergency shelter raised by  
the local community, neighborhood, business  
organizations, and adjacent neighbors;~~
  - (ii) ~~A loitering control plan to minimize the  
congregation of overnight residents during daylight  
hours on the *premises*, in parking lots serving the  
*premises*, and on public sidewalks adjacent to the  
*premises*; and~~

- (iii) ~~A litter control plan to maintain the *premises* and any adjacent *premises* in a litter free condition at all times.~~
- (F) ~~Adequate outdoor lighting for public safety shall be maintained. Outdoor lighting shall comply with Section 142.0740.~~
- (2) ~~Emergency shelters may be permitted with a Conditional Use Permit decided in accordance with Process Five in the zones Indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.~~
  - (A) ~~Emergency shelters are not permitted in *Proposition A Lands*.~~
  - (B) ~~Emergency shelters shall provide at least 35 square feet of sleeping area per bed.~~
  - (C) ~~Emergency shelters shall provide a waiting area of at least 10 square feet per bed to accommodate clients and to prevent queuing into the *public right of way*. Any outdoor waiting area shall be physically separated from the *public right of way*.~~
  - (D) ~~Emergency shelters shall provide at least 1 toilet for every 15 beds.~~
  - (E) ~~Emergency shelters shall provide off-street parking at a rate of at least 1 space for each full-time equivalent employee,~~

~~calculated at 8 hours of working time per employee per 24-hour period.~~

- ~~(F) Hours of operation shall be limited to the hours between 6:00 p.m. and 8:00 a.m.~~
- ~~(G) Emergency shelters shall provide on-site supervision at all times. At least one full-time equivalent employee shall be provided for every 20 beds.~~
- ~~(H) Living, dining, and kitchen areas shall be physically separated from sleeping areas. The shelter shall provide telephone services separate from the office phone in order to provide privacy.~~
- ~~(I) The applicant shall submit and implement the following:~~
  - ~~(i) A communications plan for addressing community-raised issues or concerns regarding the emergency shelter with the local community, neighborhood, business organizations, and adjacent neighbors;~~
  - ~~(ii) A loitering control plan to minimize the congregation of overnight residents during daylight hours on the premises, in parking lots serving the premises, and on public sidewalks adjacent to the premises; and~~

- (iii) ~~A litter control plan to maintain the premises and any adjacent premises in a litter free condition at all times.~~

~~(d)~~(c) Homeless Day Centers

Homeless day centers may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

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

**Item 94**

**§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) Limited Use Regulations

*Wireless communication facilities* are permitted as a limited use decided in accordance with Process One as follows:

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

- (3) In the *public right-of-way* provided that the *wireless communication facility* is a small cell *wireless communication facility* as defined in Section 141.0420(a)(3)(A) below.
- (A) A small cell *wireless communication facility* is a *wireless communication facility* on or concealed within a streetlight pole with a cobra arm mounted working luminaire that meets the following requirements:
- (i) The *wireless communication facility* is attached to an existing, replacement, or new streetlight pole that is standard for the proposed location and complies with the applicable guidelines in the Land Development Manual; the *antennas* and associated equipment do not exceed a total of ~~45~~30 cubic feet, and no part of the *wireless communication facility* extends more than 24 inches from the streetlight pole in any direction; except that if the *antenna* is top-mounted, the *antenna* or any material concealing the *antenna* may extend vertically up to 48 inches above the highest point of the cobra arm.
- (ii) [No change in text.]
- (B) [No change in text.]
- (4) through (5) [No change in text.]
- (6) A strand-mounted *wireless communication facility* is permitted

only on existing utility poles and overhead utility wires. *Antennas*  
and associated equipment must comply with the cable management  
design standards and shall be painted to match the color of the  
surface of the pole on which they are attached.

(7) *A temporary wireless communication facility shall be designed to*  
provide service during construction, an emergency event, a  
citywide public event, or pilot projects in accordance with  
the *Wireless Communication Facility* Guidelines in the Land  
Development Manual.

(A) *A substantial conformance review is required for a*  
temporary *wireless communication facility*.

(B) *A temporary wireless communication facility shall comply*  
with the following requirements:

(i) *Equipment associated with a temporary *wireless**  
*communication facility* shall be limited to three (3)  
antennas and six (6) radios, surge suppressors,  
ravcaps, or similar equipment;

(ii) *A temporary wireless communication facility shall*  
not exceed 250 square feet;

(iii) *No more than two (2) cabinets shall be permitted;*  
and

(iv) *Generators are not permitted.*

(C) *A new application for a temporary *wireless communication**

facility shall be submitted no later than 30 days prior to the expiration of the existing substantial conformance review.

The application shall include a construction schedule and justification for the extension of the substantial conformance review.

(D) A temporary wireless communication facility shall not be installed for more than 180 days. The applicant may request only one extension, provided that the total duration of the wireless communication facility, including the extension, does not exceed 365 days.

(E) All temporary wireless communication facilities shall be subject to the requirements of this Section. Failure to comply with the requirements of this Section shall be subject to the revocation of the substantial conformance review approval and require the immediate removal of the temporary wireless communication facility in accordance with Section 141.0420(d)(9).

(b) Neighborhood Use Permit Regulations

*Wireless communication facilities* may be permitted with a Neighborhood Use Permit decided in accordance with Process Two, as follows:

- (1) In commercial or industrial zones on a *premises* containing residential ~~or mixed-use development~~ uses;
- (2) ~~With antennas located at least 100 feet from the property line of a~~



~~premises with a dwelling unit, child care center, or school with~~  
children enrolled in any grade kindergarten through grade 8 where  
~~located:~~ In a residential, agricultural or open space zone, or on a  
premises without a zoning designation, when antennas are located  
more than 100 feet from the property line on a premises with any  
of the following uses:

- (A) ~~in an agricultural zone;~~ Residential;
  - (B) ~~On dedicated parkland subject to San Diego Charter~~  
~~section 55, except in an open space zone;~~
  - (C) ~~in a residential zone on a premises that does not contain~~  
~~residential development~~ Schools with children enrolled in  
any grade, kindergarten through grade 8; or
  - (D) Child care facilities.
- (3) ~~In the public right-of-way when the wireless communication~~  
~~facilities are not small cell wireless communication facilities;~~  
~~provided that the wireless communication facility does not include~~  
~~any ground-mounted equipment other than a pole to which the~~  
~~wireless communication facility is attached or is concealed within.~~
- (4) Equipment associated with the wireless communication facility  
within the public right-of-way, where new ground-mounted  
equipment exceeds 48 inches in height and width.
- (5) In the public right-of-way, where ground-mounted equipment does  
not exceed 48 inches above the finished grade of the curb line and

does not exceed 48 inches in width and height.

- (6) All small cell *wireless communication facilities* and *wireless communication facilities* within the *public right-of-way*, where above ground-mounted equipment does not exceed 48 inches in height and width.

(c) Conditional Use Permit Regulations

*Wireless communication facilities* may be permitted with a Conditional Use Permit as follows:

- (1) Decided in accordance with Process Three, where the *development* meets the following locational criteria:

- (A) ~~*Wireless communication facilities with antennas* located less than 100 feet from the property line of a *premises* with a *dwelling unit*, child care center, or school with children enrolled in any grade kindergarten through grade 8 where located.~~ In a residential, agricultural, or open space zone, or on a *premises* without a zoning designation, when *antennas* are located less than 100 feet from the *property line* on a *premises* with any of the following uses:

- (i) ~~in a residential zone on a *premises* that does not contain *Residential development*; or~~
- (ii) ~~in an agricultural zone.~~ On dedicated parkland subject to San Diego Charter section 55;
- (iii) *Schools* with children enrolled in any grade,

kindergarten through grade 8; or

(iv) Child care facilities.

(B) In the *public right-of-way* with ground-mounted equipment exceeding ~~3 feet~~ 48 inches above the finished *grade* of the curb line and ~~greater than 48 feet in diameter~~ inches in width and height; other than a pole to which the *wireless communication facility* is attached.

(2) Decided in accordance with Process Four, where the *development* meets the following locational criteria:

(A) ~~On dedicated parkland subject to San Diego Charter section 55 in any zone, except on the public right-of-way within dedicated parkland, with antennas located less than 100 feet from the property line of a premises with a dwelling unit, child care center, or school with children enrolled in any grade kindergarten through grade 8. A wireless communication facility that deviates from the requirements in Section 141.0420(c), and that is not identified in Section 126.0402 as requiring a Neighborhood Development Permit, shall be required to obtain a Planned Development Permit in accordance with Chapter 12, Article 6, Division 6.~~

(B) ~~In a residential zone on premises that contain residential development.~~

~~(C) In an open space zone.~~

(d) General Regulations for *Wireless Communication Facilities*

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

(5) At least 60 days prior to an *applicant* asserting that an application for a *wireless communication facility* is deemed approved pursuant to California Government Code section 65964.1, the *applicant* shall provide public notice as follows:

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

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

(e) Design Requirements

The following regulations apply to all *wireless communication facilities*:

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

(3) Equipment associated with *wireless communication facility* shall be located within an existing *building envelope*, whenever possible. If an exterior equipment enclosure is necessary, it shall be of a height minimally necessary to conceal the equipment, with an area not to exceed 250 300 square feet, unless a Neighborhood Development Permit is granted in accordance with Section 126.0402.

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

(8) *Antennas* shall comply with the following design requirements:

(A) [No change in text.]

(B) No portion of an *antenna*, including any concealment measures, shall be more than ~~12-24~~ inches away from the *structure*, unless a Neighborhood Development Permit is granted in accordance with Section 126.0402. Projections shall be minimally visible, unless the applicant provides evidence demonstrating to the satisfaction of the City Manager that an increased projection is needed to the satisfaction of the City Engineer. ~~that the wireless communication facilities cannot operate without exceeding 12 inches, in which case no portion of the antenna shall be more than 18 inches away from the structure.~~

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

(F) Any antenna mounted to a pole shall be completely concealed from view within a radome in accordance with the Wireless Communication Facility Guidelines in the Land Development Manual. If the proposed radome exceeds the design standards of this Section, a Neighborhood Development Permit is required in accordance with Section 126.0402, prior to installation.

(G) Antennas, except for shrouds and skirts, shall not exceed 8 feet in length or 3 feet in width, unless a Neighborhood Development Permit is granted in accordance with Section 126.0402.

- (9) Vertical elements, designed as flagpoles or light standards, shall replicate the design, diameter, and proportion of the vertical element they are intending to imitate. Flagpoles shall maintain a tapered design. An alternative design may be permitted with a Neighborhood Development Permit in accordance with Section 126.0402.

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

(f) *Public Right-of-Way Installations*

*Wireless communication facilities* may be installed in the *public right-of-way* in the *parkway*. *Wireless communication facilities* located in the *public right-of-way* are subject to all other applicable requirements of the Municipal Code and the following additional design requirements:

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

- (4) *Wireless communication facilities* mounted on a City Street light pole or a City signalized pole shall include a turn-off switch that is mounted to the pole, unless the *applicant* provides evidence demonstrating an alternative design for the turn-off switch is needed to the satisfaction of the City Engineer.

(g) [No change in text.]

## Item 71

### §141.0502 Alcoholic Beverage Outlets

Any establishment for which a Type 20 Beer and Wine License or a Type 21 General Liquor License has been obtained from, or for which an application has

been submitted to, the California Department of Beverage Control for permission to sell alcoholic beverages for off-site consumption shall be regulated as an alcoholic beverage outlet subject to this ~~s~~Section.

Alcoholic beverage outlets 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 regulations in Section 141.0502(b). Proposals for alcoholic beverage outlets that do not comply with the regulations in Section 141.0502(b) may be permitted with a Conditional Use Permit decided in accordance with Process Three subject to the regulations in Section 141.0502(c).

(a) Exemptions. The following alcoholic beverage outlets and areas are exempt from the provisions of this ~~s~~Section:

- (1) Hotels, *motels*, or any other lodging establishments where the area devoted to the sale of alcoholic beverages for off-site consumption does not exceed 10 percent of the *gross floor area* of the entire ~~premises~~ establishment;
- (2) Establishments of more than 15,000 square feet of *gross floor area*, provided the area devoted to alcohol sales does not exceed 10 percent of the *gross floor area* of the entire ~~premises~~ establishment;

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

(b) Limited Use Regulations. Alcoholic beverage outlets are permitted as a limited use subject to the following regulations.

- (1) Alcoholic beverage outlets are not permitted in any of the following locations:
  - (A) through (B) [No change in text.]
  - ~~(C)~~ ~~In an adopted Redevelopment Project Area;~~
  - ~~(D)~~(C) Within 600 feet of a public or private accredited *school*, a *public park*, a playground or recreational area, a *church*, a hospital, or a San Diego County welfare district office; and
  - ~~(E)~~(D) Within 100 feet of a residentially zoned property.
- (2) through (12) [No change in text.]
- (c) [No change in text.]

## Item 20

### §141.0504 Cannabis Outlets

*Cannabis outlets* that are consistent with the requirements for retailer or dispensary license requirements in the California Business and Professions Code 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). No more than four *cannabis outlets* are permitted in each City Council District except that any permitted *cannabis outlet* that changes City Council District as a result of redistricting may remain at its originally permitted location for the duration of its permit, regardless of the number of permitted *cannabis outlets* within the new City Council District boundary, and subject to continued compliance with this ~~s~~Section. *Cannabis outlets* are subject to the following regulations.



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

(d) Primary *signs* shall be posted on the outside of the *cannabis outlet* and shall only contain the name of the business, which shall contain only alphabetic characters, and shall be limited to two colors. Secondary *signs advertising cannabis*, window *signs* and any display visible from the *public right-of-way* are not permitted. The use of the cannabis leaf symbol is prohibited on any sign.

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

#### Item 45

##### **§141.0602 Assembly and Entertainment Uses, Including Places of Religious Assembly**

This use category applies to facilities designed to accommodate at least 25 people at a time for recreation, physical fitness, entertainment, or other assembly, including places of religious assembly. Assembly and entertainment uses are permitted as a limited use in accordance with Process One in zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and are subject to the regulations in Sections 141.0602(a) and (b). Assembly and entertainment uses may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and are subject to the regulations in Sections 141.0602(a) and (c).

(a) General Regulations

(1) [No change in text.]

- (2) Assembly and entertainment uses shall provide off-street parking according to Table 142-05G. ~~Within transit priority areas, parking may be reduced below the minimum required for residential development. The reduction in parking allowed shall be limited to the footprint of the residential structure and any required landscape or open space for the residential development.~~

- (3) [No change in text.]

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

## Item 21

### §141.0606 Child Care Facilities

- (a) This ~~s~~Section regulates the following *child care facilities*:

- (1) [No change in text.]

- (2) Child care centers: Any *child care facility*, other than a small or large family child care home, that is licensed by the State of California to provide child care: child care centers may be infant centers, preschools, or school-age, after school extended day care facilities.

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

## Items 97 and 107

### §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) Limited Use Regulations for Sidewalk Cafes

(1) Design requirements

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

(M) Parking for a sidewalk cafe portion of an eating and drinking establishment shall only be required if:

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

(iii) A sidewalk café is located outside of a *Transit Priority Area* ~~in the Parking Impact Overlay Zone.~~

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

(b) Limited Use Regulations for Streetaries

(1) [No change in text.]

(2) Permit Requirements

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

(C) Removal of on-street parking spaces to construct streetaries shall comply with the following:

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

(iv) Within both the Coastal Overlay Zone and the Beach Impact Area of the Parking Impact Overlay Zone, but outside of the *Transit Priority Area*, all on-street parking removed to construct a streetary shall be replaced with an equivalent number of *off-street parking spaces* provided at no cost to the public either on the same *premises* as the business proposing the streetary, or off-premises through shared parking in accordance with Section 142.0545.

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

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

(c) Limited Use Regulations for Active Sidewalks

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

(3) Permit Requirements:

(A) [No change in text.]

(B) Removal of on-street parking spaces to construct active sidewalks shall comply with the following:

- (i) On-street accessible parking spaces provided in accordance with Title 24 of the California Code of Regulations (California Building Standards Code) ~~shall not~~ may only be removed for the construction of active sidewalks if they are replaced with an equivalent number of accessible spaces and relocated within the block perimeter or within 500 feet of their original location, subject to the approval of the City Engineer.
- (ii) through (iii) [No change in text]
- (iv) Within both the Coastal Overlay Zone and the Beach Parking Impact Area, but outside of the Transit Priority Area, all on-street parking removed to construct an active sidewalk shall be replaced with an equivalent number of *off-street parking spaces* provided at no cost to the public either on the same *premises* as the business proposing the active sidewalk, or off-premises through shared parking in accordance with Section 142.0545

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

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

#### **Item 107**

#### **§141.0628 Outdoor Dining on Private Property**

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

(a) Permit Requirements

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

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

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

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

(i) [No change in text.]

(ii) Within the Beach Impact Area of the Parking Impact Overlay Zone, but outside of the *Transit Priority Area*, all *off-street parking spaces* removed to construct outdoor dining on private property shall be replaced with an equivalent number of *off-street parking spaces* provided at no cost to the public through *shared parking* in accordance with Section 142.0545.

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

(b) [No change in text.]

**Items 97 and 107**

**§141.0629 Promenade**

For the purposes of this Section, a promenade is defined as the partial or complete *street* closure to vehicular traffic to facilitate active transportation uses such as walking, biking, recreation, outdoor dining, and enjoyable public interaction.

Promenades enhance pedestrian safety, encourage non-motorized transportation and foster neighborhood interaction and outdoor activities, increasing the likelihood that more pedestrians will travel by foot or bicycle. Within the Coastal Overlay Zone, promenades shall not be permitted along *streets* that are adjacent to exclusively residential uses. A promenade initiated by the City shall not be subject to the additional requirements of this Section.

(a) [No change in text.]

(b) Permit Requirements

(1) [No change in text.]

(2) For promenades that remove on-street parking spaces the following shall apply:

(A) On-street accessible parking spaces provided in accordance with Title 24 of the California Code of Regulations (California Building Standards Code) ~~shall not~~ may only be removed for the construction of promenades if they are replaced with an equivalent number of accessible spaces and relocated within the block perimeter or within 500 feet of their original location, subject to the approval of the City Engineer.

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

- (D) Within both the Coastal Overlay Zone and the Beach Parking Impact Area, but outside of a Transit Priority Area, all on-street parking removed to construct a promenade shall be replaced with an equivalent number of *off-street parking spaces* provided at no cost to the public either on the same *premises* as the business(es) proposing the promenade, or off-*premises* through shared parking in accordance with Section 142.0545.

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

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

#### Item 42

##### **§141.0801 Automobile Service Stations**

Automobile service stations 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. Automobile service stations may be permitted with a Neighborhood Use Permit decided in accordance with a Process Two in the zones indicated with an “N” or 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) The following activities may be permitted as *accessory uses* in automobile service stations:



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

(5) Hydrogen vehicle fueling stations in accordance with Section 141.0804.

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

## Item 42

### **§141.0804 Hydrogen Vehicle Fueling Stations**

Hydrogen vehicle fueling stations are facilities that contain equipment and structural design components necessary to ensure the safety of hydrogen vehicle fueling stations, including hydrogen-refueling canopies, that are used to store and dispense hydrogen fuel to vehicles according to industry codes and standards that are open to the public.

Hydrogen vehicle fueling stations 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. The regulations are intended to facilitate the use of hydrogen vehicle fueling stations and to comply with state requirements for timely administrative approvals and allow an *applicant* to appeal a denial of an application of a *construction permit* for a hydrogen vehicle fueling station.

(a) A *construction permit* decided in accordance with Process One shall be required for the installation of a hydrogen vehicle fueling station with a *deemed complete* application submitted prior to January 1, 2030.

(1) The *construction permit* application shall be submitted in accordance with Sections 112.0102 and 129.0105.

(2) Within a planned district (subject to Land Development Code Charter 15), a separate Planned District Ordinance Permit shall not be required in addition to the *construction permit* required pursuant to Section 141.0804.

(b) In reviewing the *construction permit*, the Building Official shall evaluate whether the hydrogen vehicle fueling station meets all applicable health and safety requirements of local, state, and federal law and shall apply the following general regulations:

(1) A hydrogen vehicle fueling station shall meet all of the following, as applicable:

(A) Safety and performance standards established by the Society of Automotive Engineers and accredited nationally recognized testing laboratories; and

(B) Any rules established by the California Air Resources Board, Energy Commission, or Department of Food and Agriculture regarding safety, reliability, weights, and measures.

(2) Existing landscaping shall not be removed if it is required pursuant to the Landscape Regulations (Chapter 14, Article 2 Division 4), unless it is replaced with equivalent or greater landscape elsewhere on the *premises*.

- (3) The *applicant* shall demonstrate that a hydrogen vehicle fueling station on private property will accommodate a vehicle to be fueled while parked without protruding into the *public right-of-way*.
- (4) *Street frontage, setback* and driveway requirements shall be consistent with Sections 141.0801(c), 141.0801(d) and 141.0801(e).
- (5) The *premises* of a proposed hydrogen vehicle fueling station shall not contain any residential uses.
- (6) Notwithstanding the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), a hydrogen vehicle fueling station may be permitted on a *premises* that was previously developed with an automobile service station.
- (7) A hydrogen vehicle fueling station may be an *accessory use* for an automobile service station in accordance with Section 141.1801.
- (c) The Building Official shall approve, in accordance with Process One, the hydrogen vehicle fueling station unless the Building Official determines there is substantial evidence of a specific adverse impact upon the public health or safety, which for the purpose of Section 141.0408(c) means a significant quantifiable, direct, and unavoidable impact based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete, and there is no feasible method or alternative to satisfactorily mitigate or avoid the specific, adverse impact.

- (d) If the Building Official determines that the proposed hydrogen fueling station could have a specific, adverse impact upon public health or safety, then the Building Official shall make written findings notifying the applicant that the construction permit for the hydrogen vehicle fueling station is denied, the basis for that denial, and the appeal rights set forth in Section 141.0408(e). The applicant shall be responsible for all administrative costs associated with processing the appeal.
- (e) Notwithstanding Section 112.0502, an applicant may appeal the denial of an application for a construction permit for a hydrogen vehicle fueling station to the Planning Commission by filing an application for an appeal hearing with the City Manager no later than 12 business days after the decision date. The application shall include the contents for appeal identified in Section 112.0510(a).
- (1) Grounds for Appeal. A denial may only be appealed on the grounds that the stated findings to deny the construction permit are not supported by substantial evidence.
- (2) Scheduling an Appeal Hearing. The City Manager shall assign a date for an appeal hearing before the Planning Commission no later than 30 calendar days after the date on which an application for the appeal hearing is filed with the City Manager.
- (3) Power to Act on the Decision at Appeal Hearing. The Planning Commission may affirm, reverse, or modify the decision to deny a hydrogen vehicle fueling station in accordance with the following:

- (A) A decision to affirm the Building Official decision requires a *finding* based on substantial evidence in the record that the proposed hydrogen vehicle fueling station would have a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. In addition, the *finding* shall include the basis for rejection of potential feasible alternatives to prevent the adverse impact.
- (B) If the Planning Commission determines that there is not substantial evidence in the record that the proposed hydrogen vehicle charging station could have a specific, adverse impact upon the public health or safety, then the decision shall be reversed and the *construction permit* shall be approved.
- (C) If the Planning Commission determines that conditions of approval would mitigate the specific, adverse impact upon the public health or safety, then the decision shall be reversed, and the *construction permit* shall be conditionally approved. Any conditions imposed shall be mitigated at the lowest cost possible.

### Item 63

#### §142.0310 General Fence Regulations for All Zones

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

(c) *Fence Height in Required Front Yards and Required Street Side Yards*

(1) *Solid Fences*

(A) [No change in text.]

(B) The height of a *solid fence* located in a required *yard* may increase as the *fence* is placed farther from the front or *street side property line*. ~~No~~ No portion of the *fence* shall exceed the height established by a line drawn beginning at a point 3 feet above *grade* at the *property line* and ending at a point 6 feet above *grade* at the *setback line*, as shown in ~~Diagram~~ Diagram 142-03A.

**Diagram 142-03A** [No change in text.]

(C) *Solid fences* located in a required *yard* that abuts a major *street*, primary arterial, or *freeway*, as identified in the applicable *land use plan*, are permitted up to 6 feet in height if there is at least one horizontal or vertical offset for every 120 square feet of *fence* area. The offset shall be at least 12 inches wide with a minimum reveal of 4 inches.

~~See~~ See Diagram 142-03B.

**Diagram 142-03B** [No change in text.]

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

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

**Item 46**

**§142.0390 Monitored Perimeter Security Fence Systems**

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

(c) General Regulations

(1) Use Regulations

Monitored perimeter security *fence* systems may be permitted by a Process One and shall only be allowed in industrial zones that do not allow for residential *development*, unless otherwise specified in this Section.

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

(d) Sunset Provision. The following supplemental regulations apply to monitored perimeter security *fence* systems with an Alarm System Permit application submitted prior to January 1, 2028, in accordance with California Civil Code section 835.

(1) Monitored perimeter security *fence* systems shall be constructed and operated in accordance with the standards and specifications of the International Electrotechnical Commission International Standard IEC 60335, Part 2-27:2018.

(2) Monitored perimeter security *fence* systems shall not require a building permit in accordance with Process One and only require an Alarm System Permit pursuant to Chapter 3, Article 3, Division 37 in any zone that does not permit residential, provided all of the following apply:

(A) The *premises* contains a use that allows for the commercial storage, parking, serving, selling or renting of vehicles,

vessels, equipment, materials, freight or utility

infrastructure within an outdoor lot or yard;

(B) The premises does not contain any residential or hospitality uses;

(C) There are no abutting properties with a residential use; and

(D) The premises is not within 300 feet, measured horizontally in a straight line from property line to property line, of a public park, child care facility, recreation center, community center or school.

(3) Monitored perimeter security fence systems shall be permitted by a Process One and require an Alarm System Permit pursuant to Chapter 3, Article 3, Division 37 in any zone that does not permit residential, provided all of the following apply.

(A) The premises contains a use that allows for the commercial storage, parking, serving, selling or renting of vehicles, vessels, equipment, materials, freight or utility infrastructure within an outdoor lot or yard;

(B) The premises does not contain any residential or hospitality uses; and

(C) There is an abutting property with a residential use or the premises is within 300 feet, measured horizontally in a straight line from property line to property line, of a public



*park, child care facility, recreation center, community  
center or school.*

#### Item 34

##### **§142.0401 Purpose of Landscape Regulations**

The purpose of these regulations is to minimize the erosion of slopes and disturbed lands through revegetation; to conserve energy by the provision of shade trees over *streets*, sidewalks, parking areas, and other paving; to preserve and protect existing trees and shrubs to support biodiversity, and advance the City's Climate Action Plan goals; to conserve water through low-water-using planting and irrigation design; to reduce the risk of fire through site design and the management of flammable vegetation; and to improve the appearance of the built environment by increasing the quality and quantity of landscaping visible from *public rights-of-way*, private streets, and adjacent properties, with the emphasis on landscaping as viewed from *public rights-of-way*.

#### Item 63

##### **§142.0403 General Planting and Irrigation Requirements**

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

- (a) [No change in text.]
- (b) Plant Material Requirements
  - (1) through (7) [No change in text.]

- (8) All pruning shall comply with the standards of the American National Standards Institute (ANSI) for ~~free~~ tree care operations and the International Society of Arboriculture (ISA) best management practices for ~~free~~ pruning. Topping of trees is prohibited.

(9) through (17) [No change in text.]

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

#### Item 47

#### §142.0510 General Parking Regulations

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

- (d) *Previously Conforming Premises*. Enlargement or change in use, or resumption of a discontinued use, for a *premises* that is *previously conforming* for the ~~reason that~~ use since it does not provide the number of *off-street parking spaces* required by this Division shall provide parking as follows:

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

- (6) Outside of Transit Priority Areas, the off-street parking space requirement for an existing single dwelling unit, located on a lot containing no other dwelling units, shall not be increased as a condition of approval for a remodel, renovation, or addition, provided the single dwelling unit development does not result in the single dwelling unit exceeding any maximum size limitation established by the applicable base zone regulations, including but

not limited to height, lot coverage, or floor area ratio.

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

**Item 47**

**§142.0520 Single Dwelling Unit Residential Uses — Required Parking Ratios**

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

**Table 142-05B**  
**Minimum Required Parking Spaces for Single Dwelling Units and Related Uses**

Type of Unit and Related Uses	Number of Minimum Required Automobile Parking Spaces	
	<i>Transit Priority Areas</i> <sup>(3)</sup>	<i>Outside of Transit Priority Areas</i>
All <i>single dwelling units</i> , except those with five or more <i>bedrooms</i> in campus impact areas (See Chapter 13, Article 2, Division 8) [No change in text.]	[No change in text.]	
<i>Single dwelling units</i> with five or more <i>bedrooms</i> in campus impact areas (See Chapter 13, Article 2, Division 8)	0 spaces per <i>dwelling unit</i>	1 space per <i>bedroom</i> (previously conforming parking regulations in Section 142.0510(d) do not apply) <sup>(2)</sup> [See Section 142.0520(b)]

**Footnotes for Table 142-05B**

<sup>1</sup>through<sup>3</sup> [No change in text.]

(b) The *off-street parking space* requirement for an existing *single dwelling unit*, located on a *lot* containing no other *dwelling units*, shall not be increased as a condition of approval for a remodel, renovation, or addition, provided the *single dwelling unit development* does not result in the *single dwelling unit* exceeding any maximum size limitation established by the applicable base zone regulations, including but not limited to height, lot coverage, or floor area ratio.

Items 38 and 48

**§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios**

- (a) Minimum Required Parking Spaces. The required automobile parking spaces, motorcycle parking spaces, and bicycle parking spaces for *development of multiple dwelling units*, whether attached or detached, and related and *accessory uses* are shown in Table 142-05C. Other allowances and requirements, including the requirement for additional common area parking for some projects, are provided in Sections 142.0525(b) through (d).

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

<i>Multiple Dwelling Unit Type and Related and Accessory Uses</i>	<b>Automobile Spaces Required Per Dwelling Unit</b> (Unless Otherwise Indicated)				<b>Motorcycle Spaces Required Per Dwelling Unit<sup>(9)</sup></b>	<b>Bicycle Spaces Required Per Dwelling Unit<sup>(5)</sup></b>
	<b>Basic <sup>(1)</sup></b>	<b><i>Transit Area</i><sup>(2)</sup></b>	<b><i>Transit Priority Area</i><sup>(9)</sup></b>	<b>Parking Impact<sup>(4)</sup></b>		
<b>Studio up to 400 square feet through 5+ bedrooms</b> [No change in text.]	[No change in text.]					
<b>Affordable Housing dwelling units regulated by Section 142.0527</b>	<del>N/A</del> <u>See Section 142.0527</u>	<del>N/A</del> <u>See Section 142.0527</u>	0	<del>0.25 beyond that required in</del> <u>See Section 142.0527</u>	(See footnote 3)	(See footnote 3)
<b><i>Condominium conversion</i><sup>(8)</sup> through <i>Accessory uses</i> (spaces per square feet<sup>(7)</sup>)</b> [No change in text.]	[No change in text.]					

**Footnotes for Table 142-05C**

<sup>1</sup> through <sup>11</sup> [No change in text.]

- (b) Eligibility for *Shared Parking*. Up to ~~25~~20 percent of the parking spaces

required by this section may be unassigned and eligible for *shared parking* in accordance with Section 142.0545 ~~except that at least one space shall be assigned to each dwelling unit.~~ Within the beach impact area of the Parking Impact Overlay Zone; and within the *Transit Priority Area*, off-*premises* parking shall not be permitted for residential uses.

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

**Item 48**

**§142.0527 Affordable Housing Parking Regulations**

The Affordable Housing Parking Regulations establish the minimum number of on-site parking spaces required for affordable housing *dwelling units* that meet the criteria in Section 142.0527(a)(3).

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

(d) Affordable housing *dwelling units* Parking Ratios. Table 142-05D provides the parking ratios required for affordable housing *dwelling units* as defined in Section 142.0527(a)(3).

**Legend for Table 142-05D**

[No change in text.]

**Table 142-05D  
Affordable Housing *Dwelling Units* Parking Ratios**

Bedrooms	Family Housing			Housing for Senior Citizens			Studio <sup>(1)</sup> or 1 Bedroom <sup>(1)</sup>			Housing for Disabled Persons			SRO Hotel		
	H	M	L	H	M	L	H	M	L	H	M	L	H	M	L

Studio [No change in text.]	[No change in text.]														
1 BR	<del>1.0</del> <u>0.7</u>	0.6	0.33	<del>0.75</del> <u>0.7</u>	0.6	0.15	<del>0.75</del> <u>0.7</u>	0.5	0.1	<del>0.75</del> <u>0.7</u>	0.5	0.1	-	-	-
2BR [No change in text.]	[No change in text.]														
3 BR	<del>1.75</del> <u>1.2</u>	<del>1.4</del> <u>1.2</u>	0.75	-	-	-	-	-	-	-	-	-	-	-	-
Accessory, Visitor <sup>(2)</sup> through Assigned spaces <sup>(3)</sup> [No change in text.]	[No change in text.]														

**Footnotes for Table 142-05D**

<sup>(1)</sup> through <sup>(3)</sup> [No change in text.]

(e) [No change in text.]

**Items 45, 72, and 73**

**§142.0530 Nonresidential Uses — Parking Ratios**

- (a) Retail Sales, Commercial Services, and Mixed-Use Development.
- Table 142-05E establishes the ratio of required parking spaces to building *floor* area in the commercial zones, industrial zones, mixed-use zones, and planned districts shown, for retail sales uses and for those commercial service uses that are not covered by Table 142-05F or 142-05G. Table 142-05E also establishes the required parking ratios for mixed-use *development* in a single *structure* that include an allowed use from at least two of the

following use categories: (1) retail sales, (2) commercial services,  
and (3) offices.

**Table 142-05E**  
**Parking Ratios for Retail Sales, Commercial Services, Offices, and**  
**Mixed-Use Development**

<b>Zone</b>	<b>Parking Spaces Required per 1,000 Square Feet of <i>Floor Area</i> Unless Otherwise Noted (<i>Floor Area</i> Includes <i>Gross Floor Area</i> plus Below <i>Grade Floor Area</i> and Excludes <i>Floor Area</i> Devoted to Parking)</b>			
	<b>Required Automobile Parking Spaces<sup>(1)</sup></b>			
	<b>Minimum Required Outside a <i>Transit Area</i> or <i>Transit Priority Area</i></b>	<b>Minimum Required Within a <i>Transit Priority Area</i><sup>(6)</sup></b>	<b>Minimum Required Within a <i>Transit Area</i><sup>(2)</sup></b>	<b>Maximum Permitted</b>
<b>Commercial Zones, CC-1-1 through Industrial Zones, IL-3-1</b> [No change in text.]	[No change in text.]			
IP-1-1 IP-2-1 <u>IP-3-1</u>	5.0	0	4.3	6.5
IS-1-1 through <b>Planned Districts, Old Town</b> [No change in text.]	[No change in text.]			

**Footnotes for Table 142-05E**

<sup>1</sup> through <sup>6</sup> [No change in text.]

(b) [No change in text.]

(c) Nonresidential Uses. Table 142-05G establishes the required ratio of parking spaces to building *floor area* for the nonresidential uses shown that are not covered by the parking requirements in Section 142.0530(a) and (b).

**Table 142-05G**  
**Parking Ratios for Specified Non- Residential Uses**

Use	Parking Spaces Required per 1,000 Square Feet of <i>Floor Area</i> Unless Otherwise Noted ( <i>Floor Area</i> Includes <i>Gross Floor Area</i> plus below <i>Grade Floor Area</i> , and Excludes <i>Floor Area</i> Devoted to Parking)			
	Required Automobile Parking Spaces <sup>(1)</sup>			
	Minimum Required Outside a <i>Transit Priority Area</i>	Minimum Required Within a <i>Transit Priority Area</i> <sup>(8)</sup>	Minimum Required Within a <i>Transit Area</i> <sup>(2)</sup>	Maximum Permitted
Institutional, Separately Regulated Uses, Botanical Gardens and Arboretums through Public assembly & entertainment, Swimming pools [No change in text.]	[No change in text.]			
All other assembly and entertainment	1 per 3 seats or 1 per 60 inches of bench or pew seating, whichever is greater; or 30 per 1,000 square feet of assembly area if seating is not fixed <sup>(9)</sup>	0	85% of Minimum <sup>(7)</sup>	N/A
Visitor accommodations through Distribution and Storage <sup>(4)</sup> , Self Storage Facilities [No change in text.]	[No change in text.]			
Industrial				
Heavy Manufacturing (except in IS Zone)	1.5 <sup>(6)</sup>	0 <sup>(6)</sup>	1.5 <sup>(6)</sup>	4.0
Light manufacturing (except in IS Zone)	2.5 <sup>(6)</sup>	0 <sup>(6)</sup>	2.1 <sup>(6)</sup>	4.0
Research & development (except in IS Zone) through All industrial uses in the IS Zone [No change in text.]	[No change in text.]			

**Footnotes for Table 142-05G**

<sup>1</sup> through <sup>8</sup> [No change in text.]

<sup>9</sup> See Section 142.0565 for a proposed residential *development on a premises* owned or controlled by a place of religious assembly.



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

### Item 38

#### §142.0545 Shared Parking Requirements

- (a) Approval Criteria. ~~In all zones except single-unit residential zones,~~  
*Shared parking* may be approved through a Building Permit subject to the following requirements.
- (1) *Shared parking* requests shall be for two or more different ~~land~~ uses or *developments* located adjacent or near to one another, subject to the standards in this ~~s~~Section.
- (2) ~~All *Shared parking*~~ facilities for uses or *developments* shall be located within a ~~1200–~~2,000- foot ~~horizontal distance of the uses served~~ walking distance along a pedestrian path of travel using sidewalks.
- (3) through (5) [No change in text.]
- (b) through (d) [No change in text.]

### Item 98

#### §142.0560 Development and Design Regulations for Parking Facilities

- (a) through (j) [No change in text.]
- (k) Parking *Structure* Design Regulations. Parking *structures* are subject to the following design regulations:
- (1) The perimeter of each parking *structure floor* at and above the *street* level shall have an opaque *screen* or other *screening* mechanism to shield automobiles from public view. ~~The *screen*~~

~~shall be at least 3½ feet high measured from the finished floor elevation.~~

- (a) For street level building facades that front on any public right-of-way, the screen shall extend the full vertical height of the story that fronts the public right-of-way.
- (b) For all other building facades, the screen shall be at least 3.5 feet high measured from the finished floor elevation.
- (c) Portions of a parking structure necessary for vehicle ingress and egress shall be exempt from the screening requirements.

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

#### Item 45

#### **§142.0565 Reduced Parking Requirements for a Residential Development Affiliate of Places of Religious Assembly**

A proposed residential development owned or controlled by a place of religious assembly that is located outside of a transit priority area shall be eligible for reduced minimum parking requirements, subject to the following:

- (a) The proposed residential development shall comply with all of the following:
  - (1) The proposed residential development shall be located on a lot that meets one or more of the following:
    - (A) Contains required off-street parking spaces for the place of religious assembly;

- (B) Is located on an *abutting property* with *off-street parking spots* for the place of religious assembly; or
    - (C) Are within 0.1 miles from a *lot* that contains *off-street parking spaces* for the place of religious assembly.
  - (2) The residential *development* shall be located on *premises* owned, controlled and operated by the place of religious assembly; and
  - (3) The residential *development* has applied for and qualifies to receive a *density* bonus under Chapter 14, Article 3, Division 7.
- (b) Minimum parking requirements:
  - (1) The minimum *off-street parking spaces* required for a place of religious assembly that is existing as of the date the application is deemed complete shall be 50 percent of the *off-street parking spaces* that exist on the date the residential *development* application is *deemed complete*. The remaining *off-street parking spaces* may be used for the proposed residential *development*. A *premises* that is *previously conforming* because it does not provide the required number of *off-street parking spaces* required by this Division is exempt from the requirements in Section 142.0510(d).
  - (2) The minimum *off-street parking spaces* required for *development* of a proposed place of religious assembly shall be 50 percent of that required in Table 142-05G when developed in conjunction with a residential *development* proposed in accordance with Section 142.0565.

- (3) The minimum *off-street parking spaces* required for the proposed residential *development* shall not be greater than one *off-street parking space per dwelling unit*.

#### Item 49

### §142.0611 Exemptions from Requirement to Provide Public Improvements Incidental to a Building Permit

The following activities are exempt from Section 142.0610:

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

(f) A residential or mixed-use *development* with at least 50 percent of the *gross floor area* dedicated to residential uses is exempt from a *dedication* requirement to widen a *street* for the purpose of mitigating vehicular traffic impacts, or achieving a planned *street* width for the purpose of increasing vehicular capacity as identified by the applicable *land use plan* or City of San Diego Street Design Manual, unless one of the following applies:

- (1) The *development* is located outside of a *transit priority area* and has a linear *street frontage* of 500 feet or more.
- (2) The *dedication* is necessary to preserve the health, safety, and welfare of the public, including pedestrians and bicyclists as determined by the City Engineer.
- (3) The *dedication* is necessary to construct *public improvements*, including but not limited to: curbs, gutters, street trees, parkways, transit lanes, bicycle facilities, substandard street widths,

stormwater, wastewater and sewer improvements, all to the satisfaction of the City Engineer.

#### Item 4

##### **§142.0625 When Public Improvements Are Required for Condominium Conversions**

No final map shall be issued for any *condominium conversion* in accordance with Section 144.0507 unless the *streets* and *alleys* abutting the *premises* have been dedicated and improved along the abutting frontage to the prevailing standards of the City of San Diego. *Street* improvements shall include street trees, curbs, gutters, sidewalks, and half-width paving. *Alley* improvements consist of full-width paving.

#### Items 7, 22, 74, 95, 99, and 105

##### **§142.0640 Development Impact Fees for Public Facilities and Spaces**

###### (a) Purpose

The purpose of this Section is to implement the City's General Plan, which contains policies related to the maintenance of an ~~effective facilities~~ financing infrastructure and public spaces program to ensure the impact of new *development* is mitigated through appropriate fees adopted by the City Council, which include Development Impact Fees. ~~This Section applies to communities identified as Facilities Benefit Assessment communities and Development Impact Fee communities in the City's General Plan. Facilities Benefit Assessments (FBAs) and Development Impact Fees (DIFs) are collectively identified as DIFs. Nothing in this Section shall be construed to prohibit the City from imposing additional DIFs~~ Development Impact Fees on a particular project.

(b) Payment of Fees

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~~ Development Impact Fees are paid in areas where ~~DIFs~~ Development Impact Fees have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require the payment of ~~DIFs~~ Development Impact Fees for *development* that would increase demand for public facilities or result in the need for new public facilities. ~~DIFs~~ Development Impact Fees 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~~ Development Impact Fee amount due shall be based upon the ~~DIF~~ Development Impact Fee schedule in effect when the *development* application was *deemed complete*, or the ~~DIF~~ Development Impact Fee schedule in effect when the fees are paid, whichever amount is lower, plus an automatic increase consistent with Section 142.0640(c), if applicable.

Exemptions:

- (1) *Accessory Dwelling Units less than 750 square feet in gross floor area, Junior Accessory Dwelling Units, movable tiny houses, and guest quarters are exempt from* ~~DIF~~ Development Impact Fees, except as follows. The following are also exempt:

- (A) The first two *Accessory Dwelling Units* on a *premises* ~~are~~ shall be exempt from the requirement to pay ~~DIF~~ Development Impact Fees, regardless of the *gross floor area* of the *Accessory Dwelling Unit*, unless the *Accessory Dwelling Units* are constructed in accordance with Section 143.1305(c)(1), in which case payment of ~~DIF~~ Development Impact Fees will be required in accordance with Section 142.0640(b)(1)(B) if the *Accessory Dwelling Units* area greater 750 square feet or greater in gross floor area. Where more than two *Accessory Dwelling Units* are proposed, the exemption shall apply to the first two *Accessory Dwelling Units* with the smallest gross floor area.
- (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 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)(B) Notwithstanding Sections 142.0640(b)(1)(A) and (B),~~

~~*Accessory Dwelling Units*, regardless of gross floor area on  
a *premises* in which the *record owner* agrees to reside in one  
of the *dwelling units* as their primary residence for a  
minimum of three years from the date of building permit  
issuance for the *Accessory Dwelling Unit* are exempt from  
the requirement to pay ~~DIF~~ Development Impact Fees.~~

~~Prior to the issuance of the building permit, the *record  
owner* shall sign an affidavit acknowledging the *record  
owner* intends to reside in one of the *dwelling units* as their  
primary residence for a minimum of three years from the  
date of issuance of the building permit for the  
*Accessory Dwelling Unit*. The affidavit shall be in a form that  
is approved by the City and recorded in the Office of the  
County Recorder. This requirement shall not apply to a  
*record owner* that is a community land trust, as defined in  
California Revenue and Taxation Code Section  
402.1(a)(11)(C)(ii), or is a qualified nonprofit corporation as  
described in California Revenue and Taxation Code Section  
214.15.~~



- (2) *Permanent Supportive Housing*, low barrier navigation centers, and transitional housing facilities are exempt from ~~DIFs~~ Development Impact Fees.
- (3) Inclusionary *dwelling units* provided pursuant to Chapter 14, Article 12, Division 13 are exempt from ~~DIFs~~ Development Impact Fees if the *applicant* has satisfied all the requirements of Division for inclusionary *dwelling units* on the same *premises* as market-rate *dwelling units* that do not exceed 500 square feet or that contain at least three ~~bedrooms~~ bedrooms, as specified in Section 143.1010(f) are exempt from ~~DIFs~~ Development Impact Fees.
- (4) For *development* utilizing the Complete Communities: Housing Solutions Regulations in Chapter 14, Article 3, Division 10, all covenant-restricted affordable *dwelling units*, and all *dwelling units* ~~that do not exceed 500 square feet or that contain at least three~~ bedrooms bedrooms, as specified in Section 143.1010(f), are exempt from ~~DIFs~~ Development Impact Fees.
- (5) For *development* of a streetary, in accordance with Section 141.0621, the ~~DIFs~~ Development Impact Fees shall be assessed at a rate of 1/15th of the Development Impact Fees established by City Council resolution or ordinance, and shall be collected every two years with the issuance of the applicable Public ~~Right of Way~~ Right-of-Way Permit.

- (6) Active sidewalks developed in accordance with Section 141.0621 are exempt from ~~DIFs~~ Development Impact Fees.
- (7) The first two *dwelling units* constructed in accordance with Chapter 14, Article 3, Division 13 shall be exempt from the requirement to pay ~~DIF~~ Development Impact Fee. The third and fourth *dwelling units* constructed in accordance with Chapter 14, Article 3, Division 13 shall be required to pay ~~DIF~~ Development Impact Fees, which shall be scaled in accordance with Table 142-06A, based upon the *dwelling unit* size.

**Table 142-06A**

**~~Scaled Development Impact Fee Rate for Specific Residential Development~~**

Unit Size (SF)	Scaled Fee Rate
1,251 >	Full Fee
1,201 - 1,250	99%
1,151 - 1,200	97%
1,101 - 1,150	95%
1,051 - 1,100	92%
1,001 - 1,050	90%
951 - 1,000	87%
901 - 950	85%
851 - 900	83%
801 - 850	80%
751 - 800	78%
701 - 750	76%

<del>651 - 700</del>	<del>73%</del>
<del>601 - 650</del>	<del>71%</del>
<del>551 - 600</del>	<del>68%</del>
<del>501 - 550</del>	<del>66%</del>

- (8) *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~~ Development Impact Fee, where the requirements set forth in San Diego Resolution R-313688 (Aug. 13, 2021) (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~~ Development Impact Fee for the Citywide Park ~~DIF~~ Development Impact Fee where the requirements set forth in Resolution R-313688 have been satisfied. To be eligible for any exemption under this subsection, the following additional requirements shall apply:
- (A) through (D) [No change in text.]
- (E) A performance bond and payment bond shall be provided for the design and construction of the park prior to the final inspection of the first ~~dwelling units~~ dwelling unit in the *development*; Prior to the performance bond and payment bond being accepted, a deposit account shall be set up to the satisfaction of the City Manager, for the administration of

~~the bonds. and a~~ 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) Prior to requesting final inspection of the first *dwelling unit* in the *development*, a fee in the amount of 10 percent of the total ~~DIF~~ Development Impact Fee related to parks that would have otherwise been required shall be paid to fund park and recreation improvements in the City in accordance with Resolution R-313688.

(9) Interim residential *development that* obtains a Building Permit in accordance with Section 141.0309 shall be required to pay one-third of the applicable residential ~~DIF~~ Development Impact Fee . At the end of 10 years from issuance of the Neighborhood Use Permit, if the interim residential use and associated Neighborhood Use Permit is extended beyond the initial term, the remaining two-thirds of the applicable residential ~~DIF~~ Development Impact Fee in effect at the time of the granting of the initial Building Permit shall be paid.

(c) Automatic Annual Increases

~~For communities identified as Development Impact Fee communities in the General Plan, unless otherwise specified in the applicable City Council resolution(s) establishing the DIFs,~~ For all Development Impact Fees

adopted by City Council resolution, the amount of the ~~DIFs~~ Development Impact Fees shall be increased, starting on July 1, 2010, 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. The increases to ~~DIFs~~ Development Impact Fees consistent with the Construction Cost Index in Los Angeles shall be automatic and shall not require further action of the City Council. If the one-year change in the CCI for any given year is less than 0.2 percent, the City Manager ~~or designee~~ may elect to keep the ~~DIFs~~ Development Impact Fees for ~~Development Impact Fee~~ communities unchanged. ~~For communities identified as Facilities Benefit Assessment communities in the General Plan, the DIFs shall be the amount identified in the applicable fee schedule adopted by City Council resolution.~~

(d) Waiver or Reduction of Fees

Any party on whom ~~DIFs~~ Development Impact Fees are imposed may file an application for a waiver or reduction of the ~~DIFs~~ Development Impact Fees with the City Manager in accordance with this Subsection. Nothing in this Subsection shall affect the requirements set forth in Section 142.0640(b). The procedures provided in this Subsection are additional to any other procedure authorized by law for protesting or challenging ~~DIFs~~ Development Impact Fees.

- (1) An application for a waiver or reduction of ~~DIFs~~ Development Impact Fees shall set forth the factual and legal basis to support the

application for a waiver or reduction of ~~DIFs~~ Development Impact Fees.

- (2) An application for a waiver or reduction of ~~DIFs~~ Development Impact Fees shall only be processed after the applicable fee or amount of deposit, as adopted by City Council resolution, has been paid in full. If a deposit is required, and the deposit as adopted by City Council resolution is insufficient to cover the actual cost to the City to process the application, an additional deposit, in an amount determined by the City Manager, shall be required. Any unused portion of a deposit shall be returned to the *applicant*. If the City Council grants the application for a waiver or reduction of the ~~DIFs~~ Development Impact Fees, then the fee or the amount of the deposit expended shall be returned to the *applicant* in full, minus a five-hundred-dollar processing fee.
- (3) An application for a waiver or reduction of ~~DIFs~~ Development Impact Fees shall be filed no later than 10 calendar days after the ~~DIFs~~ Development Impact Fees are paid.
- (4) The decision on an application for a waiver or reduction of ~~DIFs~~ Development Impact Fees shall be decided by the City Council within 60 calendar days of the date that the application is received by the City Manager, but failure of the City Council to hold a hearing within this time frame does not limit the authority of the City Council to consider the application. The *applicant* shall bear

the burden of presenting evidence to support the application for a waiver or reduction of ~~DIFs~~ Development Impact Fees.

- (5) Notice of the time and place of the City Council hearing, including a general explanation of the matter to be considered shall be mailed at least 14 calendar days prior to the hearing to the *applicant*, and any interested party who files a written request with the City Manager requesting mailed notice of all applications for a ~~DIFs~~ Development Impact Fees waiver or reduction. Written requests for this notice shall be valid for one year from the date on which it is filed unless a renewal request is filed prior to the end of the one-year term.
  - (6) An application for a waiver or reduction of ~~DIFs~~ Development Impact Fees may only be granted if the City Council makes the following *finding*: there is no reasonable relationship between the amount of the ~~DIFs~~ Development Impact Fees and the cost of the public facilities attributable to the *development* on which the ~~DIFs~~ Development Impact Fees are imposed.
  - (7) If an application for a waiver or reduction of ~~DIFs~~ Development Impact Fees are granted, any ~~DIFs~~ Development Impact Fees previously paid with respect to the application at issue shall be refunded in accordance with the resolution adopted by the City Council granting the application.
- (e) Adjustment to ~~DIFs~~ Development Impact Fees for Residential Development

The City Manager or designee is authorized to adjust ~~DIF~~ Development Impact Fee for residential *development* to reflect residential uses not identified in the fee schedule approved by the City Council.

(f) Developer Reimbursement Agreements (DRA)

For purposes of this Division, a DRA means an agreement to reimburse another entity for all or a portion of the cost of the entity's contracts with consultants and/or contractors for the design and construction of a public works project. The City Manager may enter into a DRA for a public works project that contains supplemental size, capacity, number, or length, or will serve Citywide needs, the need for which is not directly attributable to the *development*, provided that the following minimum requirements are satisfied:

(1) The source of reimbursement shall be limited to ~~DIF~~ Development Impact Fee (as defined in Government Code section 66000) funds.

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

(5) For DRAs executed prior to July 1, 2023, should the applicable Community specific ~~DIF-Development Impact Fee~~ fund be exhausted, the City Manager may authorize a credit against any applicable Citywide ~~DIF-Development Impact Fee~~ or reimbursement funds to developers in accordance with the DRA's executed prior to July 1, 2023.

(g) [No change in text.]

**Item 100**



**§142.0670 Standards for Public Improvements**

- (a) Streetscape and *street* improvements shall be constructed in accordance with the standards established in the Land Development Manual and the following regulations:
- (1) For *Urbanized Communities*, the design of sidewalks shall be in *substantial conformance* with the historic design of sidewalks on adjacent properties including location, width, elevation, scoring pattern, texture, color, and material to the extent that the design is approved by the City Engineer, unless an alternative design is approved as part of a use permit or *development permit*. ~~An alternative design also requires an~~ The City Engineer may require an Encroachment Maintenance and Removal Agreement in accordance with Section 129.0715 for an alternative design approved as part of a *development permit*.
- (2) through (7) [No change in text.]
- (b) through (f) [No change in text.]

**Item 23**

**§142.0805 When Refuse, Organic Waste, and Recyclable Materials Storage Regulations Apply**

*Refuse, organic waste, and recyclable materials* storage shall be provided for the following types of *development* as indicated in Table 142-08A:

- (a) New ~~residential development of a single dwelling units,~~
- ~~(b) New residential development of multiple dwelling units,~~
- ~~(c)~~(b) New nonresidential *development*, or

~~(d)~~(c) Additions to existing *multiple dwelling unit* residential or nonresidential development where the *gross floor area* would be increased by 30 percent or more.

**Table 142-08A**  
**Refuse, Organic Waste, and Recyclable Material Storage**  
**Regulations Applicability**

Type of <i>Development</i> Proposal	Applicable Regulations	Required Permit Type/Decision Process
<del>Development of a single dwelling unit</del>	Comply with the Waste Management Regulations, if applicable, and Sections 142.0810, 142.0820, and 142.0831	No permit required by this division
New residential development of <del>multiple dwelling units</del>	[No change in text.]	[No change in text.]
New nonresidential development through Additions to existing <i>multiple dwelling unit</i> residential or nonresidential development where the <i>gross floor area</i> would be increased by 30 percent or more [No change in text.]	[No change in text.]	

## Item 20

### §142.1210 General Sign Regulations

This ~~s~~Section is divided into subsections for copy regulations, locational regulations, structural regulations, and *sign* maintenance regulations.

- (a) Copy Regulations
  - (1) Permanent of changeable copy on *signs* shall contain on-premises or public interest messages only.
    - (A) through (D) [No change in text.]
    - (E) The use of a cannabis leaf symbol is prohibited on any *sign*.
  - (2) through (10) [No change in text.]
- (b) through (d) [No change in text.]

Item 24

§142.1250 Permanent Secondary Signs in Commercial and Industrial Zones

- (a) Table 142-12I identifies the type of permanent secondary *signs* permitted in different *signs* categories.

Table 142-12I  
Permanent Secondary Signs

Type of Permanent Secondary <i>Sign</i>	<i>Sign</i> Categories A, B, and C
	Number and Size of Permanent Secondary <i>Signs</i>
High-rise Building Identification <i>wall Signs</i>	
Number of <i>Signs</i> Permitted	<u>Only One <i>Sign</i> Category A <i>sign</i></u> per facade on buildings that have a height of 100 feet or greater for building identification only
Additional Regulations through <b>Directories</b> , Additional Regulations [No change in text.]	[No change in text.]

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

Item 101

§142.1290 La Jolla Commercial and Industrial Sign Control District

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

(d) On-Premises *Sign* Regulations for Subdistrict A

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

(4) *Projecting Signs*

(A) Any premises with frontage on a public right-of-way is permitted to have one projecting sign. The projecting sign may exist instead of, but not in addition to, a ground sign.

(B) Area. The maximum permitted area of a projecting sign shall not exceed 48 square feet or 0.5 square feet for each foot of street frontage, whichever is less, for each face of a double-faced sign. Projecting signs may have a maximum of two faces.

(C) Maximum projection over public right-of-way. A sign may not project perpendicularly beyond the property line more than 5 feet or 65 percent of the distance from the curb to the property line, whichever is less. For allowable combinations of projection and height for projecting signs over public rights-of-way see Table 142-12M. If an establishment has a frontage less than 25 feet, a projecting sign on the establishment is limited to a projection of 4 feet beyond the property line.

(D) Height over roof or parapet. Projecting signs may not extend above the roof line at the line of the wall or the top of a parapet wall.

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

## Item 5

### **§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.]

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

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

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

## Item 56

### **§142.1315 Findings for Denial of Developments that Provide Affordable Dwelling Units**

*Developments* that construct affordable *dwelling units* or an emergency shelter may only be denied if the decision maker makes a written finding as to one of the following:

- (a) The City has met or exceeded its share of the regional housing need allocation for the planning period within the General Plan Housing Element pursuant to Government Code Section 65584 for the income category proposed for the residential *development*; or
- (b) Construction of the affordable *dwelling units* or emergency shelter would have a specific, adverse impact upon public health and safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the *development* unaffordable to *low income* and *moderate income* households or rendering the development of the emergency shelter financially infeasible. A specific, adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was *deemed complete* or the *applicant* has submitted a preliminary application pursuant to Government Code section 65941.1. The following shall not constitute a specific, adverse impact upon the public health or safety:
- (1) Inconsistency with a zoning ordinance or *land use plan* designation.
- (2) The eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the California Revenue and Taxation Code.
- (c) Construction of the affordable *dwelling units* or emergency shelter would be contrary to local, state, or federal law including inconsistency with the resource protection standards of the Local Coastal Program or the

Environmentally Sensitive Lands Regulations in Chapter 14, Article 3, Division 1 and there is no feasible method to satisfactorily mitigate the inconsistency without rendering the *development* unaffordable to *low income* and *moderate income* households or rendering the *development* of the emergency shelter financially infeasible.

- (d) Construction of the affordable *dwelling units* or emergency shelter is proposed on land within an OC, OR, OF, AG or AR zone that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes; or
- (e) Construction of the affordable *dwelling units* or emergency shelter was inconsistent with both the use, development regulations, or *density* in the zoning ordinance and *land use plan* designation on the date the application was *deemed complete* or the *applicant* has submitted a preliminary application pursuant to Government Code section 65941.1.

#### Item 75

##### **§143.0110 When Environmentally Sensitive Lands Regulations Apply**

This Division applies to all proposed *development* on a *premises* where *environmentally sensitive lands* are present. Outside the Coastal Overlay Zone, *development* on a *premises* that does not contain *environmentally sensitive lands* but is located adjacent to a *premises* that contains *environmentally sensitive lands* is not subject to this Division, except that the *development* shall comply with Section 143.0110(d).

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

- (c) A Neighborhood Development Permit or Site Development Permit is not required for the following *development* activity:
- (1) [No change in text.]
  - (2) Outside of the Coastal Overlay Zone, *development* on a *premises* containing *environmentally sensitive lands* where the *development*:
    - (A) through (B) [No change in text.]
    - (C) Would comply with the *MHPA* adjacency guidelines as applicable; and
    - ~~(D) Would maintain 40 foot setback from the coastal bluff edge of a sensitive coastal bluff; and~~
    - ~~(E)~~(D) Would either:
      - (i) through (ii) [No change in text.]
  - (3) through (10) [No change in text.]
  - (d) through (e) [No change in text.]

#### Items 50 and 106

##### **§143.0715 When Affordable Housing Density Bonus Regulations Apply**

This Division applies to any *development* ~~where current zoning allows for~~ with five or more *dwelling units*, not including *density bonus units* *dwelling units*, in exchange for either of the following:

- (a) A portion of the total *dwelling units* in the *development* being reserved for *very low, low, or moderate income* or senior households; or for *lower income students*, transitional foster youth, disabled veterans, or homeless persons in accordance with this Division; ~~or~~



- (b) The donation of land, pursuant to the State Density Bonus Law, or
- (c) A portion of the total *shared housing units* in a *shared housing building* in accordance with Section 143.0755.

## Item 25

### §143.0717 Required Replacement for Affordable Units

- (a) [No change in text.]
- (b) The number and type of required replacement *dwelling units* shall be determined as follows:
  - (1) For a *development* containing any occupied *dwelling units*, the *development* must contain at least the same number of replacement *dwelling units*, of equivalent size ~~and~~, with at least the total number of bedrooms. ~~The replacement protected *dwelling units* and~~ must be made affordable to and occupied by persons and families in the same or a lower income category as the occupied *dwelling units*.  
For unoccupied *dwelling units* in the *development*, the replacement *dwelling units* shall be made affordable to and occupied by persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household is unknown, it is rebuttably presumed that the *dwelling units* were occupied by lower income renter households in the same proportion of lower income renter households to all renter households within the City of San Diego, as determined by the most recently available data from the United States Department of

Housing and Urban Development’s Comprehensive Housing Affordability Strategy database, and replacement *dwelling units* shall be provided in that same percentage.

- (2) If all of the *dwelling units* are vacant or have been demolished within the five years preceding the application, the *development* must contain at least the same number of replacement *dwelling units*, of equivalent size ~~and, with at least the same total number of~~ *bedrooms*, as existed at the highpoint of those units in the five year period preceding the application. The replacement protected *dwelling units* ~~and~~ must be made affordable to and occupied by persons and families in the same or a lower income category as those in occupancy at that same time. If the income categories are unknown for the highpoint, it is rebuttably presumed that the *dwelling units* were occupied by *very low income*, *low income*, or *moderate income* renter households in the same proportion of *very low income*, *low income*, or *moderate income* renter households to all renter households within the City of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy database, and replacement *dwelling units* shall be provided in that same percentage.

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

**Items 26, 51, 52, 53, and 76**

**§143.0720 Density Bonus in Exchange for Affordable Housing Units**

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

(c) A rental affordable housing *density* bonus agreement shall utilize the following qualifying criteria:

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

(3) Moderate income – At least 10 percent of the pre-density bonus dwelling units in the development shall be affordable, including an allowance for utilities, to moderate income households at a rent that does not exceed 30 percent of 120 percent of the area median income, as adjusted for household size appropriate for the dwelling unit.

~~(3)~~(4) The very low, ~~and low income,~~ and moderate income dwelling units shall be designated units, be comparable in bedroom mix and amenities to the market-rate *dwelling units* in the *development* and be dispersed throughout the *development*.

~~(4)~~(5) The very low, ~~and low income,~~ and moderate income dwelling units shall remain available and affordable for a period of at least 55 years, as may be required by other laws or covenants.

~~(5) Moderate income – At least 10 percent of the pre-density bonus dwelling units in the developments shall be affordable to and occupied by moderate income households.~~

(d) A for-sale affordable housing *density* bonus agreement shall utilize the following qualifying criteria:

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

(3) *Moderate Income* – At least 10 percent of the total *dwelling units* in a common interest ~~development~~ development, as defined in California Civil Code Section 4100, shall be affordable to *moderate income* households at an affordable housing cost that is not less than 28 percent of the gross income of the household, nor exceeds 35 percent of ~~440~~ 120 percent of the area median income, as adjusted for household size appropriate for the *dwelling unit*. To qualify, all *dwelling units* in the *development* shall be offered to the public for purchase.

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

(9) If a for-sale affordable *dwelling unit* has not been purchased by a qualifying *very low, low, or moderate* income household within 180 days of the issuance of a Certificate of Occupancy, the for-sale affordable *dwelling unit* may be sold to a qualified nonprofit housing corporation, as defined by California Civil Code Section 714. The qualified nonprofit corporation shall ensure owner-occupancy pursuant to the income limitation recorded in the *density bonus agreement*.

(e) A *density* bonus agreement for housing for senior citizens shall utilize the following qualifying criteria:

(1) The *development* consists of housing for senior citizens or qualifying residents as defined under California Civil Code Section

51.3 and 51.12, where at least 35 *dwelling units* are provided; or a *mobilehome* park that limits residency based on age requirements for housing for older persons pursuant to California Civil Code Section 798.76 or 799.5. For purposes of this Section, *development* includes a Continuing Care Retirement Community in accordance with Sections 141.0303 and 143.0755.

(2) [No change in text.]

(f) [No change in text.]

(g) A *lower income student's* housing *density* bonus agreement shall utilize the following qualifying criteria:

(1) [No change in text.]

(2) All units in the student housing *development* shall be used exclusively for undergraduate, graduate, or professional students enrolled ~~full-time~~ currently or in the past six months in at least six academic units at an institution of higher education accredited by the Western Association of Schools and Colleges: Senior College and University Commission or the Accrediting Commission for Community and Junior Colleges.

(3) [No change in text.]

(4) ~~The Rental beds reserved for lower income students cannot be limited to specific *bedrooms* units shall be comparable in mix and amenities to the market-rate student units in the *development* and be dispersed throughout in the *development*.~~

- (5) [No change in text.]
- (6) Lower income students must be allowed to share a unit with students of any income level.
- (7) Student housing developments shall provide bedrooms with two or more rental beds that include either shared or private bathrooms, and shall offer access to shared or private living rooms, kitchens and laundry facilities.
- (8) Developments receiving a density bonus of greater than 35 percent shall not be located on sites that require replacement dwelling units pursuant to Section 143.0717.
- (9) No off-street parking spaces are required for developments in which at least 20 percent of the pre-density bonus units are affordable to lower income students.

(h) A density bonus agreement for a development providing 100 percent of the pre-density bonus dwelling units as affordable, shall utilize the following criteria:

- (1) [No change in text.]
- (2) Rents for all dwelling units in the development, including pre-density bonus and post-density bonus dwelling units, shall be as follows:
  - (A) through (B) [No change in text.]
  - (C) Moderate income dwelling units in the development shall be affordable, including an allowance for utilities, to

*moderate income* households at a rent that does not exceed 30 percent of ~~440~~ 120 percent of the area median income, as adjusted for household size, appropriate for the *dwelling unit*.

(D) [No change in text.]

(3) [No change in text.]

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

(1) [No change in text.]

(2) Rents for all *dwelling units* in the *development* shall be established as follows:

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

(C) *Moderate income dwelling units* in the *development* shall be affordable to affordable, including an allowance for utilities, to *moderate income* households at a rent that does not exceed 30 percent of ~~440~~ 120 percent of the area median income, except that 20 percent of the *dwelling units* may be affordable up to 30 percent of 150 percent of the

area median income, if those units contain at least three  
*bedrooms*.

- (3) A for-sale affordable housing *density* bonus agreement shall utilize the following qualifying criteria:

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

- (C) *Moderate income dwelling units* in the *development* shall be affordable to *moderate income* households at an affordable housing cost that is not less than 28 percent of the gross income of the household, nor exceeds 35 percent of ~~140~~ 120 percent of the area median income, as adjusted for household size, appropriate for the *dwelling units*.

(4) [No change in text.]

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

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

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

- (4) For *development* meeting the criteria for *moderate income* in Sections ~~143.0720(e)(5)~~ 143.0720(c)(3) and 143.0720(d)(3), the *density* bonus shall be calculated as set forth in Table 143-07C.

The increased *density* shall be in addition to any other increase in *density* allowed in this Division.

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



(8) For *development* meeting the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), ~~143.0720(e)(5)~~ 143.0720(c)(3), 143.0720(d)(1), 143.0720(d)(2), 143.0720(d)(3), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(i), where an *applicant* has not requested an incentive or waiver to exceed the maximum *structure height* or *setbacks* of the base zone, an additional *density* bonus of 10 percent of the pre-*density* bonus *dwelling units* shall be granted, provided that *development* of the additional *density* does not cause the need for an incentive, waiver, or deviation to exceed the maximum *structure height* or *setbacks* of the base zone.

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

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

(o) A residential or mixed-use *development* ~~consistent with all base zone requirements~~ may receive a 0.5 *floor area ratio* bonus that may be combined with any other bonuses and incentives found within this Division and within Chapter 14, Article 3, Division 10 if any portion of the *development* is located on a *premises* that meets all of the following:

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

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

#### Item 54

#### **§143.0740 Incentives in Exchange for Affordable Housing Dwelling Units**

An *applicant* proposing a *density* bonus shall be entitled to incentives as described in this Division for any *development* for which a written agreement and a deed of

trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission. The City shall process an incentive requested by an *applicant* as set forth in this ~~s~~Section.

- (a) through (d) [No change in text.]
- (e) For a *development* providing 100 percent of the pre-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(h); or *development* within a *Sustainable Development Area*, *transit priority area*, or Mobility Zone 3 as defined in Section 143.1103(a)(3), providing 100 percent of the total pre-*density* and post-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(i), five incentives shall be available. If the *development* is located within a *Sustainable Development Area*, *transit priority area*, or Mobility Zone 3 as defined in Section 143.1103(a)(3), the *applicant* shall also receive a *structure height* increase of up to 3 additional *stories* or 33 feet.

**Table 143-07A**  
**Very Low Income Density Bonus Households**

Percent <i>Very Low Income</i> Units	Percent <i>Density</i> Bonus	Number of Incentives
5 through 14 [No change in text.]	[No change in text.]	
≥ 15	50 <sup>2,3</sup>	5

**Footnotes for Table 143-07A**

<sup>1</sup> through<sup>2</sup> [No change in text.]

<sup>3</sup> See Section 143.0760 for the additional state *density* bonus allowed pursuant to Government Code section 65915(v).

**Table 143-07B**  
**Low Income Density Bonus Households**

Percent <i>Low Income</i> Units	Percent <i>Density</i> Bonus	Number of Incentives
10 through 31 – 32 [No change in text.]	[No change in text.]	
> 33	50 <sup>2,3</sup>	5

**Footnotes for Table 143-07B**

<sup>1</sup> through <sup>2</sup> [No change in text.]

<sup>3</sup> See Section 143.0760 for the additional state *density* bonus allowed pursuant to Government Code section 65915(v).

**Table 143-07C**  
**Moderate Income Density Bonus Households**

Percent <i>Moderate Income</i> Units	Percent <i>Density</i> Bonus	Number of Incentives
10 through 43 [No change in text.]	[No change in text.]	
≥ 44	50 <sup>1</sup>	5

**Footnotes for Table 143-07C**

<sup>1</sup> See Section 143.0760 for the additional state *density* bonus allowed pursuant to Government Code section 65915(v).

**Items 55**

**§143.0744     ~~Parking Ratios for Affordable Housing~~**

~~Upon the request of an *applicant* for a *development* meeting the criteria in Sections 143.0720(c), 143.0720(d), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(j), the vehicular parking ratios in Table 143-07D, as may be applicable, or those set forth in Chapter 14, Article 2, Division 5, inclusive of disabled and guest parking, whichever is lower, shall apply. For purposes of this Division, a *development* may provide onsite~~

~~parking through tandem parking or uncovered parking, but not through on-street parking or parking within a required front yard setback.~~

~~Table 143-07D  
Parking Reduction for Proximity to Transit~~

<del>Type of Development</del>	<del>Percent Affordable</del>	<del>Transit Requirement</del>	<del>Parking Ratio for Development<sup>1</sup></del>
<del>Rental or for sale development containing market rate and very low income, low income, and/or moderate income dwelling units</del>	<del>11% 20% 10%</del>	<del>The development is located within a Sustainable Development Area.</del>	<del>0.5 spaces per bedroom</del>
<del>Rental housing</del>	<del>100%<sup>2</sup></del>	<del>The development shall have either paratransit service, or be located within ½ mile of unobstructed access to a fixed bus route service that operates at least eight times per day.</del>	<del>0.5 spaces per dwelling unit</del>
<del>Rental housing with an affordable housing cost to lower income senior citizens in accordance with California Civil Code Sections 51.3 and 51.12</del>	<del>100%<sup>2</sup></del>	<del>The development shall have either paratransit service, or be located within ½ mile of unobstructed access to a fixed bus route service that operates at least eight times per day.</del>	<del>0.5 spaces per dwelling unit</del>
<del>Rental housing affordable to very low income and low income households that is either a special needs housing development as defined in California Health and Safety Code (CHSC) Section 51312 or a supportive housing development as defined in CHSC Section 50675.14</del>	<del>100%<sup>2</sup></del>	<del>The development shall have either paratransit service or be located within ½ mile of unobstructed access to a fixed bus route service that operates at least eight times per day.</del>	<del>0 spaces per dwelling unit</del>

**Footnotes for Table 143-07D**

- <sup>1</sup> ~~Parking reductions shall not be subject to the parking regulations of the Transit Overlay Zone and shall not be entitled to parking reductions provided in Section 142.0550 (Parking Assessment District Calculation Exception).~~
- <sup>2</sup> ~~Exclusive of a manager's unit.~~

**Items 27 and 55**

**§143.0744 Affordable Housing by a Public Agency or Qualified Non-Profit Corporation**

Affordable housing may be permitted on a premises owned by a public agency or a qualified nonprofit corporation 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:

- (a) The application for the premises is submitted by a person that has the authority to fill out an application in accordance with Section 112.0102 and is a public agency or a qualified nonprofit corporation qualified under Section 501(c)(3) of the Internal Revenue Code.
- (b) The development includes one of the following:
- (1) A multiple dwelling unit development in which at least 25 percent of the total dwelling units, exclusive of a manager's unit or units, are covenant-restricted as affordable to very low income, low income, or moderate income households;

- (2) Multiple dwelling unit development for use by public agency employees to be constructed under a contract with a public agency;
  - (3) Multiple dwelling unit development for use by active or retired military personnel or veterans, to be constructed by or through a contract with the federal government;
  - (4) Multiple dwelling unit development for use by lower income students constructed by or through a contract with a community college district or a state operated university;
  - (5) Permanent supportive housing;
  - (6) Transitional housing; or
  - (7) An emergency shelter.
- (c) The premises is located:
- (1) Within Mobility Zone 1, 2, or 3 as defined in Section 143.1103(a);
  - (2) Outside of an area designated for industrial, park, or open space in a land use plan;
  - (3) Within High and Very High Fire Hazard Severity Zones, the applicant shall demonstrate that the lot fronts an improved public street with at least two evacuation routes to the satisfaction of the Fire Code Official; and

(4) Within High and Very High Fire Hazard Severity Zones, the lot shall not front a cul-de-sac or be located on a premises that only has one point of ingress or egress.

(d) The residential density maximums for development shall not apply.

(e) The residential maximum floor area ratio shall be determined by the Mobility Zone as defined in Section 143.1103 and the percentage of very low income, low income, and moderate income dwelling units provided as identified in Table 143-07E.

(1) Where a premises is located within two or more Mobility Zones, the entire premises shall be subject to the development regulations applicable to the Mobility Zone with the greatest floor area ratio bonus.

(2) Development located within the Coastal Overlay Zone and the Coastal Height Limit Overlay Zone shall be limited to a maximum 2.5 floor area ratio, and to a maximum 30-foot structure height except for those areas located within Mobility Zone 1.

**Table 143-07D**  
**Maximum Floor Area Ratios by Mobility Zone**

<u>Mobility Zone<sup>1</sup></u>	<u>Affordability Level</u>	<u>Percent Affordable Dwelling Units After Applied Bonus</u>		
		<u>25-34%</u>	<u>35-49%</u>	<u>50-100%</u>
<u>1</u>	<u>Very Low Income, Low Income, and Moderate Income</u>	<u>Unlimited</u>	<u>Unlimited</u>	<u>Unlimited</u>

<u>2</u>	<u>Very Low Income or Low Income<sup>2</sup></u>	<u>6.0 FAR</u>	<u>7.0 FAR</u>	<u>8.0 FAR</u>
	<u>Moderate Income<sup>3</sup></u>	<u>5.0 FAR</u>	<u>6.0 FAR</u>	<u>7.0 FAR</u>
<u>3</u>	<u>Very Low Income or Low Income<sup>2</sup></u>	<u>4.0 FAR</u>	<u>5.0 FAR</u>	<u>6.0 FAR</u>
	<u>Moderate Income<sup>3</sup></u>	<u>3.0 FAR</u>	<u>4.0 FAR</u>	<u>5.0 FAR</u>

**Footnotes for Table 143-07D**

- 1 Mobility Zones as defined in Section 143.1103.
- 2 For base zones that have a maximum floor area ratio equal to or greater than the floor area ratio specified in Table 143-07D, the development shall receive an additional floor area ratio bonus of 3.0 for very low income and low income dwelling units.
- 3 For base zones that have a maximum floor area ratio equal to or greater than the floor area ratio specified in Table 143-07D, the development shall receive an additional floor area ratio bonus of 1.5 for moderate income dwelling units.

(f) Residential development shall comply with the following development regulations:

- (1) Within Mobility Zone 1, residential development shall comply with the underlying base zone, except for the floor area ratio.
- (2) Within Mobility Zones 2 and 3, residential, development shall comply with the development regulations of the RM-2-5 base zone with the exception of the following:
- (A) Floor area ratio and density shall be based on Table 143-07E.
- (B) Lot area and lot dimensions shall be based on the base zone.



- (g) Development consistent with the criteria in this Section shall be entitled to incentives and waivers in accordance with Section 143.0740 and 143.0743.
- (h) Affordable dwelling units within a multiple dwelling unit development shall remain available and affordable for a period of 55 years or longer, as may be required by other laws or covenants.

## Item 5

### **§143.0745 Locating Required Affordable Dwelling Units ~~Off-site~~ 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 *Sustainable Development Area*; and in 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.]

## Items 27 and 63

### **§143.0746 Affordable Housing in All Communities**

- (a) Affordable housing uses not otherwise allowed in High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Areas.
- ~~Affordable housing may be permitted in High or Highest Resource CTCAC Areas in accordance with Process One on a premises located within a non-residential base zone that does not otherwise allow multiple dwelling unit development, subject to all of the following:~~
- (b) Affordable housing may be permitted in High or Highest Resource CTCAC Areas in accordance with Process One on a premises located within a non-residential base zone that does not otherwise allow multiple dwelling unit development, subject to all of the following:
- (1) The *development* proposes to construct one or more of the following:
- (A) through (D) [No change in text.]
- (E) SRO *hotel rooms* in a SRO *hotel* that meets the deed restriction requirement in Section ~~143.0746(a)(7)~~ 143.0746(b)(7).
- (2) The *premises* is located within all of the following:
- (A) through (B) [No change in text.]
- (C) A community planning area in which less than 5 percent of the existing *dwelling units* are covenant-restricted to *very low income, low income, or moderate income* households; and

- (D) Outside of an area identified as Industrial or Open Space in a land use plan;
- (E) Within High and Very High Fire Hazard Severity Zones, the applicant shall demonstrate that the lot fronts an improved public street with at least two evacuation routes to the satisfaction of the Fire Code Official; and
- (F) Within High and Very High Fire Hazard Severity Zones, the lot shall not front a cul-de-sac or be located on a premises that only has one point of ingress or egress.
- (3) [No change in text.]
- (4) Residential *development* shall comply with the *development* regulations of the RM-2-5 base zone with the ~~exemption~~ exception of *density, floor area ratio, lot area, and lot dimensions*.
- (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 a Process One on a premises located within a base zone that does not allow multiple dwelling unit development, subject to all of the following:~~
  - (1) ~~The application for the premises is submitted by a person that has the authority to fill out an application in accordance with Section 112.0102 and is a public agency or a qualified nonprofit~~

~~corporation qualified under Section 501(c)(3) of the Internal Revenue Code.~~

(2) ~~The *development* includes one of the following:~~

- (A) ~~A *multiple dwelling unit development* in which at least 25 percent of the total *dwelling units*, exclusive of a manager's unit or units, are covenant restricted as affordable to very low income, low income, or moderate income households;~~
- (B) ~~Multiple dwelling unit development for use by public agency employees to be constructed under a contract with a public agency;~~
- (C) ~~Multiple dwelling unit development for use by active or retired military personnel or veterans, to be constructed by or through a contract with the federal government;~~
- (D) ~~Multiple dwelling unit development for use by lower income students constructed by or through a contract with a community college district or a state operated university;~~
- (E) ~~Permanent supportive housing;~~
- (F) ~~Transitional housing; or~~
- (G) ~~An emergency shelter.~~

(3) ~~The *premises* is located:~~

- (A) ~~Within Mobility Zone 1, 2, or 3 as defined in Section 143.1103(a); and~~

(B) ~~Outside of an area designated for Industrial, Park, or Open Space in a *land use plan*.~~

(4) ~~The residential *density* maximums for *development* shall not apply.~~

(5) ~~The residential maximum *floor area ratio* shall be determined by the Mobility Zone as defined in Section 143.1103 and the percentage of *very low income, low income, and moderate income dwelling units* provided as identified in Table 143-07E.~~

(A) ~~Where a *premises* is located in two or more Mobility Zones, the entire *premises* shall be subject to the regulations applicable to the Mobility Zone with the greatest *floor area ratio* bonus.~~

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

**Table 143-07E**  
**Maximum Floor Area Ratios by Mobility Zone**

Mobility Zone <sup>1</sup>	Affordability Level	Percent Affordable <i>Dwelling Units</i> After Applied Bonus		
		25-34%	35-49%	50-100%
1	<i>Very Low Income, Low Income, and Moderate Income</i>	Unlimited	Unlimited	Unlimited

2	<i>Very Low Income or Low Income</i> <sup>2</sup>	6.0	7.0 FAR	8.0 FAR
	<i>Moderate Income</i> <sup>3</sup>	5.0 FAR	6.0 FAR	7.0 FAR
3	<i>Very Low Income or Low Income</i> <sup>2</sup>	4.0 FAR	5.0 FAR	6.0 FAR
	<i>Moderate Income</i> <sup>3</sup>	3.0 FAR	4.0 FAR	5.0 FAR

**Footnotes for Table 143-07E**

- <sup>1</sup> ~~Mobility Zones as defined in Section 143.1103.~~
- <sup>2</sup> ~~For base zones that have a maximum floor area ratio equal or greater than the floor area ratio specified in Table 143-07E, the development shall receive an additional floor area ratio bonus of 3.0 for very low income and low income dwelling units.~~
- <sup>3</sup> ~~For base zones that have a maximum floor area ratio equal or greater than the floor area ratio specified in Table 143-07E, the development shall receive an additional floor area ratio bonus of 1.5 for moderate income dwelling units.~~

(6) ~~Residential development shall comply with the following development regulations:~~

(A) ~~Within Mobility Zone 1, residential development shall comply with the underlying base zone, except for the floor area ratio.~~

(B) ~~Within Mobility Zones 2 and 3 residential, development shall comply with the development regulations of the RM-2-5 zone with the exception of the following:~~

(i) ~~Floor area ratio and density shall be based on Table 143-07E.~~

- (ii) ~~*Lot area and lot dimensions shall be based on the base zone.*~~
- (7) ~~*Development consistent with the criteria in this section shall be entitled to incentives and waivers in accordance with Section 143.0740 and 143.0743.*~~
- (8) ~~*Affordable dwelling units within a multiple dwelling unit development shall remain available and affordable for a period of 55 years or longer, as may be required by other laws or covenants.*~~

## Item 2

### **§143.0749 Affordable Housing for Artists in or near Cultural Districts**

The purpose of these regulations is to provide additional options to provide affordable housing for artists, as defined by California Government Code section 65914.8.

(a) A development that provides housing for very low income, low income, or moderate income households may reserve up to 10 percent of the those affordable dwelling units for artists if all of the following requirements are met:

- (1) The development shall be located in or within one-half mile of:
  - (A) A state designated cultural district pursuant to California Government Code section 8758; or
  - (B) The defined boundaries of a designated cultural district adopted by a City Council resolution.

- (2) A household must meet the affordability standards and occupant qualifications for *very low income*, *low income*, or *moderate income*, as determined by the San Diego Housing Commission.
- (3) A household must meet the definition of artist pursuant to California Government Code section 65914.8 and as determined by the Commission for Arts and Culture pursuant to section 26.0703, or as determined by the City Manager if the commission is not in operation;
- (4) A *very low income*, *low income*, or *moderate income* household shall not be displaced from an existing affordable *dwelling unit* to allow occupancy for an artist; and
- (5) Any affordable *dwelling unit* reserved for an artist in the *development* that remains unoccupied for more than six months shall instead be made available to any *very low income*, *low income*, or *moderate income* household.

#### Item 54

##### **§143.0750 Affordable Housing Incentives and Waivers-~~Report~~ Form**

An *applicant* requesting a density bonus, incentive(s), waiver(s), or parking reduction(s) provided under this Division shall submit, at the time of application, an Affordable Housing Incentives and Waivers form to the satisfaction of the City Manager. The ~~report form~~ shall document the basis for the requested incentive(s), waiver(s), or parking reductions.

#### Items 50 and 52



**§143.0755 Shared Housing Developments**

A development proposal containing shared containing *shared housing buildings* or *shared housing units* requesting an affordable housing *density* bonus is subject to the following:

- (a) Shall meet the definition for either *Shared Housing Buildings* or *Shared Housing Units*;
- (b) Shall meet the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(d)(1), 143.0720(d)(2), 143.0720(e), 143.0720(h), or 143.0720(i); and
- (c) For purposes of calculating base *density* and a *density* bonus granted pursuant to Section 143.0720, the term “unit” means one *shared housing unit* and its pro rata share of associated common area facilities.

**Item 54**

**§143.0760 Additional Density Bonus allowed by the State**

An applicant proposing a *density* bonus as set forth in Tables 143-07A, 143-07B or 143-07C shall be eligible for an additional *density* bonus allowed by the state pursuant to Government Code section 65915(v) and in accordance with this Section.

- (a) Additional state *density* bonus. An eligible *development* may receive an additional *density* bonus subject to all of the following:
  - (1) The *development* shall meet the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(d)(1), 143.0720(d)(2) and 143.0720(d)(3).

- (2) The *development* must provide sufficient pre-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households to achieve a 50 percent *density* bonus as set forth in Tables 143-07A, 143-07B or 143-07C. The *dwelling units* as affordable to *very low income* and *low income* households can either be for-sale or rental units.
- (3) After achieving the required 50 percent *density* bonus, the *applicant* can commit to constructing additional pre-*density* bonus *dwelling units* as affordable to *very low income* or *moderate income* households as part of the *development* and receive an additional *density* bonus as specified in Tables 143-07F and 143-07G. These additional pre-*density* bonus *dwelling units* restricted as affordable to *very low income* or *moderate income* households may be offered as for-sale or rental units.
- (4) The maximum number of *dwelling units* restricted as affordable to *very low income*, *low income*, and *moderate income* households shall not exceed 50 percent of the total *dwelling units* in the *development*, and the maximum total *density* bonus for the *development* shall not exceed 100 percent.

**Table 143-07F**  
**Additional Very Low Income Density Bonus Households**

<u>Percent <i>Very Low Income</i> Units</u>	<u>Percent <i>Density</i> Bonus</u>
<u>5</u>	<u>20</u>
<u>6</u>	<u>23.75</u>
<u>7</u>	<u>27.5</u>

<u>8</u>	<u>31.25</u>
<u>9</u>	<u>35</u>
<u>10</u>	<u>38.75</u>

**Table 143-07G**  
**Additional Moderate Income Density Bonus Households**

<u>Percent Moderate Income Units</u>	<u>Percent Density Bonus</u>
<u>5</u>	<u>20</u>
<u>6</u>	<u>22.5</u>
<u>7</u>	<u>25</u>
<u>8</u>	<u>27.5</u>
<u>9</u>	<u>30</u>
<u>10</u>	<u>32.5</u>
<u>11</u>	<u>35</u>
<u>12</u>	<u>38.75</u>
<u>13</u>	<u>42.5</u>
<u>14</u>	<u>46.25</u>
<u>15</u>	<u>50</u>

## Item 56

### **§143.0765 Utilizing the Provisions of this Division**

An application to utilize the provisions of this Division may be denied if the City makes a written *finding* based upon a preponderance of the evidence that the *development* would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A specific, adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was *deemed complete*. The following shall not constitute a specific, adverse impact upon the public health or safety:

- (a) Inconsistency with the use, development standards, or density a zoning ordinance or *land use plan* designation; or
- (b) The eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the California Revenue and Taxation Code.

## Item 28

### §143.0860 **Standards-Regulations for Coastal Overlay Zone Affordable Housing Replacement Dwelling Units**

- (a) Replacement *dwelling units* shall comply with all of the following:
  - ~~(a)(1)~~ (1) Replacement *dwelling units* shall provide housing opportunities similar to those provided by the *dwelling units* converted or demolished.
  - (2) Replacement *dwelling units* shall be acceptable to the Executive Director of the San Diego Housing Commission in accordance with a Coastal Affordable Housing Compliance Permit.
  - (3) The replacement *dwelling units* ~~need not to be identical to those converted or demolished, but should be provided in the same *bedroom ratio* must contain at least the same total number of *bedrooms* and provide at least the same *bedroom* mix as those converted or demolished.~~
- (b) through (e) [No change in text.]

## Item 6

### §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 *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 has a *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 *dwelling units* permitted under this Division, if all of the following requirements are met:

- (1) The *development* includes *dwelling units* affordable to *very low*, *low income*, or moderate income households, in accordance with Section 143.1015(a)(1)-(3), ~~or 143.1015(a)(4), 143.1016(a)(1)-(3), or 143.1016(a)(4)~~ and the following criteria.

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

- (3) The rental *dwelling units* with the *development* shall not be used for a rental term of less than 30 consecutive days.

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

## Items 6 and 25

### §143.1005 Required Replacement of Existing Affordable Units

- (a) [No change in text.]

- (b) The number and type of required replacement affordable *dwelling units* shall be determined as follows:
- (1) For *development* containing any ~~occupied~~ affordable *dwelling units*, the *development* must contain at least the same number of replacement affordable *dwelling units*, ~~of equivalent size and with~~ at least the same total number of bedrooms, and. If the *development* contains any occupied affordable dwelling units on the application submittal date, the replacement affordable dwelling units for the occupied affordable dwelling units must also provide the same bedroom mix as the occupied affordable dwelling units. The replacement affordable dwelling units must be made affordable to and occupied by persons and families in the same or a lower income category as the occupied affordable dwelling units. For unoccupied affordable dwelling units in the development, the replacement affordable dwelling units shall be made affordable to and occupied by persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household is unknown, it is rebuttably presumed that the affordable dwelling units were occupied by lower income renter households in the same proportion of lower income renter households to all renter households within the City of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's

Comprehensive Housing Affordability Strategy database, and replacement affordable *dwelling units* shall be provided in that same percentage. A development consisting of one single dwelling unit on a site with a single affordable dwelling unit may replace the affordable dwelling unit with a dwelling unit of any size at any income level.

- (2) If all of the affordable *dwelling units* are vacant or have been demolished within the seven years preceding the application submittal date, the *development* must contain at least the same number of replacement affordable *dwelling units*, ~~of equivalent size and~~ with at least the same total number of bedrooms, as existed at the highpoint of those units in the seven-year period preceding the application submittal date, and must be made affordable to and occupied by persons and *families* in the same or a lower income category as those in occupancy at that same time. If the income categories are unknown for the highpoint, it is rebuttably presumed that the affordable dwelling units were occupied by *very low income* and *low income* renter households in the same proportion of *very low income* and *low income* renter households to all renter households within the City of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's

Comprehensive Housing Affordability Strategy database, and replacement affordable *dwelling units* shall be provided in that same percentage. A development consisting of one single dwelling unit on a site with a single affordable dwelling unit may replace the affordable dwelling unit with a dwelling unit of any size at any income level.

(3) [No change in text.]

(4) All ~~rental~~ replacement affordable *dwelling units* shall be affordable for at least 55 years unless the dwelling units are provided in accordance with Section 143.1015(a)(6)(B). *Very low income, low income, and moderate income* households located within an area identified as a Low Resource or High Segregation and Poverty Opportunity Area by the California Tax Credit Allocation Committee when the *development* application is *deemed complete*, shall receive priority preference for new covenant- restricted *dwelling units* created under this Division.

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

(8) For for-sale dwelling units to be counted towards the affordable housing requirements of this Division, the following qualifying criteria shall be met:

(A) The initial occupant of all for-sale affordable dwelling units shall be a very low income, low income, or moderate income households.



- (B) Prior to, or concurrent with, the sale of each affordable dwelling unit, the applicant shall require the buyer to execute and deliver a promissory note in favor of the San Diego Housing Commission so that the repayment of any initial subsidy is ensured.
- (C) Each for-sale dwelling unit shall be occupied by the initial owner at all times until the resale of the dwelling unit.
- (D) Upon the first resale of a dwelling unit, the seller shall comply with all conditions regarding the sale of a dwelling unit, as applied by the San Diego Housing Commission, and as set forth in California Government Code section 65915(c)(2).

#### Item 7

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

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

- (a) through (e) [No change in text.]
- (f) Waiver of Development Impact Fees if the *development* provides a residential *density* that is at least 120 percent maximum permitted *density* of the applicable base zone or Planned District for the following:
  - (1) [No change in text.]
  - (2) ~~All dwelling units that do not exceed 500 square feet.~~

~~(3)~~(2) All *dwelling units* that contain at least three *bedrooms* that meet the following requirements:

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

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

### Items 6, 29, 30, and 63

#### §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 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) through (4) [No change in text.]

(5) The number of required affordable *dwelling units* for *development* located in FAR Tier 1 shall be determined by multiplying the proposed number of *dwelling units* in the *development* with the maximum base *floor area ratio*, illustrated in Figure H of the Centre City Planned District Ordinance in Chapter 15, Article 6, Division 3, then dividing by the proposed *floor area ratio* of the *development* and multiplying by the percentages of affordable *dwelling units* required in Section 143.1015(a)(1-3) or 141.1015(a)(4).

(6) [No change in text.]

(7) As an alternative to the requirements in Section 143.1015(a)(1)-(3) or 143.1015(a)(4) to provide the required rental *dwelling units* onsite, the required rental *dwelling units* may be provided on a different *premises* from the *development* subject to all the following requirements:

(A) The required rental *dwelling units* shall be located on a receiver site that is located within a *Sustainable Development Area* and one of the following Resource Opportunity Areas identified by the California Tax Credit Allocation Committee when the *development* application is *deemed complete*:

- (i) ~~A *Sustainable Development Area*; and~~
- (ii) ~~The following Resource Opportunity Areas identified by the California Tax Credit Allocation Committee when the *development* application is *deemed complete*:~~

~~High Resource Opportunity Areas.~~

~~Highest Resource Opportunity Areas.~~

~~Moderate Resource Areas if located in the~~

~~same community planning area and City~~

~~Council District, or Moderate Resource~~

~~Areas within three miles of the *premises* of~~

~~the *development*.~~

- (i) High Resource Opportunity Areas;
- (ii) Highest Resource Opportunity Areas;
- (iii) Moderate Resource Opportunity Areas located in the same community planning area and Council District of the *premises of the development*; or
- (iv) Moderate Resource Opportunity Area within three miles of the *premises of the development*.

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

- (b) Nothing in this Division shall preclude an *applicant* from using constructed or rehabilitated affordable *dwelling units* ~~constructed~~ constructed by another *applicant* within 12 months of a deemed complete application for *development* 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, subject to the following:

- (1) Affordable *dwelling units* shall not be deed restricted under any other program or policy by any entity;
- (2) Affordable *dwelling units* shall not have received a loan or project-based vouchers from the San Diego Housing Commission; and
- (3) Upon the approval by the San Diego Housing Commission, affordable *dwelling units* may be funded by other sources of financing.

Items 6, 29, and 30

**§143.1016 Required Provision of For-Sale 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 for-sale 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 the *dwelling units* in the development, excluding any additional *dwelling units* allowed under a *floor area ratio* bonus, affordable to *very low income* households at a cost that does not exceed 30 percent of 50 percent of the area *median income*, as adjusted for household size;
  - (2) Provides at least 15 percent of the *dwelling units* in the development, excluding any additional *dwelling units* allowed under a *floor area ratio* bonus, affordable to *moderate income* households at a cost shall not be less than 28 percent of the gross income of the household, nor exceed 35 percent of 110 percent of the area *median income*, as adjusted for household size; and
  - (3) Provides at least 10 percent of the *dwelling units* in the development, excluding any additional *dwelling units* allowed

under a *floor area ratio* bonus, affordable to *low income* households at a cost that does not exceed 30 percent of 70 percent of the area *median income*, as adjusted for household size.

(4) As an alternative to the requirements in Section 143.1016(a)(1)-(3), an *applicant* may meet one of the following requirements:

(A) Provide at least 40 percent of the *dwelling units* in the *development*, excluding any additional *dwelling units* allowed under a *floor area ratio* bonus, affordable to *very low income* households at a cost that does not exceed 30 percent of 50 percent of the area *median income*, as adjusted for household size; or

(B) Provide at least 100 percent of the *dwelling units* in the *development*, excluding any additional *dwelling units* allowed under a *floor area ratio* bonus, affordable to *moderate income* households at a cost, including an allowance for utilities that does not exceed:

(i) 30 percent of 80 percent of the area *median income*, as adjusted for household size for at least 50 percent of the required for-sale *dwelling units*; and

(ii) 30 percent of 120 percent of the area *median income*, as adjusted for household size for the remainder of the required for-sale *dwelling units*.

(C) The number of required affordable *dwelling units* for *development* located in FAR Tier 1 shall be determined by multiplying the proposed number of *dwelling units* in the *development* with the maximum base *floor area ratio*, illustrated in Figure H of the Centre City Planned District Ordinance in Chapter 15, Article 6, Division 3, then dividing by the proposed *floor area ratio* of the *development* and multiplying by the percentages of affordable *dwelling units* required in Section 143.1016(a)(1)-(3) or 143.1016(a)(4).

(5) For for-sale *dwelling units* to be counted as affordable and meet the requirements of this Division, the following qualifying criteria shall be met:

(A) The affordable *dwelling units* shall be comparable in *bedroom mix* and amenities to the market-rate *dwelling units* in the *development*, as determined by the San Diego Housing Commission, except that the affordable *dwelling units* shall not be required to exceed three *bedrooms per dwelling unit*. The affordable *dwelling units* shall have access to all common areas and amenities provided by the *development*. The square footage and interior features of the affordable *dwelling units* shall be good quality and

consistent with current building standards for new housing in the City of San Diego.

(B) The initial occupant of all for-sale affordable *dwelling units* shall be a *very low income, low income, or moderate income household.*

(C) Prior to, or concurrent with, the sale of each affordable *dwelling unit*, the *applicant* shall require the buyer to execute and deliver a promissory note in favor of the San Diego Housing Commission, so that the repayment of any initial subsidy is ensured.

(D) Each for-sale *dwelling unit* shall be occupied by the initial owner at all times until the resale of the *dwelling unit*.

(E) Upon the first resale of a *dwelling unit*, the seller shall comply with all conditions regarding the sale of a *dwelling unit*, as applied by the San Diego Housing Commission, and as set forth in California Government Code section 65915(c)(2).

(6) As an alternative to the requirements in Section 143.1016(a)(1)-(3) or 143.1016(a)(4) to provide the required for-sale *dwelling units* onsite, the required for-sale *dwelling units* may be provided on a different *premises* from the *development* subject to all the following requirements:



(A) The required for-sale *dwelling units* shall be located on a receiver site that is located within a *Sustainable Development Area* and one of the following Resource Opportunity Areas identified by the California Tax Credit Allocation Committee when the *development* application is deemed complete:

- (i) High Resource Opportunity Areas;
- (ii) Highest Resource Opportunity Areas;
- (iii) Moderate Resource Opportunity Areas located in the same community planning area and Council District of the *premises* of the *development*; or
- (iv) Moderate Resource Opportunity Area within three miles of the *premises* of the *development*.

(b) Nothing in this Division shall preclude an applicant from using constructed or rehabilitated affordable *dwelling units* constructed by another *applicant* within 12 months of a deemed complete application for *development* 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 subject to the following:

- (1) Affordable *dwelling units* shall not be rent restricted under any other program or policy by any entity;

- (2) Affordable *dwelling units* shall have not received a loan or project-based vouchers from the San Diego Housing Commission; and
- (3) Upon the approval by the San Diego Housing Commission, affordable *dwelling units* may be funded by other sources of financing.

## Items 77 and 91

### §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 requirements:

- (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)~~ 142.0670(a)(4), 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)~~ 142.0670(a)(4).

- (A) [No change in text.]

(B) Buffer Area. The urban *parkway* shall include a buffer area to separate the clear path from the parking, driving, or vehicular travel lane. The buffer area shall be at least 6 feet in width and shall include street trees, which may be located within tree grates or a continuous planter strip in accordance with Section ~~142.0670(a)(3)~~ 142.0670(a)(4).

(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)~~ 142.0670(a)(4) 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 (c) [No change in text.]

- (d) Buffer from Adjacent ~~Freeways~~ Freeways. Development on a premises within 50 feet of a freeway, except for *development* within the Centre City Planned District, ~~on a premises within 50 feet of a freeway~~ shall comply with the following:
- (1) Landscape Buffer. Development on a premises abutting a public right-of-way of a freeway shall provide a ~~A~~ 10-foot minimum landscaped buffer ~~shall be provided between the residential and commercial uses~~ development and the ~~freeway~~ freeway; and
  - (2) Orientation of Outdoor Areas. Outdoor areas such as patios, parks, plazas, and other common spaces used by residents, customers, or members of the public shall be oriented away from the *freeway*.
- (e) ~~Transition plane to Adjacent Residential Single Unit Zones~~. Development on a premises directly adjacent to a Residential Single Unit (RS) zone where an existing dwelling unit is located on the adjacent premises abutting residentially zoned properties with a maximum permitted density of less than 15 dwelling units per acre or are zoned Open Space – Park (OP), Open Space – Conservation (OC), and Open Space – Residential (OR), shall comply with the following criteria:
- (1) [No change in text.]
  - (2) Incorporate a transition plane in the *development* that does not exceed a 65-degree angle. ~~No building, architectural projection or encroachment may extend into the transition plane. The transition plane for the development shall be measured from the existing~~

~~grade of the shared property line with the RS zone. Where the shared property line is a rear property line, the transition plane shall extend 1/3 of the lot depth or 25 feet, whichever is less.~~

- (A) The transition plane shall begin at the existing grade along the shared property line.
- (B) The transition plane shall rise at an angle not to exceed 65 degrees away from the adjacent property.
- (C) No building element, architectural projection, or encroachment may extend into the transition plane.
- (D) If the shared property line is a rear property line, the transition plane shall extend into the lot for a distance equal to one-third of the lot depth or 25 feet, whichever is less.
- (E) If the shared property line is a side property line, the transition plane shall extend into the lot for a distance equal to one-third of the lot width or 25 feet, whichever is less.

## Items 61 and 102

### §143.1103 Mobility Choices Requirements

- (a) [No change in text.]
- (b) ~~Except as provided in Section 143.1103(b)(5) or (b)(6), a~~All development located within Mobility Zone 2 or Mobility Zone 3 shall provide VMT Reduction Measures in accordance with Land Development Manual, Appendix T as follows:
  - (1) through (4) [No change in text.]

- (5) In lieu of providing the VMT Reduction Measures in Section 143.1103(b)(1), ~~or (2), (6), or (7),~~ the *applicant* may pay the ~~Active Transportation In Lieu Fee referenced in Section 143.1103(e)~~ VMT Reduction Measure Buy Out Fee, as adopted by the City Council Resolution, which shall be used to fund active transportation and VMT-reducing infrastructure projects located within Mobility Zone 1, Mobility Zone 2, or Mobility Zone 3 to reduce Citywide VMT.
- (6) *Development* in Mobility Zone 2 that provides more than the minimum parking required in Chapter 14, Article 2, Division 5 shall be required to provide 8 points of VMT Reduction Measures in accordance with the Land Development Manual, Appendix T. For purposes of this ~~s~~Section, ~~the Parking Standards Transit Priority Area~~ transit priority area regulations within Sections 142.0525 and 142.0528 shall not apply for the minimum required parking for *multiple dwelling units*.
- (7) *Development* in Mobility Zone 3 that provides more than the minimum parking required in Chapter 14, Article 2, Division 5 shall be required to provide 11 points of VMT ~~r~~Reduction m~~easures~~ in accordance with the Land Development Manual, Appendix T ~~or shall pay the Active Transportation In Lieu Fee referenced in Section 143.1103(e).~~ For purposes of this section, The Parking Standards Transit Priority Area transit priority area regulations within Sections 142.0525 and 142.0528 shall not apply for the

minimum required parking for ~~multiple dwelling units~~ multiple dwelling units.

- (c) [No change in text.]

#### Item 57

##### **§143.1201 Purpose of the Dwelling Unit Protection Regulations**

The purpose of these regulations is to specify when and how a residential *development* that proposes demolition of existing *dwelling units* or *protected dwelling units* must replace those *dwelling units*. These regulations are intended to implement California Government Code ~~Section~~ sections 66300(d), 66300.5 and 66300.6 and the City of San Diego's ~~pro-housing policies~~ General Plan Housing Element by requiring replacement of *dwelling units* and *protected dwelling units* for any residential *development* subject to this Division.

#### Item 57

##### **§143.1203 When the Dwelling Unit Protection Regulations Apply**

This Division applies to ~~the following~~ any *developments* with a complete *development* application submitted on or after January 1, 2020, except:

- (a) ~~Single dwelling unit~~ Industrial development;
- (b) ~~Multiple dwelling unit~~ development on a premises that is entirely within a base zone that does not permit residential development adopted prior to January 1, 2022;
- (c) ~~Mixed-use developments consisting of residential and non-residential uses~~

- (d) ~~Transitional housing facilities and permanent supportive housing; and~~  
Protected dwelling units on a premises that are a previously conforming use.
- (e) ~~Commercial development in zones that permit residential development.~~

### Item 31

#### §143.1210 Replacement of *Dwelling Units*

*Development* subject to this Division shall include at least as many *dwelling units* as the most recent permitted *development* on the *premises*. Prior to the issuance of a Demolition or Removal Permit for the demolition or removal of any existing *dwelling units*, the *applicant* shall record a covenant with the City, ensuring that new *development*, as specified in Section 143.1203, provides at least as many existing *dwelling units* as the most recent permitted *development* on the *premises*.

### Items 25 and 57

#### §143.1212 Replacement of ~~*Protected Dwelling Units*~~ *Protected Dwelling Units*

*Development* subject to this Division that proposes demolition of vacant or occupied *protected dwelling units* on the *premises* shall comply with all of the following:

- (a) [No change in text.]
- (b) The *development* shall replace all existing or demolished *protected dwelling units* on the *premises*. If the new *development* does not include residential *development*, the replacement *dwelling units* may be provided off-site on a different *premises*, subject to the following:



- (1) The replacement *dwelling units* shall be located on a receiver site that is located within:
- (A) A Sustainable Development Area; and
- (B) The following Resource Opportunity Areas identified by the California Tax Credit Allocation Committee when the *development* application is *deemed complete*:
- (i) High Resource Opportunity Areas.
- (ii) Highest Resource Opportunity Areas.
- (iii) Moderate Resource Opportunity Areas if the new *development* is located within a Moderate or Low Resource Opportunity Area, or
- (iv) A Low Resource Opportunity Area if the new *development* is located within a Low Resource Opportunity Area.
- (2) Prior to the issuance of the Certificate of Occupancy for any new *development* that provides replacement *dwelling units* off-site, the *applicant* shall provide the City Manager with documentation that the replacement *dwelling units* have been constructed; and
- (3) An *applicant* may enter into an agreement with another *applicant*, to the satisfaction of the City Manager, to construct the off-site replacement *dwelling units*. These *dwelling units* shall not be rent-restricted under any other program or policy by any entity, nor

should they have received a loan or project-based vouchers from the San Diego Housing Commission or City of San Diego.

(c) The *protected dwelling units* shall be replaced as follows:

- (1) For a *development* containing any ~~occupied~~ *protected dwelling units*, the *development* must contain at least the same number of replacement *protected dwelling units*, ~~of equivalent size and with at least the same total number of bedrooms, and~~. If the development contains any occupied *protected dwelling units* on the application submittal date, the replacement *protected dwelling units* for the occupied *protected dwelling units* must also provide the same bedroom mix as the occupied *protected dwelling units*. The replacement *protected dwelling units* must be made affordable to and occupied by persons and families in the same or a lower income category as the occupied *protected dwelling units*. For unoccupied *protected dwelling units* in the *development*, the replacement *protected dwelling units* shall be made affordable to and occupied by persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household is unknown, it is rebuttably presumed that the *protected dwelling units* were occupied by very low income and low income renter households in the same proportion of very low income and low income renter households to all renter households within the City of San Diego, as determined

by the most recently available data from the United States

Department of Housing and Urban Development’s Comprehensive  
Housing Affordability Strategy database, and replacement

*protected dwelling units* shall be provided in that same percentage.

A development consisting of one single dwelling unit on a site with  
a single protected dwelling unit may replace the protected dwelling  
unit with a dwelling unit of any size at any income level.

- (2) If all of the *protected dwelling units* are vacant or have  
been demolished within the five years preceding the  
application submittal date, the *development* must contain at least  
the same number of replacement *protected dwelling units*, of  
equivalent size ~~and, with at least the same total number of bedrooms,~~  
as existed at the highpoint of those units in the five-year period  
preceding the application submittal date, and must be made  
affordable to and occupied by persons and families in the same or a  
lower income category as those in occupancy at that same time. In  
the Barrio Logan Community Plan Area, if all of the ~~protected  
dwelling units~~ *protected dwelling units* are vacant or have been  
demolished within the seven years preceding the application  
submittal date, ~~the development~~ *development* must contain at least  
the same number of replacement ~~protected dwelling units~~ *protected  
dwelling units*, ~~of equivalent size and~~ with at least the same total  
number of bedrooms *bedrooms*, as existed at the highpoint of those

units in the seven-year period preceding the application submittal date, and must be made affordable to and occupied by persons and families in the same or lower income category as the last household in occupancy.

If the income categories are unknown for the highpoint, it is rebuttably presumed that the *protected dwelling units* were occupied by *very low income* and *low income* renter households in the same proportion of *very low income* and *low income* renter households to all renter households within the City of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement *protected dwelling units* shall be provided in that same percentage. A development consisting of one single dwelling unit on a site with a single protected dwelling unit may replace the protected dwelling unit with a dwelling unit of any size at any income level.

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

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

## Item 58

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

(a) [No change in text.]

(b) This Division is not applicable in the following circumstances:

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

(4) ~~If the development requires the demolition of more than 25 percent of the existing exterior structural walls of a dwelling unit, unless the premises has not been occupied by a tenant in the last three years prior to application submittal.~~

## Items 58 and 60

### §143.1305 Utilizing the Provision of this Division

(a) [No change in text.]

(b) An application to utilize the provisions of this Division may be denied if the City makes a written *finding* based upon a preponderance of the evidence that the *development* would have a specific, adverse impact upon public health ~~and or~~ or safety ~~or the physical environment,~~ and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A specific, adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was *deemed complete*. The following shall not constitute a specific, adverse impact upon the public health or safety:

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

(c) This Division may be utilized in conjunction with *Accessory Dwelling Unit development* consistent with the following regulations:

(1) [No change in text.]

- (2) An *Accessory Dwelling Unit* or *Junior Accessory Dwelling Unit* shall not be permitted on a *premises* that proposes to utilize or has utilized both the *multiple dwelling unit* provisions of Section 143.1310 and the urban *lot split* provisions of Section 143.1315.
- (A) If an *Accessory Dwelling Unit* or *Junior Accessory Dwelling Unit* exists on a *premises* that proposes to utilize the provisions of both Section 143.1310 and 143.1315, the *Accessory Dwelling Unit* or *Junior Accessory Dwelling Unit* must be removed or converted to one of the *multiple dwelling units* permitted under Section 143.1310.
- (B) [No change in text.]

#### Items 58 and 59

#### **§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 an RS, RE, RX, RT, or Planned District Zones that permit *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 sSection:
- (1) through (4) [No change in text.]
- (5) Landscape Regulations. If *development* would result in more than two *dwelling units* within the two *premises* permitted by this

Division, compliance with the street tree regulations pursuant to  
Section 142.0409 is required.

(A) ~~Two trees shall be provided on the premises for every  
5,000 square feet of lot area, with a minimum of one tree  
per premises. This regulation can be met by existing trees  
on the premises. If planting of a new tree is required to  
comply with this section, the tree shall be selected in  
accordance with the Landscape Standards of the Land  
Development Manual and the City's Street Tree Selection  
Guide.~~

(B) ~~If development would result in more than two dwelling  
units within the two premises permitted by this Division,  
then compliance with the street tree regulations pursuant to  
Section 142.0409 is required.~~

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

(b) Notwithstanding Section 143.1310(a), ~~a second dwelling unit~~ up to two  
dwelling units, each with a maximum gross floor area of 800 square feet,  
shall be permitted on a premises with an existing or proposed dwelling  
unit, regardless of non-compliance with one or more development  
regulations. The development shall comply with the floor area ratio of the  
underlying base zone unless the development incorporates an existing  
structure that exceeds the allowable floor area ratio or is under the  
allowable floor area ratio by less than 800 square feet, in which case a

second *dwelling unit* that does not exceed 800 square feet shall be permitted.

#### Item 78

### **§143.1403 Application of the Climate Action Plan Consistency Regulations**

- (a) This Division applies to the following:
- (1) [No change in text.]
  - (2) Non-residential *development* that adds more than 1,000 square feet and results in 5,000 square feet or more of total *gross floor area*, excluding unoccupied spaces such as mechanical equipment and storage areas; ~~and~~
  - (3) Parking facilities as a *primary use*; and
  - (4) Development utilizing the ADU Home Density Bonus Program in accordance with Section 141.0302(d)-(e). By-right ADUs and JADUs allowed under state law shall be exempt from the requirements of this Division.
- (b) through (c) [No change in text.]

#### Items 40 and 41

### **Chapter 14**

### **Article 3: Supplemental Development Regulations**

### **Division 15: Streamlined Small Lot Subdivisions**

### **§143.1501 Purpose of the Streamlined Small Lot Subdivision Regulations**

These regulations are intended to allow ministerial approval for residential subdivisions of 10 lots or less and the construction of single dwelling unit or



multiple dwelling unit developments on the resulting subdivisions as specified in this Division.

**§143.1505 Application of Streamlined Small Lot Subdivision Regulations**

(a) The regulations in this Division apply to lots that meet the following criteria, except as prohibited in Section 143.1505(b).

(1) Permitted Use and lot size Requirements.

(A) For multiple dwelling unit development, the lot shall meet the following:

(i) Does not exceed 5 acres in lot size; and

(ii) Within a base zone that permits multiple dwelling unit development.

(B) For single dwelling unit development, the lot shall meet the following:

(i) Does not exceed 1.5 acres in lot size;

(ii) Within a base zone that permits single dwelling unit development;

(iii) The lot contains no permanent structures unless such structures are abandoned and uninhabitable or the structures will be contained on a future remainder parcel in accordance with Section 143.1515(j). The criteria in this division that apply to the proposed subdivision and development shall exclude any portion of the original lot that is placed

in a future remainder lot, including but not limited to lot size, density or maximum number of lots.

- (iv) Does not contain dwelling units that are subject to a deed restriction or an affordability covenant, or any dwelling units that have been demolished or occupied by a tenant within the five years preceding the development application submittal date.

(2) Lot adjacency requirements.

- (A) At least 75 percent of the lot shall be abutting, or separated by an improved public right-of-way from land developed exclusively with one or more of the following uses:

- (i) Residential;

- (ii) Retail Sales;

- (iii) Commercial Services;

- (iv) Offices;

- (v) Educational Facilities; or

- (vi) Transit Passenger Facility. Transit Passenger Facility means a bus or rail transit center or station that is served by one or more transit services and may include passenger benches or shelters.

- (B) The remaining portion of the lot perimeter may be abutting or separated by an improved public right-of-way from land

that is vacant and within a base zone that allows for the  
uses in Section 143.1505(a)(2)(A).

(b) This Division is not applicable in the following circumstances:

(1) When a *lot* is located within any of the following:

(A) Prime farmland or farmland of statewide importance, as  
defined pursuant to United States Department of  
Agriculture land inventory and monitoring criteria, as  
modified for California, and designated on the maps  
prepared by the Farmland Mapping and Monitoring  
Program of the Department of Conservation, or land zoned  
or designated in a *land use plan* for agricultural protection  
or preservation by a local ballot measure that was approved  
by the voters of the City of San Diego;

(B) *Wetlands*;

(C) High or Very High Fire Hazard Severity Zones;

(D) A hazardous waste site that is listed pursuant to California  
Government Code section 65962.5 or a hazardous waste  
site designated by the Department of Toxic Substances  
Control pursuant to section 25356 of the California Health  
and Safety Code, unless the State Department of Public  
Health, State Water Resources Control Board, or  
Department of Toxic Substances Control has cleared the  
site for residential use or residential mixed uses;

- (E) A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the California State Geologist, unless the *development* complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with section 18901) of Division 13 of the Health and Safety Code), and by the Development Services Department;
- (F) *Special Flood Hazard Areas*, unless:
- (i) The *lot* is subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the City of San Diego; or
  - (ii) The *lot* meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with section 59.1) and Part 60 (commencing with section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
- (G) A regulatory floodway as determined by the Federal Emergency Management Agency in any official maps

published by the Federal Emergency Management Agency,  
unless the *development* has received a no-rise certification  
in accordance with section 60.3(d)(3) of Title 44 of the  
Code of Federal Regulations. If an *applicant* is able to  
satisfy all applicable federal qualifying criteria in order to  
provide that the *lot* satisfies this subparagraph and is  
otherwise eligible for streamlined approval under this  
Section, an application shall not be denied on the basis that  
the *applicant* did not comply with any additional City  
permit requirement, standard, or action that is applicable to  
that *lot*;

(H) The *MHPA* of the *MSCP Subarea Plan*; or

(I) *Environmentally Sensitive Lands*

(2) If the *development* requires the demolition or alteration of any of  
the following:

(A) A *dwelling unit* that is subject to a deed restriction or  
affordability covenant; or

(B) A *dwelling unit* that was occupied by a tenant within the  
five years preceding the date of the application, including  
any *dwelling unit* that has been demolished or vacated by  
tenants prior to the submission of an application for  
*development*.

- (3) If a lot contains SRO hotel rooms or other dwelling units that were withdrawn from rent or lease in accordance with the Ellis Act, California Government Code sections 7060 through 7060.7, within the 15-year period preceding the development application submittal date.

**§143.1510 Utilizing the Provisions of Streamlined Small Lot Subdivisions**

(a) Streamlined Small Lot Subdivision Mapping.

- (1) An application for a parcel map or a Process One tentative map for a streamlined residential subdivision on a qualifying lot shall be approved by the City Engineer if all criteria in this Division are satisfied.

- (2) All applications for subdivision mapping under this Division shall comply with the subdivision requirements of Section 143.1515.

(b) Residential Development on Subdivided Lots.

- (1) An application for a residential development on a lot that is subdivided pursuant to Section 143.1515 shall be permitted in accordance with Process One Construction Permit.

- (2) All applications for residential development under this Division shall comply with the development requirements of Section 143.1520.

- (c) An application to utilize the provisions of this Division may be denied if the City makes a written finding based upon a preponderance of the evidence that the development would have a specific, adverse impact upon

public health and safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A specific, adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety:

- (1) Inconsistency with a zoning ordinance or *land use plan* designation.
- (2) The eligibility to claim a welfare exemption under subdivision (g) of section 214 of the California Revenue and Taxation Code.
- (d) In accordance with Government Code section 66499.41, this Division shall not be utilized in conjunction with the following:
  - (1) An *Accessory Dwelling Unit* or *Junior Accessory Dwelling Unit* shall not be permitted on a *lot* created through this Division, and
  - (2) A *lot* created under this Division shall not be further subdivided pursuant to an urban *lot* split under Section 143.1315.
- (e) The *development* regulations of the base zone in which the *lot* is located, and the provisions of Chapters 12, Article 5 (Subdivision Procedures) and Chapter 14, Article 4 (Subdivision Regulations), shall apply except as specified in this division.

**§143.1515 Requirements for a Streamlined Small Lot Subdivision**

A Streamlined Small *Lot Subdivision* may be permitted in accordance with Section 143.1510(a) for the *subdivision* of a *lot* that meets all the following requirements:

- (a) The proposed *subdivision* results in ten or fewer *lots* and the residential *development* on the *lot* to be subdivided contains no more than ten *dwelling units*;
- (b) The *lot* proposed to be subdivided was not previously established pursuant to this Division or an urban *lot* split pursuant to Section 143.1315.
- (c) The minimum *lot* size for the *subdivision* shall comply with either of the following:
  - (1) At least 600 square feet in *lot* area in base zones that permit *multiple dwelling unit development*, or
  - (2) At least 1,200 square feet in *lot* area in base zones that permit *single dwelling unit development*.
- (d) The *subdivision* type and resulting *development* shall be one of the following:
  - (1) Constructed on fee simple ownership *lots*;
  - (2) Part of a common interest development as defined in Civil Code section 4100;
  - (3) Part of a housing cooperative, as defined in Civil Code section 817;
  - (4) Owned by a community land trust as defined in Government Code section 66499.41; or



(5) Part of a tenancy in common, as defined in Civil Code section 685.

(e) If the *parcel* proposed to be subdivided is identified within the Adequate Sites Inventory in the most recently adopted General Plan Housing Element, the proposed *development* shall meet the following:

(1) The *development* shall provide at least as many *dwelling units* as the Adequate Sites Inventory identified for the *parcel* proposed to be subdivided.

(2) If the Adequate Sites Inventory identified the *parcel* proposed to be subdivided with the ability to have *dwelling units* affordable to *very low income* or *low income* households, the *development* shall provide at least as many *very low* and *low income dwelling units* as identified in the Adequate Sites Inventory. Prior to the issuance of the first building permit for the *development*, the *applicant* shall record a deed restriction, which requires that these *very low* and *low income dwelling units* shall remain available and affordable for a period of at least 45 years.

(f) If the *parcel* proposed to be subdivided is not identified within the Adequate Sites Inventory in the most recently adopted General Plan Housing Element, the *development* shall have a minimum density equal to 66 percent of the maximum allowable *density* of the zone for the *parcel* proposed to be subdivided or 20 *dwelling units* per acre, whichever is greater.

- (g) The *lots* created pursuant to this Division must be served by a public water and sewer system.
- (h) The proposed *subdivision* shall not subdivide any *dwelling unit* that exists on the original *lot* as of the *development* application submittal date, unless a *remainder lot* is created in accordance with Section 143.1510(j).
- (i) The proposed *subdivision* may include a designated *remainder parcel* that is not counted toward the maximum of ten *lots* and ten *dwelling units*, provided that the *remainder parcel* retains existing uses or *structures*, does not contain any new *dwelling units*, and is not an accessory use or building to the primary *development*.
- (j) The City Engineer may condition the approval and recordation of a *subdivision map* upon the completion of a residential *structure*, in compliance with all applicable provisions of the California Building Standards Code, that meets the following:

  - (1) Each *lot* within the proposed *subdivision* shall have at least one new *dwelling unit*;
  - (2) The *development* shall not have a residential *structure* within the proposed *subdivision*; and
  - (3) The *development* shall not reserve any of the proposed *lots* for internal circulation, open space, or common area.
- (k) The information of a homeowners' association shall not be required by this Division, except as required by Civil Code Section 4000.

**§143.1520 Development Regulations for Streamlined Small Lot Subdivisions**

Dwelling units developed within a Streamlined Small Lot Subdivision shall be subject to the following development regulations:

(a) Minimum Setback Regulations.

(1) No interior setback is required adjacent to the other new structures within the proposed subdivision, except as required by the California Building Code (Title 24 of the California Code of Regulations).

(2) No setback is required for an existing structure that is converted to a dwelling unit. In addition, a dwelling unit that is constructed in the same location and within the same building envelope as an existing structure may continue to observe the same setbacks as the structure it replaced.

(A) Except as provided in Section 143.1520(a)(2), dwelling units must comply with the front yard and street side yard setbacks of the base zone. Interior side yard and rear yard setback from the pre-subdivided perimeter lot line shall be four feet.

(3) For all structures, the Fire Code Official may require a fire separation distance greater than the setback required by the base zone to ensure compliance with safety regulations that include, but are not limited to, the California Building Standards Code, Title 24 of the California Code of Regulations.

(b) Average gross floor area. The proposed dwelling units for the development shall not exceed an average of 1,750 square feet. For the purpose of this Division, habitable area means the finished and heated floor area fully enclosed by the inside surface of walls, windows, doors, and partitions, and having a headroom of at least six and one-half feet, including working, living, eating, cooking, sleeping, stair, hall, service, and storage areas, but excluding garages, carports, parking spaces, cellars, half-stories, and unfinished attics and basements.

(c) Parking Regulations.

(1) Within a transit priority area, no parking spaces are required for the development.

(2) Outside of a transit priority area, 1 parking space per dwelling unit shall be provided.

(A) If the applicant can demonstrate to the satisfaction of the City Manager that there is access to a car share or other shared vehicle within 500 feet of the premises, no parking spaces are required for the development.

(B) Off-street parking spaces are not required to be in a garage or covered or enclosed by a structure.

(d) Floor Area Ratio Regulations.

(1) For a development consisting of 3 to 7 dwelling units, inclusive, the maximum floor area ratio shall be 1.0, or the floor area ratio of the underlying base zone, whichever is greater.

- (2) For a *development* consisting of 8 to 10 *dwelling units*, inclusive, the maximum *floor area ratio* shall be 1.25 or the *floor area ratio* of the underlying base zone, whichever is greater.

#### Items 40 and 41

##### **§144.0211 Lot Design Requirements for Tentative Maps**

The proposed *subdivision* lots shall be designed as follows:

- (a) [No change in text.]
- (b) All *lots* shall meet the area, frontage, width, and depth requirements of the applicable zone or shall comply with the standards as specified in a Planned Development Permit approved with the *tentative map*, except as required for *development* in accordance with Chapter 14, Article 3, Division 15;
- (c) through (d) [No change in text.]

#### Item 4

##### **§144.0507 Development Regulations for Condominium Conversions**

Prior to final map approval, to the satisfaction of the City Engineer, the following improvements shall be completed:

- (a) through (f) [No change in text.]
- (g) *Public Improvements – Public improvements shall be provided in accordance with Section 142.0625.*

#### Item 79

### **Chapter 14**

### **Article 5: Building Regulations**

**Division 38: Additions and Modifications to Appendix Θ P of the  
California Building Code**

**§145.3806 Local Addition of Section P113 “Emergency Housing Alternatives and  
Modifications” to the California Building Code**

- (a) [No change in text.]
- (b) Section P113.1 Alternatives and Modifications is added as follows:  
  
P113.1 Alternatives and Modifications. Alternatives and/or modifications that are reasonably equivalent to the requirements in Appendix Θ P and this Division may be granted by the Building Official and Fire Code Official for individual buildings or structures used for emergency housing.

**Items 17 and 42**

**§151.0103 Applicable Regulations**

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
  - (1) through (13) [No change in text.]
  - (14) Hydrogen Vehicle Fueling Stations regulations contained in Land Development Code Section 141.0804, within planned districts that permit industrial or commercial *developments*.
  - (15) Setback requirements in all planned districts. For all *structures*, the Fire Code Official may require a fire separation distance greater than the *setback* required by the base zone to ensure compliance with safety regulations that include, but are not limited to, the

California Building Standards Code, Title 24 of the California Code  
of Regulations.

**Item 61**

**§153.0103 Applicable Regulations**

Where not otherwise specified or inconsistent with the Carmel Valley Planned District Ordinance, the following provisions of the Land Development Code apply:

Chapter 11 (Land Development Procedures) through Chapter 14, Article 7 (Plumbing and Mechanical Regulations) [No change in text.]

Where there is a conflict between the Land Development Code and the Carmel Valley Planned District Ordinance, the Planned District Ordinance applies, except as it relates to ~~parking standards~~ transit priority area, in which case the ~~parking standards~~ transit priority area parking ratio shall apply.

**Item 103**

**§153.0309 Employment Center (EC)**

(a) Permitted Uses

No building, improvement, or portion therefore shall be erected, constructed, converted, established, altered, or enlarged, nor shall any premises be used except for one of more of the following purposes:

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

(9) Medical offices ~~on Lot 27 (not to exceed 25 percent of the floor area) and on Lot No. 33 (up to 100 percent of the floor area) as shown on Precise Plan titled “Carmel Valley Employment Center,~~

~~Development Unit No. 2~~

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

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

**Item 61**

**§154.0103 Applicable Regulations**

Where not otherwise specified by the Cass Street Commercial Planned District Ordinance, the following chapters of the Land Development Code apply:

Chapter 11 (Land Development Procedures); through Chapter 14, Article 7 (Plumbing and Mechanical Regulations) [No change in text.]

Where there is a conflict between the Land Development Code and this Planned District, the Cass Street Commercial Planned District applies, except as it relates to *parking standards transit priority area*, in which case the *parking standards transit priority area* parking ratio shall apply.

**Item 8**

**§155.0232 Additional Residential Zones Development Regulations within the Central Urbanized Plan District**

The following additional development regulations apply in the Central Urbanized Planned District:

- (a) Residential Architectural Features. All multiple *dwelling units* in any residential zone shall include the following architectural features, unless a Planned Development Permit is obtained.

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

- (3) Each residential building shall include at least five architectural features all to be chosen from one of the following styles:



(A) Contemporary Style Structures

(i) [No change in text.]

~~(ii)~~ For three or more dwelling units at least one  
chimney per three dwelling units

~~(iii)~~(ii) At least one clerestory window for each 50 feet of  
*street* elevation

~~(iv)~~(iii) Wood window frames

~~(v)~~(iv) At least one transom window

~~(vi)~~(v) Front entry porch

~~(vii)~~(vi) Window awnings on all windows facing a *street*

~~(viii)~~(vii) Planted wall mounted lattice with plants

~~(ix)~~(viii) Windows recessed at least two inches

~~(x)~~(ix) Eaves with a minimum 18-inch overhang

(B) [No change in text.]

(C) Bungalow Style Structures

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

~~(vi)~~ At least one chimney per three *dwelling units*

~~(vii)~~(vi) Multi-panel entrance door

~~(viii)~~(vii) At least one window planter box

~~(ix)~~(viii) Operable window shutters on all windows facing a  
*street*

~~(x)~~(ix) Trim surrounding windows

(b) [No change in text.]

**Items 9, 32, 42, and 90**

**§155.0238 Use Regulations Table of CU Zones**

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

**Legend for Table 155-02C**

[No change in text.]

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

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1-( <sup>1</sup> )		2-			3-				
	4th >>	1	2	3	4	5	3 <sup>(2)(12)</sup>	6	7	8	
<b>Open Space through Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities</b> [No change in text.]		[No change in text.]									
<u>Emergency Shelters</u>		=		<u>C</u>			=				
Employee Housing: 6 or Fewer Employees through <b>Institutional, Separately Regulated Institutional Uses</b> , Homeless Facilities: Congregate Meal Facilities [No change in text.]		[No change in text.]									
<u>Emergency Shelters</u>		-		€			-				
Homeless Day Centers through Hospitals [No change in text.]		[No change in text.]									
<u>Hydrogen Vehicle Fueling Stations</u>		<u>L</u>		<u>L</u>			<u>L</u>				
Intermediate Care Facilities & Nursing Facilities through <b>Distribution and Storage, Equipment &amp; Materials Storage Yards</b> [No change in text.]		[No change in text.]									
<b>Moving &amp; Storage Facilities</b>		-		P =			-				
<b>Distribution Facilities</b> through <b>Signs, Separately Regulated Signs Uses</b> , Theater <i>Marquees</i> [No change in text.]		[No change in text.]									

Footnotes for Table 155-02C

<sup>1</sup> through <sup>3</sup> [No change in text.]

<sup>4</sup> In the CU-2-4, CU-2-5 and CU-3-3 zones *multiple dwelling unit residential development* is only permitted with a commercial component ~~that~~ occupies the ground floor in the front 30 feet of the lot.

<sup>5</sup> through <sup>13</sup> [No change in text.]

## Items 80 and 91

### §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 <sup>(1)</sup>	2 <sup>(1)</sup>	3	4	5	6	7	8
<b>Max residential density</b> <sup>(2)</sup> through <b>Setback Requirements</b> , Optional side <i>setback</i> (ft) [See Land Development Code Section 131.0543(b)] [No change in text.]	[No change in text.]								
<b>Side setback</b> abutting residential (ft) [See Land Development Code Section 131.0543(c)]	applies	applies	applies	applies	applies	applies	applies	applies	applies
Min <i>street</i> side <i>setback</i> (ft) through Optional rear <i>setback</i> (ft) [See Land Development Code Section 131.0543(b)] [No change in text.]	[No change in text.]								
<b>Rear setback</b> abutting residential (ft) [See Land Development Code Section 131.0543(c)]	applies	applies	applies	applies	applies	applies	applies	applies	applies
<b>Max structure height</b> (ft) through <b>Max floor area ratio</b> , Mixed use bonus/ Min % to residential [See Land Development Code Section 131.0546(a)] [No change in text.]	[No change in text.]								

<i>Floor Area Ratio Bonus</i> for Child Care [See Section 155.0243(a)]	applies	applies	applies	applies	applies	applies	applies	applies
<b>Pedestrian paths</b> [See Land Development Code Section 131.0550] through <b>Parking lot orientation</b> [See Land Development Code Section 131.0556] [No change in text.]	[No change in text.]							
<b><u>Building Transitions and Buffers from Adjacent Freeways</u></b> [See Land Development Code Section 131.0560]	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

**Footnotes for Table 155-02D**

<sup>1</sup> through <sup>9</sup> [No change in text.]

**Item 61**

**§155.0252 Additional General Development Regulations**

The following additional general *development* regulations apply in the Central Urbanized Planned District:

(a) Parking.

**Table 155-02E  
Parking Ratios for Retail Sales, Commercial Services, Mixed-Use Development, and Eating and Drinking Establishments**

Zone	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted <sup>(3)</sup> (Floor Area Includes Gross Floor Area plus below Grade Floor Area and Excludes Floor Area Devoted to Parking)				
		Required Automobile Parking Spaces			Required Bicycle Parking Spaces <sup>(2)</sup>
	Minimum Required Outside a <i>Transit Area</i> or Outside a <i>Parking Standards Transit Priority Area</i>	Minimum Required within a <i>Parking Standards Transit Priority Area</i>	Minimum Required Within a <i>Transit Area</i> <sup>(1)</sup>	Maximum Permitted	Minimum Required
	<u><i>Transit Priority Area</i></u>	<u><i>Transit Priority Area</i></u> <sup>(4)</sup>			
<b>Commercial Zones</b>					
Central Urbanized PDO	[No change in text]				

**Footnotes for Table 155-02E**

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

(4) ~~Parking standards transit priority area~~ Transit priority area. The ~~parking standards transit priority area~~ parking ratio applies to *development* within a ~~parking standards transit priority area~~ as described in Section 142.0531 and supersede any other applicable parking ratio.

**Item 80**

**§155.0253 Supplemental Development Regulations**

The following additional supplemental development regulations apply in the Central Urbanized Planned District. These regulations shall supersede any regulations contained in the Land Development Code Chapter 14, Article 3 that are inconsistent with or not expressly incorporated into the Central Urbanized Planned District regulations.

**Table 155-02F**

**Supplemental Development Regulations Applicability**

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process <sup>(1)</sup>
Residential and mixed commercial/residential development in facility deficient neighborhoods shown on Map B-4104	<del>155.0243(a)</del> <u>155.0253(a)</u>	None Required
Residential development in a commercial zone on El Cajon Boulevard or University Avenue that is not part of a mixed-use (commercial-residential) project under circumstances outlined in Section 155.0253(b) through Warehouses, Wholesale Distribution, and Light Manufacturing uses exceeding 10,000 square feet up to a maximum of 30,000 square feet, subject to the criteria contained in Section 155.0253(f) [No change in text.]	[No change in text.]	

**Diagram 151-02B**

**Facility Deficient Neighborhoods**

[No change in text.]

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

#### Item 104

##### **§1510.0105 La Jolla Shores Planned District Advisory Board**

(a) La Jolla Shores Planned District Advisory Board Created

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

(4) ~~The City Manager~~ A Board Member shall serve as Secretary of the Board and ~~as an ex-officio member and~~ the Review Board shall maintain records of all official actions of the Review Board. ~~The Secretary shall not be entitled to vote.~~

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

(b) [No change in text.]

#### Item 61

##### **§1516.0104 Applicable Regulations**

Unless otherwise specified in this Division, the following provisions of the Land Development Code apply in the Planned District:

Chapter 11 (Land Development Procedures) through Chapter 14, Article 7 (Plumbing and Mechanical Regulations) [No change in text.]

Where there is a conflict between these provisions of the Land Development Code and this Division, this Division applies, except as it relates to ~~parking standards-transit~~ *priority area*<sub>2</sub>, in which case the ~~parking standards-transit~~ *priority area* parking ratio shall apply.

Items 42 and 90

**§1516.0112 Use Regulations for Old Town San Diego Residential Zones**

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

Table 1516-01B:

**Legend for Table 1516-01B**

[No change in text.]

**Table 1516-01B**

**Use Regulations for Old Town San Diego 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 >>	OTRS-	OTRM-		
	3rd >>	1-	1-	2-	
	4th >>	1	1	1	2
Open Space through Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities [No change in text.]		[No change in text.]			
<u>Emergency Shelters</u>		=	=	=	
Employee Housing: 6 or Fewer Employees through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Congregate Meal Facilities [No change in text.]		[No change in text.]			
<u>Emergency Shelters</u>		-	-	-	
Homeless Day Centers through Vehicle & Vehicular Equipment Sales and Service, Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses, Automobile Service Stations [No change in text.]		[No change in text.]			
<u>Hydrogen Vehicle Fueling Stations</u>		=	=	=	
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a Primary Use through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]			

Footnotes for Table 1516-01B

<sup>1</sup> through <sup>7</sup> [No change in text.]

## Items 10, 42, and 90

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

The uses allowed in the Old Town San Diego Commercial zones are shown in Table 1516-01D.

#### Legend for Table 1516-01D

[No change in text.]

**Table 1516-01D**

#### Use Regulations for Old Town San Diego Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones								
	1st & 2nd >>	OTCC-						OTMCR-		
	3rd >>	1-	2-			3-		1		
	4th >>	1	1	2	3	1	2	1	2	3
<b>Open Space through Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities</b> [No change in text.]		[No change in text.]								
<u>Emergency Shelters</u>		=	=	=	=	=	=	=	=	=
Employee Housing: 6 or Fewer Employees through <b>Institutional, Separately Regulated Institutional Uses</b> , Homeless Facilities: Congregate Meal Facilities [No change in text.]		[No change in text.]								
<u>Emergency Shelters</u>		-	-	-	-	-	-	-	-	-
Homeless Day Centers through Hospitals [No change in text.]		[No change in text.]								
<u>Hydrogen Vehicle Fueling Stations</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>
Intermediate Care Facilities & Nursing Facilities through <b>Commercial Services, Separately Regulated Commercial Services Uses</b> , Tire Processing Facility [No change in text.]		[No change in text.]								
<u>Sidewalk Cafes, Streetaries, and Active Sidewalks</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>
Sports Arenas & Stadiums through <b>Signs, Separately Regulated Sign Uses</b> , Theater Marquees [No change in text.]		[No change in text.]								



**Footnotes for Table 1516-01D**

<sup>1</sup> through <sup>7</sup> [No change in text.]

**Items 42 and 90**

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

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

**Legend for Table 1516-01F**

[No change in text.]

**Table 1516-01F**

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

Use Categories/ Subcategories [See Section 131.0112 for Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones	
	1st & 2nd>>	OTOP-	
	3rd >>	1-	2-
	4th >>	1	1
<b>Open Space through Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities</b> [No change in text.]		[No change in text.]	
<u>Emergency Shelters</u>		=	=
Employee Housing: 6 or Fewer Employees through <b>Institutional, Separately Regulated Institutional Uses</b> , Homeless Facilities: Congregate Meal Facilities [No change in text.]		[No change in text.]	
<u>Emergency Shelters</u>		-	-
Homeless Day Centers through <b>Vehicle &amp; Vehicular Equipment Sales and Service, Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses</b> , Automobile Service Stations [No change in text.]		[No change in text.]	
<u>Hydrogen Vehicle Fueling Stations</u>		=	=

Outdoor Storage & Display of New, Unregistered Motor Vehicles as a Primary Use through <b>Signs, Separately Regulated Signs Uses</b> , Theater <i>Marquees</i> [No change in text.]	[No change in text.]
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**Footnotes for Table 1516-01F**

<sup>1</sup> through <sup>4</sup> [No change in text.]

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