

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 4 BY AMENDING SECTION 126.0402; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0502; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 1 BY AMENDING SECTION 132.0102; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14 BY AMENDING SECTIONS 132.1402 AND 132.1403; AMENDING CHAPTER 13, ARTICLE 2 BY ADDING NEW DIVISION 16 AND SECTIONS 132.1601, 132.1602, 132.1605, 132.1610, 132.1615, 132.1620, 132.1625, 132.1630, AND 132.1635; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 141.0621; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0302; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 9 BY AMENDING SECTION 143.0920; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 10 BY AMENDING SECTIONS 143.1010, 143.1020, AND 143.1025; AND AMENDING CHAPTER 14, ARTICLE 3, DIVISION 14 BY AMENDING SECTION 143.1410, RELATING TO THE CLAIREMONT AND COLLEGE AREA COMMUNITY PLAN UPDATES.

§113.0103 Definitions

Abutting property through Freeway [No change in text.]

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

Furnishings zone means the section of the public right-of-way between the curb and the thoroughway zone in which street trees, lights, and street furniture are provided. Street furniture is described in the Street Design Manual of the Land Development Manual.

Geotechnical report through Grading [No change in text.]

Greenway means a public space parallel to the public right-of-way with a pedestrian pathway to enhance the thoroughway zone.

Gross floor area through Parking, shared (See *shared parking*) [No change in text.]

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

Parkway means the area within the public right-of-way between the curb of a street and the public right-of-way line. The parkway includes the frontage zone, furnishings zone, and thoroughway zone.

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

Penthouse through Playground [No change in text.]

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

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

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

Public space means a publicly accessible outdoor area that is adjacent to or accessible from a public right-of-way or transit station that provides designated areas for public use and recreational activities. Public space can include seating, shade structures and landscaping. Public space includes the greenways, paseos, plazas, podiums, and urban greens.

Public vantage point through tentative map [No change in text.]

Throughway zone means the section of the public right-of-way between the furnishings zone and the frontage zone or the building fronting the street with a sidewalk for pedestrian travel only and clear of obstacles, including driveway aprons.

Traditional cultural property through Underfloor [No change in text.]

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

Urbanized Communities through Yard [No change in text.]

§126.0402 When a Neighborhood Development Permit Is Required

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

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

§126.0502 When a Site Development Permit is Required

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

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

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

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

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

§132.0102 Overlay Zone Designations

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

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

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

§132.1402 Where the Community Plan Implementation Overlay Zone Applies

- (a) This overlay zone applies to properties that are identified in a community plan as areas requiring supplemental development regulations or processing of a *development permit* and that have been incorporated by ordinance into this overlay zone. Table 132-14A lists the community plan areas in which this overlay zone has been applied and the corresponding rezone maps that indicate which properties are within the boundaries of the overlay zone. These maps are filed in the office of the City Clerk. The properties within this overlay zone are shown generally on Diagrams 132-14A through 132-14U.

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

Community Plan	Map Number Showing Boundaries of CPIOZ Area
Barrio Logan (See Diagram 132-14T)	[No change in text.]
Clairemont Mesa (See Diagram 132-14A)	C-771.1, B-4344
College Area (See Diagram 132-14Q)	B-4339
Encanto Neighborhoods (See Diagram 132-14O) through Uptown (See Diagram 132-14K)	[No change in text.]

- (b) [No change in text.]

Table 132-14B
Community Plan Implementation Overlay Zone Applicability

[No change in text.]

§132.1403 Exception to the Community Plan Implementation Overlay Zone

The City Manager may grant an exception to the requirements of this ~~division~~
Division for the *development* that is minor, temporary, or incidental and is

consistent with the intent of this ~~division~~Division. Exceptions made by the City Manager shall be recorded and entered in the project files prepared in the process of approving the *development*.

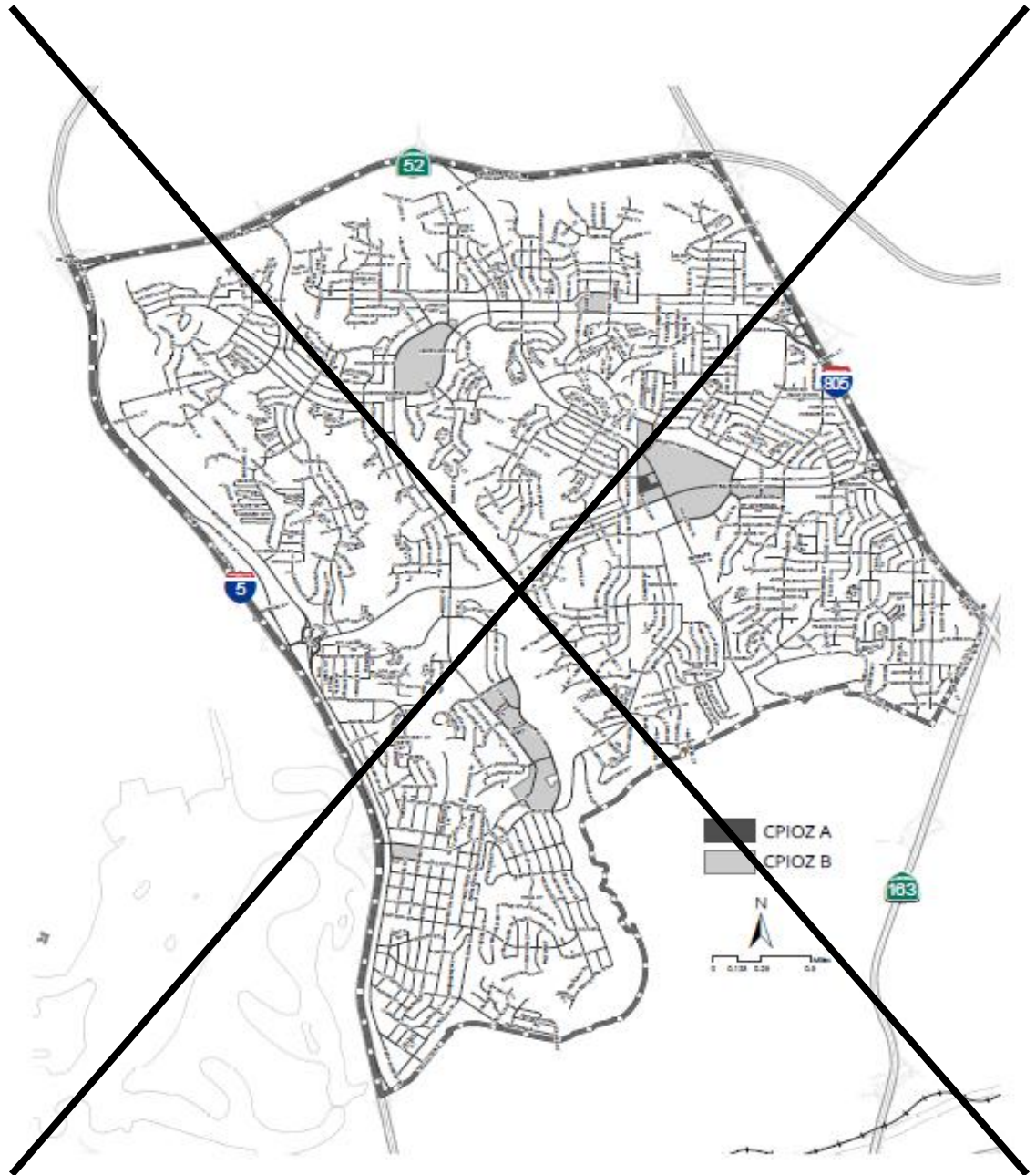


DIAGRAM 132-14A

Clairemont Mesa Community Plan Implementation Overlay Zone

This is a reproduction of Map Nos. C 771.1 & B 4344 for illustration purposes only.

DIAGRAM 132-14B through DIAGRAM 132-14P

[No change in text.]

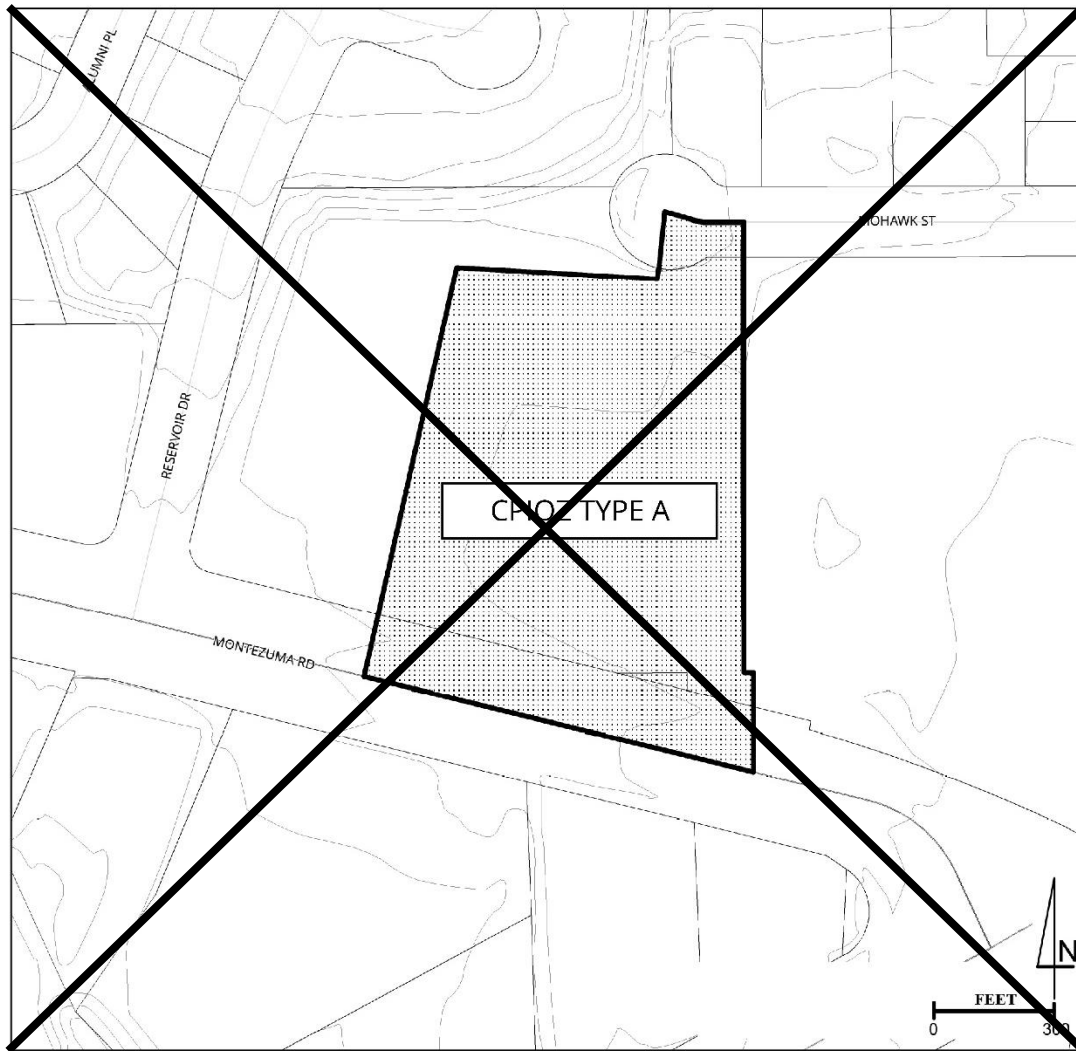


DIAGRAM 132-14Q

College Area Community Plan Implementation Overlay Zone

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

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

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

DIAGRAM 132-14R through DIAGRAM 132-14U

[No change in text.]

Chapter 13: Zones

Article 2: Overlay Zones

Division 16: Community Enhancement Overlay Zone

§132.1601 Purpose

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

§132.1602 Where the Community Enhancement Overlay Zone Applies

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

Table 132-16A
Community Plans with Property where Community Enhancement Overlay Zone Apply

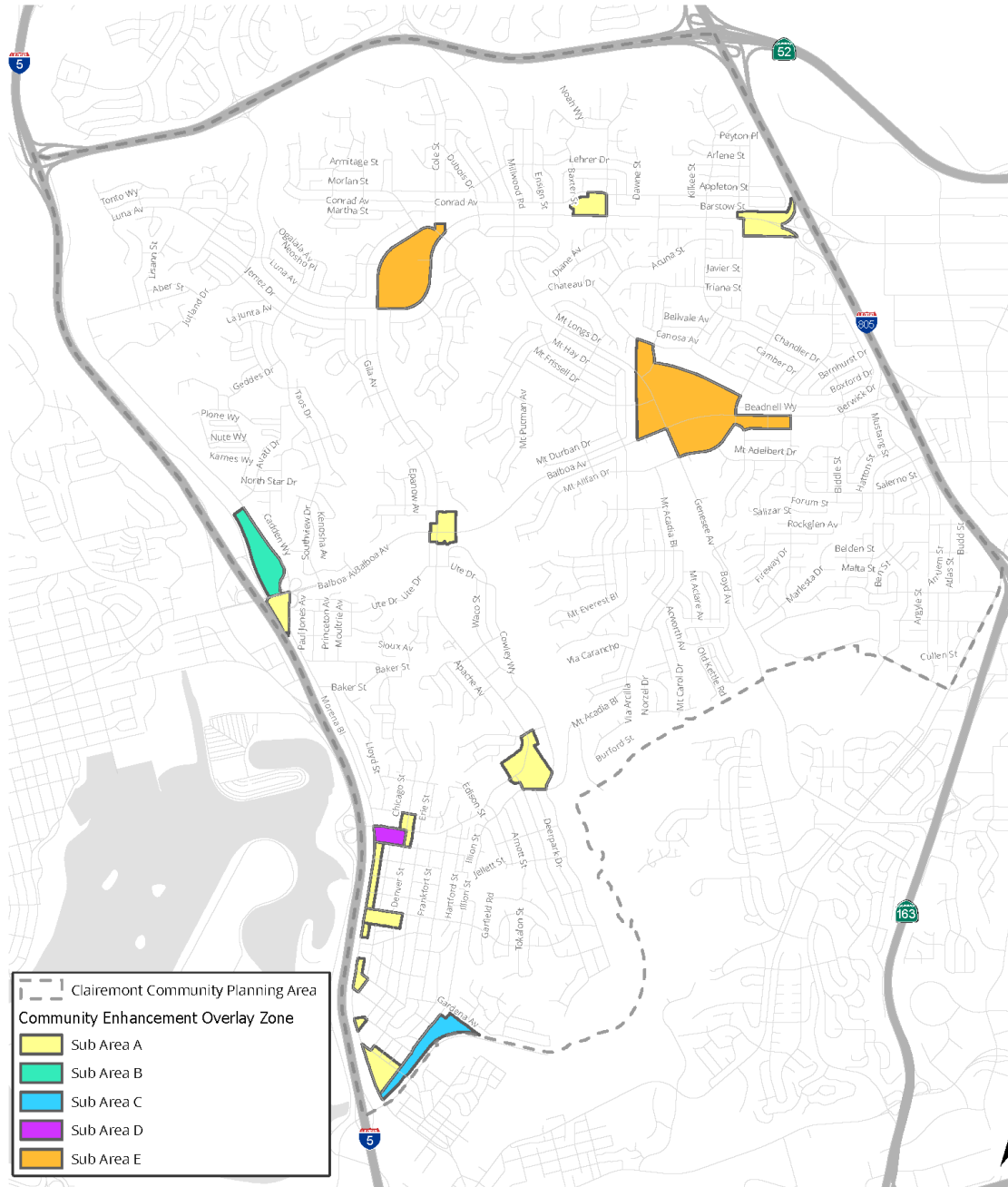
<u>Community Plan</u>	<u>Map Number Showing Boundaries of CEOZ Area</u>
Clairemont (See Diagram 132-16A)	C-1040
College Area (See Diagram 132-16B)	C-1039

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

Table 132-16B
Community Enhancement Overlay Zone Applicability

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

<u>Type of Development</u>	<u>Supplemental Development Regulations</u>	<u>Required Permit Type/ Decision Process</u>
<u>the supplemental development regulations of this Division.</u>		

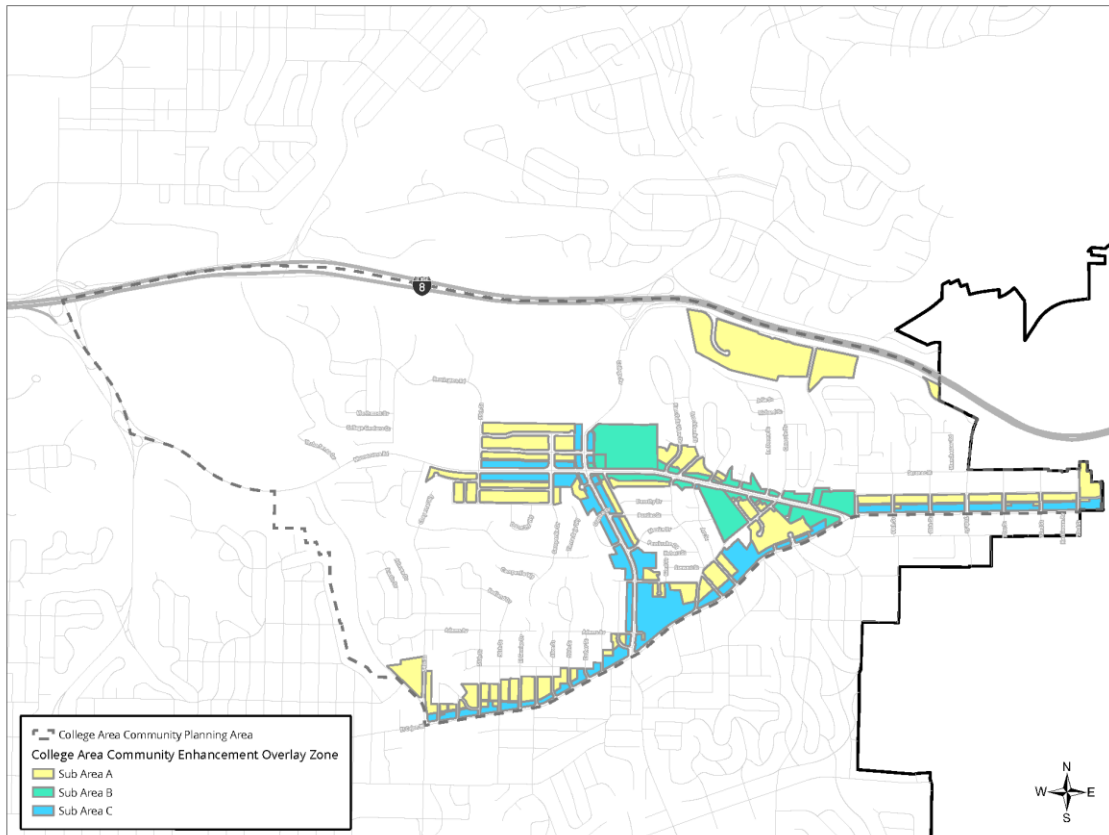


Clairemont Community Enhancement Overlay Zone
This is a reproduction of Map No. C-1040 for illustration purposes only.

Diagram 132-16A

Clairemont Community Enhancement Overlay Zone

This is a reproduction of Map No. C-1040 for illustration purposes only.



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

Diagram 132-16B

College Area Community Enhancement Overlay Zone

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

§132.1605 Exception to the Community Enhancement Overlay Zone

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

§132.1610 **Conflicts between Community Enhancement Overlay Zone and Other Regulations**

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

§132.1615 **Public Spaces**

- (a) Applicability
 - (1) *Development on a premises* equal to or greater than 10,000 square feet and that proposes a total *gross floor area* of *development* equal to or greater than a *floor area ratio* of 0.5 shall provide *public spaces* in accordance with Section 132.1615.
 - (2) *Development on a premises* less than 10,000 square feet are exempt but if the *development* includes *public spaces* in accordance with Section 132.1615, the *development* shall receive a *floor area ratio* bonus of 1.0.
 - (3) A *subdivision* of land equal to or greater than 10,000 square feet shall provide *public spaces* on all *lots* in accordance with Section 132.1615.

(4) *Development that qualifies for an exemption from the Citywide Park Development Impact Fees by constructing on-site park improvements in accordance with Section 142.0640 and Council Policy 600-33 is exempt from this Section.*

(b) *Size*

(1) *Development shall provide a minimum of five percent of the area of the premises as a public space, or 75,000 square feet, whichever is less in accordance with Section 132.1615(a).*

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

(3) *For development on a premises where resources such as important archaeological sites, traditional cultural properties, historical resources, or environmentally sensitive lands limit the ability to meet the required area of a public space, the required area for the public space may be reduced to the extent required, to avoid the resource, as determined by the City Manager.*

(4) If required stormwater, public utility, or transit infrastructure or facilities limit the ability to meet the required area for the *public space*, the required area for the *public space* may be reduced to the extent required to locate the required infrastructure or facilities to the satisfaction of the City Engineer.

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

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

(1) A *plaza, urban green, or podium* meeting the following requirements:

(i) A minimum area of 1,200 square feet; and

(ii) A minimum dimension of 20 feet in any direction.

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

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

(d) Amenities. A *public space* shall include amenities in accordance with Table 132-16C and Table 132-16D.

(1) Amenities in Category 2 shall satisfy two single amenities requirements in Table 132-16C.

(2) A *development* shall not utilize the following amenity types with the specific *public space* more than once: Interactive/Technology Element; *Placemaking* Elements; Performance/Event/Cultural Space; Splash Pad; or Sports Court with Lighting.

(3) A *development* less than 200,000 square feet may utilize either the Interactive/Technology Element amenity or *Placemaking* Elements amenity types. Use of both amenity types within the *public space* shall not be permitted.

(4) An alternative compliance determination may be made for a *development* by the City Manager in their sole discretion for amenities not listed in Table 132-16D.

(5) For *development* greater than 200,000 square feet, the *applicant* may purchase amenity points, as listed in Table 132-16C at a rate of \$480,835 per amenity point, which shall be increased, starting on July 1, 2026, and on each July 1st thereafter, based on the one-year change (from March to March) in the Construction Cost Index (CCI) for Los Angeles as published monthly in the Engineering

News-Record. Payment shall be deposited into the Citywide Park Development Impact Fee Fund prior to final inspection.

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

<u>Premise Size</u>	<u>Required Amenities</u>	<u>Amenity Point Purchase Maximum</u> <u>(Development greater than 200,000 square feet)</u>
<u>Equal to or greater than 10,000 square feet but less than 100,000 square feet.</u>	<u>1 amenity</u>	<u>Not Eligible</u>
<u>Equal to or greater than 100,000 square feet but less than 200,000 square feet.</u>	<u>2 amenities</u>	<u>Not Eligible</u>
<u>Equal to or greater than 200,000 square feet but less than 400,000 square feet.</u>	<u>3 amenities</u>	<u>1 amenity</u>
<u>Equal to or greater than 400,000 square feet.</u>	<u>6 amenities</u>	<u>2 amenities</u>

Table 132-16D
Public Space Amenity Type

<u>Amenity Type</u>	<u>Required Amenity Features</u>	<u>Category</u>
<u>All-Weather Shade Cover/Pavilion with Tables and Seating</u>	<u>Minimum of 400 square feet and a minimum of two sets of fixed or movable tables and chairs. Shade covers shall not replace tree plantings or count toward tree canopy coverage.</u>	<u>1</u>
<u>Community Garden</u>	<u>Minimum of 1,500 square feet, containing at least 10 plots with a minimum of 80 square feet of soil area per plot, communal refuse/recycling area, and a dedicated water meter with hose bibbs.</u>	<u>1</u>
<u>Fitness Circuit</u>	<u>Minimum of three pieces of fitness equipment, with visible and clear instructional signage, and a connecting path from the public right-of-way.</u>	<u>1</u>
<u>Interactive/Technology Element</u>	<u>Provides features which can include the following: publicly accessible Wi-Fi, solar panel furniture/feature, touchable information board, and smart kiosks, designed and constructed to the satisfaction of the City Manager. The element shall be accessible to the public during operating</u>	<u>1</u>

<u>Amenity Type</u>	<u>Required Amenity Features</u>	<u>Category</u>
	<u>hours from at least 7:00 a.m. to 8:00 p.m. seven days a week or during the hours of operation of the commercial use where the <i>public space</i> is located.</u>	
<u>Multi-Purpose Natural Turf Area</u>	<u>Minimum of 10,000 square feet of continuous natural turf with a slope of 5 percent or less to support universal access. Multi-purpose turf area to be used for athletic competition shall provide a slope of two percent or less.</u>	<u>1</u>
<u>Off-Leash Dog Area</u>	<u>Minimum of 2,000 square feet of fenced-in area.</u>	<u>1</u>
<u>Placemaking Elements</u>	<u>Minimum of 2 elements which can include the following: artwork, interactive playscape, climbing <i>structures</i>, elements of historical or cultural relevance, or community activation elements/games, designed and constructed to the satisfaction of the City Manager.</u>	<u>1</u>
<u>Play Area</u>	<u>Minimum of 750 square feet with children’s play equipment and safety surfacing. Separate play areas shall be provided for children ages 2 to 5 and 5 to 12. A minimum of three play pieces shall be provided per play area.</u>	<u>1</u>
<u>Performance/Event /Cultural Space</u>	<u>Minimum of 2,500 square feet of paved area with seating for a minimum of 40 people, lighting, and utilities including power, data, and sound.</u>	<u>2</u>
<u>Splash Pad</u>	<u>A Splash Pad (otherwise considered a “water <i>playground</i>”) measuring a minimum of 750 square feet.</u>	<u>2</u>
<u>Sports Court with Lighting</u>	<u>Minimum of one full court or two half-courts for sports, which can include the following: basketball, tennis, pickleball, and sand volleyball, designed and constructed to the satisfaction of the City Manager. Lighting appropriate to the sport shall be provided, sited, and directed to minimize impacts to nearby residential uses in accordance with Section 142.0740.</u>	<u>2</u>

(e) Landscaping

- (1) A minimum of 20 percent of a *public space* area shall be comprised of permeable landscape planting. This requirement is in addition to the landscape regulations in Chapter 14, Article 2, Division 4.

(2) At least 30 percent of all paving within the *public space* on a ground level shall be shaded by a minimum of one, 24-inch box canopy form street tree, standard trunk, evergreen species for each 30 feet of *public space* on a ground level abutting a *street frontage*. The street tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide.

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

(g) Seating and Tables

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

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

(h) Lighting

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

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

(i) Access and Visibility

- (1) A *public space* on a ground level shall be designed to be visible from the *abutting property* and *abutting parkway*.
- (2) The *public space* at a ground level shall use different paving material from the *public right-of-way* to delineate the area maintained by the *record owner*.
- (3) A minimum of 50 percent of a *public space* at a ground level shall be free of physical barriers or obstructions to ensure public access.
- (4) *Public space* at a ground level shall provide pedestrian connections to the *abutting parkway* and building entrances.

(i) Fire Apparatus Access

- (1) *Development* shall provide fire sprinklers and meet the access requirements of the California Fire Code, Appendix D, sections 105.2 and 105.3 for all *structures* that exceed 30 feet in *structure height* where *public space* at a ground level would result in the distance between the *building facade* and the *street* being greater than 30 feet.
- (2) Any deviation from the fire sprinklers and access requirements shall comply with the construction type exceptions identified in the California Fire Code, Appendix D, section 105.1.

(j) Hours of Public Access

- (1) A public space and amenities shall be publicly accessible from at least 7:00 a.m. to 8:00 p.m. seven days a week or during the hours of operation of the commercial use where the public space is located, whichever provides greater access.
- (2) A minimum of one wayfinding sign shall be provided per 100 feet along the street frontage. All signs shall be at least 2 square feet in size, located along, and legible from, the public right-of-way, and shall advise the public of the hours of public access, and direct the public to any public spaces not located adjacent to a public right-of-way.
- (3) A public space shall have signs visible from the adjacent public right-of-way or transit station stating that the public space is open to the public.

(k) Maintenance. All public spaces shall be maintained by the record owner of the premises.

(l) Building Façade. A minimum of one building façade shall face the public space:

- (1) The abutting public space shall be accessible from the adjacent building entrances from:
 - (i) Each commercial retail tenant space or dwelling unit; or
 - (ii) A building's common area for buildings without retail tenant space or dwelling units.

- (2) An upper *story* of a building with a finished *floor* elevation of more than 25 feet above a *public space* at a ground level may have balconies, building elements, or habitable space that project over the *public space* to the *property line* or *setback* specified by the base zone.
- (m) Common Open Space. A *public space* may be counted towards common open space requirements of the base zone.
- (n) Garage Entrance or Driveway. If the *premises* does not have access to a second *public right-of-way*, a garage entrance or driveway is allowed within a *public space* subject to the satisfaction of the City Engineer.
- (o) *Parking spaces*, loading berths/zones, trash storage facilities, utility boxes, as well as the access or service for these facilities, are not permitted within the *public space*.
- (p) Best management practices for stormwater may be constructed within the landscaped area of a *public space* at ground level in accordance with Chapter 4, Article 3, Division 3, only if pedestrian access to and within a *public space* is not hindered by the best management practices subject to the satisfaction of the City Engineer.
- (q) *Development* on a property with a mixed-use base zone and a *premises* greater than five acres shall be exempted from the requirements of Section 131.0718(d)(6) if the *development* provides *public spaces* in accordance with this Section.

- (r) A development providing public space under Section 143.1020(b) may be counted towards the public space requirements in Section 132.1615.

§132.1620 Public Space – Greenway Site Specific Requirements

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

Table 132-16E
Public Space – Greenway Width

<u>Community Plan Area</u>	<u>Map No.</u>	<u>Sub Area</u>	<u>Location</u>	<u>Minimum Public Space – Greenway Width</u>
<u>College Area</u>	<u>C-1039</u>	<u>C</u>	<u>North side of El Cajon Boulevard between 54th Street and Keeny Street</u>	<u>8 Feet</u>
<u>College Area</u>	<u>C-1039</u>	<u>B</u>	<u>Both sides of College Avenue between El Cajon Boulevard and Cantina Way</u>	<u>8 Feet</u>
<u>College Area</u>	<u>C-1039</u>	<u>D</u>	<u>Both sides of Montezuma Road between 55th Street and College Avenue</u>	<u>8 Feet</u>
<u>College Area</u>	<u>C-1039</u>	<u>E</u>	<u>Both sides of Montezuma Road between College Avenue and El Cajon Boulevard</u>	<u>8 Feet</u>
<u>Clairemont</u>	<u>C-1040</u>	<u>E</u>	<u>South side of Clairemont Drive between Clairemont Mesa Boulevard and Clairemont Mesa Boulevard</u>	<u>30 Feet</u>
<u>Clairemont</u>	<u>C-1040</u>	<u>E</u>	<u>South side of Balboa Arms Drive between Mount Abernathy Avenue and Derrick Drive</u>	<u>30 Feet</u>

<u>Community Plan Area</u>	<u>Map No.</u>	<u>Sub Area</u>	<u>Location</u>	<u>Minimum Public Space – Greenway Width</u>
<u>Clairemont</u>	<u>C-1040</u>	<u>E</u>	<u>North side of Mount Alifan Drive and Mount Abraham Avenue to Genesee Avenue</u>	<u>30 Feet</u>

§132.1625 Public Space - Parkway Site Specific Requirements

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

Table 132-16F
Parkways Width Requirements

<u>Community Plan Area</u>	<u>Map No.</u>	<u>Sub Area</u>	<u>Location</u>	<u>Minimum Parkway Width</u>
<u>College Area</u>	<u>C-1039</u>	<u>E</u>	<u>Both sides of Montezuma Road between College Avenue and El Cajon Boulevard</u>	<u>14 Feet</u>
<u>Clairemont</u>	<u>C-1040</u>	<u>E</u>	<u>South side of Clairemont Drive between Clairemont Mesa Boulevard and Clairemont Mesa Boulevard</u>	<u>14 feet</u>
<u>Clairemont</u>	<u>C-1040</u>	<u>D</u>	<u>North side of Ingulf Street between Morena Boulevard and Denver Steet</u>	<u>10 feet</u>
<u>Clairemont</u>	<u>C-1040</u>	<u>D</u>	<u>South side of Clairemont Drive between Morena Boulevard and Denver Street</u>	<u>10 feet</u>
<u>Clairemont</u>	<u>C-1040</u>	<u>E</u>	<u>South side of Balboa Arms Drive between Mount Abernathy Avenue and Derrick Drive</u>	<u>14 feet</u>
<u>Clairemont</u>	<u>C-1040</u>	<u>E</u>	<u>North side of Mount Alifan Drive between Mount Abraham Avenue and Genesee Avenue</u>	<u>14 feet</u>

§132.1630 Public Space – Paseo Site Specific Requirements

- (a) Development on a premises identified in Table 132-16G shall provide a *paseo*.
- (b) A *paseo* shall satisfy all or a portion of the *public space* size requirements in accordance with Section 132.1615(b).
- (c) A *paseo* shall have a minimum width as specified on Table 132-16G.

Table 132-16G
Paseo Width Requirements

<u>Community Plan Area</u>	<u>Map No.</u>	<u>Sub Area</u>	<u>Location</u>	<u>Minimum Paseo Width</u>
<u>Clairemont</u>	<u>C-1040</u>	<u>C</u>	<u>Abutting Tecolote Creek.</u>	<u>14 feet</u>
<u>Clairemont</u>	<u>C-1040</u>	<u>D</u>	<u>Between Denver Street and Morena Boulevard</u>	<u>14 feet</u>

§132.1635 Public Space - Public Park Specific Requirements

- (a) Development on a premises identified in Table 132-16H shall provide a *public park*.
- (b) A *public park* shall have a minimum area as specified on Table 132-16H.

Table 132-16H
Public Park Width Requirements

<u>Community Plan Area</u>	<u>Diagram</u>	<u>Sub Area</u>	<u>Location</u>	<u>Minimum Area</u>
<u>Clairemont</u>	<u>C-1040</u>	<u>B</u>	<u>A <i>public park</i> within the Rose Canyon Gateway Village</u>	<u>4-acres</u>

§141.0621 Sidewalk Cafes, Streetaries, and Active Sidewalks

The sidewalk cafes, streetaries, and active sidewalks regulations establish requirements for outdoor dining and other uses located within the *public right-of-way*. For the purposes of this Section, sidewalk cafes are defined as outdoor

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

- (a) [No change in text.]
- (b) Limited Use Regulations for Streetaries
 - (1) through (3) [No change in text.]
 - (4) Accessibility
 - (A) through (G) [No change in text.]
 - (H) Terraced or Multi-Level Streetaries
 - (i) through (iii) [No change in text.]
 - (iv) The wheelchair accessible entry shall include a *structure* on the sidewalk within the sidewalk ~~furnishing zone~~ furnishings zone that provides a transition between the sidewalk and streetary deck.

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

(5) [No change in text.]

(c) [No change in text.]

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

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

Legend for Table 143-03A

NDP	Neighborhood Development Permit
SDP	Site Development Permit

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

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
Affordable housing, in-fill projects, and sustainable buildings projects as described in Section 143.0915 where a Site Development Permit or Planned Development Permit would otherwise be required through <i>Development</i> requesting a deviation from the Climate Action Plan Consistency Regulations in Chapter 14, Article 3, Division 14.	[No change in text.]	[No change in text.]

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
<u>Community Enhancement Overlay Zone</u>	<u>132.1601-132.1635, 143.0303, 143.0305, 143.0375, 143.0380</u>	<u>SDP/Process Three</u>

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

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

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

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

§143.1010 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 (b) [No change in text.]

(c) Waiver of the following applicable base zone or Planned District regulations:

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

- (6) Maximum front *setback* or street side *setback* if the maximum is less than 20 feet and the *development* is constructing a ~~public~~ space~~public space~~, in accordance with Section 143.1020.

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

§143.1020 Required Provision of Infrastructure Amenities

In accordance with Section 143.1002(a)(2), an *applicant* requesting application of the regulations in this Division shall provide infrastructure amenities as follows:

- (a) [No change in text.]
- (b) ~~Public Space~~ Public Space alternative. In lieu of the fee described in Section 143.1020(a), *development* on a *premises* of at least 25,000 square feet shall construct public amenities in the form of a ~~public space~~ public space, excluding a podium.
- (1) Prior to the issuance of any Building Permit, the *applicant* shall hold at least two community workshops to provide information and receive feedback on the ~~public space~~ public space design.
- (2) A notice describing the ~~public space~~ public space shall be posted in a prominent and accessible location within a common area of the *development* or parcel adjacent to the ~~public space~~ public space where it can be viewed by the public. The notice shall include contact information of the *applicant* and a statement that the ~~public space~~ public space is required ~~pursuant to~~ under the San Diego Municipal Code.
- (3) through (5) [No change in text.]

- (6) *Development* that includes a ~~public space~~ public space in accordance with Section 143.1020 shall be exempt from requirements to provide private or common open space for the residential *dwelling units*.
- (7) A ~~public space~~ public space shall adjoin or have direct access to the *public right-of-way*. The ~~public space~~ public space shall meet the following standards and shall be exempt from Council Policy 600-33.
- (A) The ~~public space~~ public space shall be at least 4,000 contiguous square feet.
- (B) The ~~public space~~ public space shall have *signs* indicating it is open to the public and the hours of accessibility.
- (C) The ~~public space~~ public space shall be at a minimum publicly accessible from 7:00 a.m. to 7:00 p.m. The ~~public space~~ public space shall include landscape designs that provide viewable surveillance, including visibility from surrounding properties, with plantings controlled to allow clear sight lines into the ~~public space~~ public space.
- (D) A minimum of 50 percent of a ~~public space~~ public space shall be free of physical barriers or obstructions, such as walls or gates.
- (E) Garage entrances, driveways, parking spaces, passenger drop-offs, loading berths, trash storage facilities, utility

boxes, as well as the access or service for these facilities are not permitted within the ~~public space~~public space.

- (F) The ~~public space~~public space shall be accessible from at least one abutting public *street* and all building entrances that front the ~~public space~~public space by a pedestrian path that is at least 4 feet wide.

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

- (G) Landscaping shall be provided as follows:

- (i) At least one, 24-inch box canopy form tree is required for each 500 square feet of ~~public space~~public space.
- (ii) At least 15 percent and not to exceed 20 percent of the ~~public space~~public space area shall be comprised of planting, which can include hanging plants, planting beds or living walls.

(H) through (I) [No change in text.]

- (J) Seating shall be provided in the ~~public space~~public space. This may be satisfied by providing moveable seats, fixed individual seats, benches with or without backs, and design feature seating, such as seat walls, ledges, and seating steps.

- (K) One trash receptacle and one recycling container shall be provided for every 4,000 square feet of the ~~public space~~public space.
- (L) through (M) [No change in text.]
- (N) Patios, tables, and seating operated by on-site commercial tenants may be included within the ~~public space~~public space, if they are accessible to the public during non-business hours and are limited to no more than 20 percent of the ~~area~~public space.
- (O) The *development* may utilize the *public right-of-way* adjacent to the ~~public space~~public space to implement the standards required in Section 143.1020(b)(7)(I)–(M). Utilization of the *public right-of-way* is subject to an Encroachment Maintenance and Removal Agreement in accordance with Section 129.0715. If the *applicant* is required to remove the amenities within the *public right-of-way*, they shall be replaced within the ~~public space~~public space on the *premises*.

§143.1025 Supplemental Development Regulations

Development utilizing the regulations in this Division must comply with the following Supplemental Development Regulations and may not utilize the waivers provided in Section 143.1010(g) to deviate from the requirements in Section 143.1025.

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

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

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

(C) An *applicant* may meet the urban *parkway* minimum width requirement in Section 143.1025(a)(1) by providing a ~~public space~~ 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~~ public space fronting the urban *parkway*, so long as the minimum *parkway* requirements in Section 142.0670(a)(3), ~~and~~ Community Plan Implementation Overlay Zone regulations in Chapter 13, Article 2, Division 14, or Community

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

- (ii) Any portion of the *parkway* used to meet the urban *parkway* width requirement shall not be used to meet the ~~public space~~ public space alternative requirement in Section 143.1020(b);
- (iii) The *applicant* shall record a maintenance agreement ensuring that the ~~public space~~ public space shall be maintained in perpetuity;
- (iv) The ~~public space~~ public space shall be accessible to the public at all times;
- (v) The ~~public space~~ public space fronting the urban *parkway* shall use different paving material from the urban *parkway* to delineate the area;
- (vi) The *applicant* for the *development* shall record a pedestrian access easement for the ~~public space~~ public space fronting the urban *parkway* to the satisfaction of the City Engineer;
- (vii) A minimum of ~~1~~ one *sign* indicating the ~~public space~~ public space is open to the public shall be provided for at least every 200 feet of *street frontage*; and

- (viii) An upper story of a building with a finish floor elevation of more than 25 feet above a ~~public space~~ public space may have balconies, building elements, or habitable space that shall only project over the ~~public space~~ public space fronting the urban *parkway*.

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

(b) [No change in text.]

- (c) Standards for Buildings over 95 feet in Height of *Premises* over 20,000 Square Feet in Area. For the purposes of Section 143.1025, bulk and scale are divided into the two main areas of the building base and the tower. Buildings over 95 feet in height located on a *premises* over 20,000 square feet in area, outside of the Centre City Planned District, shall comply with the following requirements:

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

- (4) A *street wall* shall be provided for 70 percent of the building frontage along the *public right-of-way*, with the following exceptions, which may be subtracted from the length of the frontage:

(A) Publicly or privately-owned plazas, promenades, or ~~public spaces~~ public spaces;

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

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

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

§143.1410 Mobility and Land Use Regulations

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

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

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

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

(B) If the abutting *public right-of-way* does not contain a ~~Furnishings Zone~~furnishings zone, shading may be provided by a combination of trees and shade structures placed in the *street yard*.

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

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

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

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

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