

2026 Land Development Code Update – Citywide Review Draft

Reference List

Number	Name of Item	Code Section(s)
*1	Administrative Citations - Code Enforcement Fines and Civil Penalties	<u>12.0908(c)</u>
2	Affordable Housing Regulations - Designated Cultural Districts	<u>142.1304(i)</u> <u>143.0749</u>
3	Commercial Base Zones - Floor Area Ratio Bonus for Residential Mixed Use	<u>131.0546(a)(1)</u>
*4	Condominium Conversions – Street and Alley Improvements	<u>142.0625</u> <u>144.0507(g)</u>
5	Inclusionary and Affordable Housing Regulations - Offsite Affordable Housing Requirements	<u>142.1305(a)(3)</u> <u>143.0745(c)</u>
6	Complete Communities Housing Solutions - For-Sale Dwelling Units	<u>143.1002(a)</u> <u>143.1005(b)(4)</u> <u>143.1005(b)(8)</u> <u>143.1015(a)(5)</u> <u>143.1016(a)</u>
7	Complete Communities Housing Solutions - Development Impact Fee Waivers	<u>142.0640(b)(4)</u> <u>143.1010(f)(2)</u>
8	Central Urbanized Planned District - Chimney Requirement	<u>155.0232(a)(3)</u>
9	Central Urbanized Planned District - Moving and Storage Facilities	<u>155.0238 - Table 155-02C</u>
10	Old Town San Diego Planned District - Sidewalk Cafes, Streetaries, and Active Sidewalks	<u>1516.0117 - Table 1516-01D</u>
11	Noise Regulations - Sound Level Limits	<u>59.5.0401(a)</u>
*12	Definition - Multiple Dwelling Unit and Single Dwelling Unit	<u>113.0103</u> <u>141.0302(a)(10)</u>
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*17	Setback Requirements - Fire Separation Distance	<u>131.0270</u> <u>131.0343(c)</u> <u>131.0443(i)</u> <u>131.0543(c)</u> <u>131.0643(h)</u> <u>131.0720</u> <u>143.1520(a)(4)</u> <u>151.0103(b)(15)</u>
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95	Development Impact Fees - Accessory Dwelling Units	<u>142.0640(b)(1)</u>
96	Sign Regulations - Previously Conforming	<u>126.0402(a)(6)</u> <u>127.0202(f)-(h)</u>
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98	Parking Regulations - Screened Parking	<u>142.0560(k)</u>
99	Development Impact Fees for Public Facilities and Spaces - Automatic Annual Increases	<u>142.0640(c)</u>
100	Encroachment Maintenance and Removal Agreements - Sidewalk Alternative Designs	<u>142.0670(a)(1)</u>
101	La Jolla Commercial Sign Control District - Subdistrict A Projecting Signs	<u>142.1290(d)(4)</u>
102	Mobility Choices Regulations-Vehicle Miles Traveled Reduction Measures Buy-Out Fee for Mobility Zones 2 and 3	<u>143.1103(b)(5)</u> Resolution Land Development Manual, Appendix T
103	Carmel Valley Planned District - Medical Offices	<u>153.0309(a)(9)</u>
104	La Jolla Shores Planned District - La Jolla Shores Planned District Ordinance Advisory Board	<u>1510.0105(a)</u>
105	Development Impact Fees - Multi-Dwelling Unit Regulations for Single Family Zone	<u>142.0640(b)(7)</u> <u>142.0640 - Table 142-06A</u>
106	Affordable Housing Regulations - Applicability and Calculations	<u>113.0222(c)</u> <u>143.0715</u>
107	Replacement Parking for Streetaries, Active Sidewalks, Outdoor Dining on Private Property and Promenades	<u>141.0621(a)(1)(M)(iii)</u> <u>141.0621(b)(2)(C)(iv)</u> <u>141.0621(c)(3)(B)(iv)</u> <u>141.0628(a)(5)(D)(ii)</u> <u>141.0629(b)(2)(D)</u>
*108	Outdoor Lighting Regulations – Outdoor Luminaire Lumens	<u>142.0740(c)(2)(B)</u>
*109	Energy Efficient Pool and Spa Heating Systems	<u>143.1420</u>

*Asterisk denotes an item added, deleted or substantively changed since Nov. 5, 2025

*** 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 in a calendar year for any related series of violations. These amounts shall be updated annually based on the Consumer Price Index for All Urban Consumers, for the San Diego area, published by the Bureau of Labor Statistics, and shall include an additional five percent administrative fee for associated cost recovery.

*** 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 in a calendar year for any related series of violations. These amounts shall be updated annually based on the

Consumer Price Index for All Urban Consumers, for the San Diego area,
published by the Bureau of Labor Statistics, and shall include an
additional five percent administrative fee for associated cost recovery.

*** 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 per day. These amounts shall be updated annually based on the Consumer Price Index for All Urban Consumers, for the San Diego area, published by the Bureau of Labor Statistics, and shall include an additional five percent administrative fee for associated cost recovery.
- (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)~~ \$100,000 per property in a calendar year. These amounts shall be updated annually based on the Consumer Price Index for All Urban Consumers, for the San Diego area, published by the Bureau of Labor Statistics, and shall include an additional five percent administrative fee for associated cost recovery 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 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 the~~ following amounts: ~~one thousand dollars (\$1,000)~~ \$10,000 for the next 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 90 calendar day period; and ~~two thousand dollars (\$2,000)~~ \$20,000 for each of the next 90 calendar day periods 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)~~ \$100,000 per property in a calendar year. These amounts shall be updated annually based on the Consumer Price Index for All Urban Consumers, for the San Diego area, published by the Bureau of Labor Statistics, and shall

include an additional five percent administrative fee for associated cost recovery.

(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 the use or activity is 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.~~

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

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 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 calendar 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 Section 112.0305(a). 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 calendar 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, *50 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)(+) 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 Sex offender treatment and counseling facility [No change in text.]

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

- (a) Contains five or more *shared housing units*;
- (b) Provides one or more common *kitchens* and dining areas designed to adequately accommodate all residents; and
- (c) Provides permanent residence for tenants for more than 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) *A Continuing Care Retirement Community that is eligible for a density bonus in accordance with Section 143.0720(e).*

Shared housing unit. A shared housing unit means one or more habitable rooms 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.*

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

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* 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* on the *premises*. The distribution of *gross 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 Revision~~ 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 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~~ is zoned for commercial, ~~mixed-use or industrial base zone development~~, 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 right-of-way or the abandonment of a public service easement.

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 from a previously conforming use to any of the use categories or separately regulated use categories as described in Section 127.0110.

Items * 89,* 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, a 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 Uses¹**

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 Sections <u>127.0107 and 127.0110</u>		
	If a change to another <i>previously conforming</i> use within the same use category	N/A <u>If a change from a <i>previously conforming</i> use to certain use categories or to separately regulated 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

¹ [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 is not permitted 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) The *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 identified in a *land use plan*.

(b) A change in use from a *previously conforming use* to the following types of uses that otherwise would not be permitted in Chapter 12, Article 7,

Division 1 or the existing base zone 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;

(2) Commercial Services;

(3) Office;

- (4) Personal Vehicle Sales & Rentals;
- (5) Light Manufacturing; or
- (6) Research & Development;
- (c) Prior to a change in use, the applicant shall provide 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 approval 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 maintained, repaired, rebuilt, 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 46

§129.0203 Exemptions from a Building Permit

- (a) A Building Permit is not required for the following *structures* and activities, except when the *development* would involve alterations, repairs, or improvements to a *historical resource* as described in Section 143.0220; when *development* on a *premises* containing *environmentally sensitive lands* requires a *development permit* in accordance with Section 143.0110; or when a building is constructed with unreinforced masonry bearing walls or exterior wall parapets:
- (1) through (24) [No change in text.]
- (25) Monitored Perimeter Security Fence Systems in accordance with Section 142.0390(d)(2).

* 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 ⁽¹⁾ -		OF ⁽¹¹⁾ -
	3rd >>	1-	2-	1-	1-	1-	
	4th >>	1	1	1	1	2	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>	=	=	=	=	=	=	
Employee Housing: 6 of 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>	=	=	=	=	=	=	
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> through Signs, Separately	[No change in text.]						

Regulated Signs Uses, Theater Marquees [No change in text.]
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Footnotes for Table 131-02B
¹ through ¹² [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	
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	[No change in text.]				

Uses, Homeless Facilities: Congregate Meal Facilities [No change in text.]		
Emergency Shelters	-	-
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 <i>Primary Use</i> through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]	

Footnotes for Table 131-03B
¹ through ¹³ [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
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 & Services, 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 <i>Primary Use</i> through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]		[No change in text.]																			

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones												
	1st & 2nd >>	RM-												
	3rd >>	1-			2-			3-			4-		5-	
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	
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 Residential Care Facilities, 7 or More Persons [No change in text.]	[No change in text.]				
Student Housing	L ^{(H)(9)}	L ^{(H)(9)}	L ^{(H)(9)}	L ^{(H)(9)}	L ^{(H)(9)}
Transitional Housing: 6 or Fewer Persons through Institutional, Separately Regulated Institutional Uses , 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 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 <i>Primary Use</i> through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]	[No change in text.]				

Footnotes for Table 131-04B

¹ through ¹⁰ [No change in text.]

*** Item 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) through (c) [No change in text.]

(d) RM Zones

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

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM-					
	3rd >>	1-	1-	1-	2-	2-	2-
	4th >>	1	2	3	4	5	6
Maximum permitted density^{(1),(2)} (sf per DU) through Supplemental requirements [No change in text.]	[No change in text.]						
<u>Building Transitions and Buffers from Adjacent Freeways</u> [See Section 131.0470]	=	=	=	<u>applies</u>	<u>applies</u>	<u>applies</u>	
Refuse and Recyclable Material Storage [See Section 142.0805] through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [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 >>	RM					
	3rd >>	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12

<p>Maximum permitted density^{(1),(2)} (sf per DU) through Supplemental requirements [No change in text.]</p>	<p>[No change in text.]</p>					
<p><u>Building Transitions and Buffers from Adjacent Freeways</u> [See Section 131.0470]</p>	<p><u>applies</u></p>	<p><u>applies</u></p>	<p><u>applies</u></p>	<p><u>applies</u></p>	<p><u>applies</u></p>	<p><u>applies</u></p>
<p>Refuse and Recyclable Material Storage [See Section 142.0805] through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [No change in text.]</p>	<p>[No change in text.]</p>					

Footnote for Table 131-04G

¹ through ³⁹ [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. The required landscape buffer shall be located on the development premises. A parkway may count toward compliance with this requirement.

(2) Orientation of Outdoor Areas. Buildings with residential uses on a premises abutting a freeway public right-of-way shall not have exterior common open space within 30 feet from the property line abutting a freeway public right-of-way.

(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 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, except for fences and retaining walls in accordance with Chapter 14, Article 2, Division 3, and architectural projections and encroachments in accordance with Section 131.0461.
- (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	Zone Designator	Zones														
		CN ⁽¹⁾ -						CR-		CO-			CV-		CP-	
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	1- 2- 3- 4- 5- 6-						1-	2-	1-	2-	3-	1-	1-		
	3rd >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	1
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	1
Open Space through Residential, Residential, Separately Residential Regulated 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>C</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 Student Housing [No change in text.]		[No change in text.]														
Transitional Housing: 6 or Fewer Persons		P ⁽²⁾	P	-	P	-P	P	P ⁽²⁾	-							
7 or More Persons 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 Commercial Services, Tasting Rooms [No change in text.]		[No change in text.]														
Visitor Accommodations		p ⁽²¹⁾	p ⁽²¹⁾	p ⁽²¹⁾	-	p ⁽²¹⁾	p ⁽²¹⁾	p ⁽²¹⁾	-							
Separately Regulated Commercial Services Uses, Adult Day Care Facility through Vehicle & Vehicular Equipment Sales & Service Uses, 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>	<u>L</u>	<u>L</u>			
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]														

Use Categories/Subcategories	Zone Designator	Zones									
		CC-									
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories,	1st & 2nd >>	CC-									
	3rd >>	1-	2-	3-			4-			5-	

and Separately Regulated Uses]	4th >>	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
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>L</u>		-						<u>L</u>						<u>L</u>	<u>L</u>			<u>L</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>		<u>L</u>		-						<u>L</u>						<u>L</u>	<u>L</u>			<u>L</u>									<u>L</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>		<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 Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]		[No change in text.]																											

Footnotes for Table 131-05B
1 through 22 [No change in text.]

***Item 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	Zone Designator	Zones
-------------------------	-----------------	-------

[See Section 131.0530 for Development Regulations of Commercial Zones]	1st & 2nd >>	CN-					
	3rd >>	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6
Max Permitted Residential Density⁽¹⁾ through Building Articulation [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 Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [No change in text.]	[No change in text.]						

Footnotes for Table 131-05C

¹ through ⁴ [No change in text.]

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

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

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones										
	1st & 2nd >> 3rd >> 4th >>	CR-		CO-					CV-		CP-	
		1-	2-	1-		2-		3-		1-		1-
		1	1	2	1-	2-	1	2	3	1	2	1
Max Permitted Residential Density⁽¹⁾ through Parking Lot Orientation [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>	<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 Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [No change in text.]	[No change in text.]											

Footnotes for Table 131-05D

¹ through ⁵ [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⁽¹⁾ through Parking Lot Orientation [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>							
Refuse and Recyclable Material Storage [See Section 142.0805] through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [No change in text.]	[No change in text.]																

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones													
	1st & 2nd >>	CC													
	3rd >>	2-	3-	4-	5-	3-	4-	5-	3-	3-	3-	3-	3-		
	4th >>	5			6			7	8	9	10	11			
Max permitted Residential Density⁽¹⁾ through Parking Lot Orientation [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>		
Refuse and Recyclable Material Storage [See Section 142.0805] through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [No change in text.]	[No change in text.]														

Footnotes for Table 131-05E

¹ through ⁵ [No change in text.]

Items *17, *67, and *91

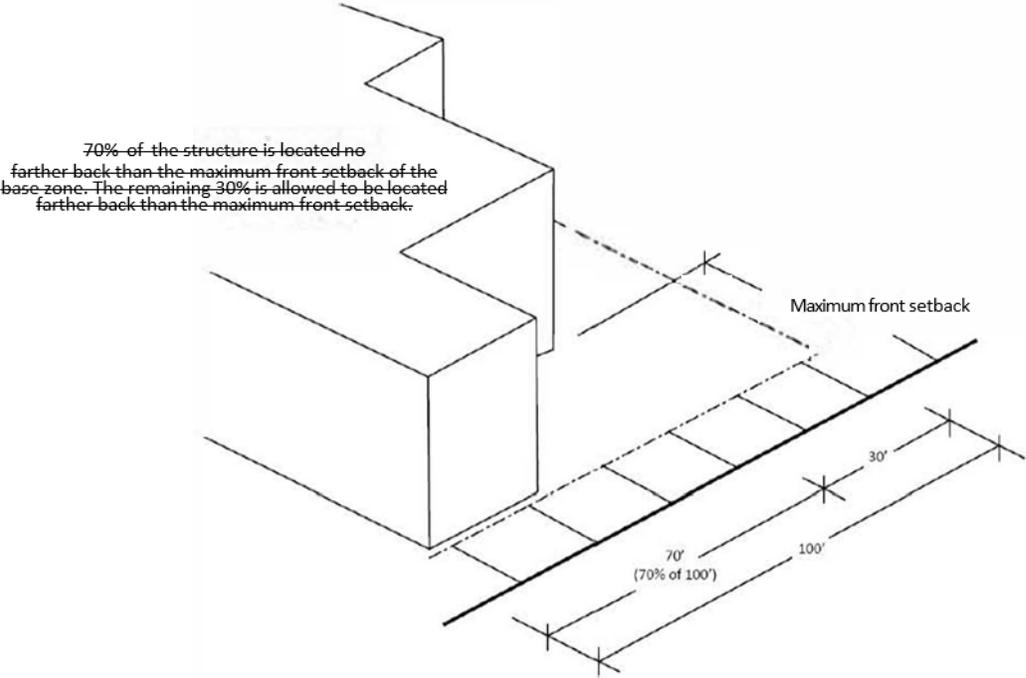
§131.0543 Setback Requirements for Commercial Zones

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.]
- (c) ~~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(c)(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) The *premises* is located in Mobility Zone 2 or Mobility Zone 3;
 - (B) The *premises* is 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. The required landscape buffer shall be located on the development premises. A parkway may count toward compliance with this requirement.
- (2) Orientation of Outdoor Areas. Buildings with residential uses on a premises abutting a freeway public right-of-way shall not have exterior common open space within 30 feet from the property line abutting a freeway public right-of-way.
- (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 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, except for fences and retaining walls in accordance with Chapter 14, Article 2, Division 3.
- (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>	<u>L</u>
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]	[No change in text.]										

Footnotes for Table 131-06B

¹ through ²³ [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		
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	2nd >>	1	2	3	1	2	3
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>C</u>	<u>C</u>
Employee Housing: 6 or Fewer Employees through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Congregate Meal Facilities [No change of text.]		[No change in text.]					
<u>Emergency Shelters</u>		€	€	€	€	€	€
Institutional, Separately Regulated Institutional Uses, 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>
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]					

Footnotes for Table 131-07A

¹ through ¹⁰ [No change in text.]

Items 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 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

¹ through ³ [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. The required landscape buffer shall be located on the development*

premises. A parkway may count toward compliance with this requirement.

(2) Orientation of Outdoor Areas. Buildings with residential uses on a premises abutting a freeway public right-of-way shall not have exterior common open space within 30 feet from the property line abutting a freeway public right-of-way.

(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 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, except for fences and retaining walls in accordance with Chapter 14, Article 2, Division 3.

- (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.

***Item 43**

§132.1502 Where the Airport Land Use Compatibility Overlay Zone Applies

- (a) This overlay zone applies to properties that are located within an airport influence area as identified in an adopted Airport Land Use Compatibility Plan for a public use or military airport. Property within this overlay zone may be located within multiple airport influence areas. Table 132-15A lists the airport influence areas that apply within the boundaries of the overlay zones as identified on the listed maps, on file in the office of the City Clerk.

**Table 132-15A
Airport Influence Areas**

Airport	Map Number Showing Boundaries of Airport Influence Areas
Marine Corps Air Station Miramar (MCAS) Miramar through Montgomery-Gibbs Executive Airport [No change in text.]	[No change in text.]
San Diego International Airport	C- <u>953-1047</u>
Naval Outlying Landing Field (NOLF) Imperial Beach through Naval Air Station North Island (NASNI) [No change in text.]	[No change in text.]

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

***Item 43**

§132.1505 Development Review for Compatibility

- (a) through (b) [No change in text.]
- (c) The following shall be exempt from the requirements of this Division:
 - (1) *Development* that is limited to interior modifications or repairs, or any exterior repairs or maintenance, that does not increase the intensity, *density, floor area ratio* or ~~height~~ *structure height* of an existing *structure*;
 - (2) through (4) [No change in text.]
- (d) through (f) [No change in text.]

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) [No change in text.]

**Table 132-15C
Adopted Noise Contour Maps**

Airport Influence Area	Map Number
MCAS Miramar through Montgomery – Gibbs Executive Airport [No change in text.]	[No change in text.]
San Diego International Airport	C- 951-1044
NOLF Imperial Beach [No change in text.]	[No change in text.]

- (b) 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
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>P³</u>	<u>P³</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>P³</u>	<u>P³</u>	=	=
<i>Movable Tiny Houses</i> through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Congregate Meal Facilities [No change in text.]	[No change in text.]			
<u>Emergency Shelters</u>	P ³	P ³	-	-
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>P²</u>	-
Intermediate Care Facilities & Nursing Facilities through Wholesale, Distribution, Storage Equipment & Materials Storage Yards [No change in text.]	[No change in text.]			
Moving & Storage Facilities	P	P	P ²	- <u>P²</u>
Warehouses	P	P	P ²	- <u>P²</u>
Wholesale Distribution	P	P	P ²	- <u>P²</u>
Separately Regulated Wholesale, Distribution, and Storage Uses through <i>Signs, Separately Regulated Signs Uses, Theater Marquees</i> [No change in text.]	[No change in text.]			

Footnotes to Table 132-15D

¹ through ⁹ [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±
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>P³</u>	<u>P³</u>	<u>P³</u>	<u>P³</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>P³</u>	<u>P³</u>	<u>P³</u>	<u>P³</u>
<i>Permanent Supportive Housing</i> through Institutional, Separately Institutional Uses , Homeless Facilities: Congregate Meal Facilities [No change in text.]	[No change in text.]			
<u>Emergency Shelters</u>	<u>P³</u>	<u>P³</u>	<u>P³</u>	<u>P³</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>P</u>	<u>P</u>	<u>P¹</u>	<u>P¹</u>
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]	[No change in text.]			

Footnotes to Table 132-15E

¹ through ⁸[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) [No change in text.]

**Table 132-15F
Adopted Safety Zone Maps**

Airport Influence Area	Map Number
MCAS Miramar through Montgomery-Gibbs Executive Airport [No change in text.]	[No change in text.]
San Diego International Airport	C- <u>9491043</u>
NOLF Imperial Beach [No change in text.]	[No change in text.]

- (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

open land on a premises equal or greater than 10 acres.

(i) A minimum of 2,500 square feet or 5 percent of the premises of the development, whichever is greater, shall be provided as open land.

(ii) The maximum amount of open land required shall not exceed more than 20,000 square feet.

(iii) The maximum length and width shall be 25 feet.

(iv) The open land shall be a single contiguous area.

(v) The grade of the open land shall not a slope with a gradient steeper than 5:1.

(vi) The open land may be landscaped. The open land shall not have trees.

(vii) The open land shall not have any permanent above grade structures.

(viii) The square footage of the open land may count toward the common open space requirements of the base zone, landscape, and public space requirements.

(2) Non-residential *development* intensity

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

(G) Within the San Diego International Airport influence area, Tables 132 -15I and 132-15J identify the maximum persons per acre. The total persons per acre calculation for a

development shall include occupants in outdoor areas,

which shall include accessory uses.

(3) 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] Maximum People Per Acre	APZ I	APZ II	TZ
Open Space through Agriculture , Open Air Markets for the Sale of Agriculture- Related Products & Flowers [No change in text.]	[No change in text.]		
Residential			
<i>Mobilehome Parks</i>	-	SDP ³	SDP ³ L ¹⁷
<i>Multiple Dwelling Units</i>	-	SDP ³	SDP ³ L ¹⁷
<i>Rooming House</i> [See Section 131.0112(a)(3)(A)]	-	SDP ³	SDP ³ L ¹⁷
<i>Shopkeeper Units</i>	-	SDP ³	SDP ³ L ¹⁷
<i>Single Dwelling Units</i>	- ¹¹	SDP ³	SDP ³ L ¹⁷
Separately Regulated Residential Uses, Accessory Dwelling Units 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 ³	SDP ³ L ¹⁷
12 or Fewer Employees	-	SDP ³	SDP ³ L ¹⁷
Greater than 12 Employees	-	SDP ³	SDP ³ L ¹⁷
Fraternities and Sororities	-	-	L/1.38 ³¹⁷
Garage, Yard, & Estate Sales through Home Occupations [No change in text.]	[No change in text.]		
Interim Ground <i>Floor Residential</i>	-	SDP ³	SDP ³ L ¹⁷
<i>Junior Accessory Dwelling Units</i> [No change in text.]	[No change in text.]		
Live/Work Quarters	-	SDP ³	SDP ³ L ¹⁷
<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 ³	SDP ³ L ¹⁷
Residential Care Facilities:			
6 or Fewer Persons	- ¹¹	SDP ³	SDP ³ L ¹⁷
7 or More Persons	-	SDP 3	SDP ³ L ¹⁷
Student Housing	-	-	L/1.38 ³¹⁷
Transitional Housing:			
6 or Fewer Persons	- ¹¹	SDP ³	SDP ³ L ¹⁷
7 or More Persons	-	SDP ³	SDP ³ L ¹⁷
Watchkeeper Quarters through Institutional, Institutional Separately Regulated, Institutional Uses , 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
<u>Emergency Shelters</u>	-	-	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>	L/.17 ⁹	L/.34 ⁹	P ⁹

Intermediate Care Facilities & Nursing Facilities [240 sq ft per person] through Commercial Services, Separately Regulated Commercial Services Uses, Camping Parks [No change in text.]	[No change in text.]		
<i>Child Care Facilities:</i>			
Child Care Centers	-	-	- ¹⁴ <u>L/.42</u>
Large Family Day Care Homes through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]		

Footnotes to Table 132-15G

¹ through ² [No change in text.]

³ 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).

⁴ through ¹⁶ [No change in text.]

¹⁷ 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**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre	N/A	84	156	156	240	No limit
Maximum <i>Lot Coverage</i> ^{11, 18}	N/A	50%	60%	70%	70%	N/A
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>SDP¹⁶</u>	<u>SDP¹⁶</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>SDP¹⁶</u>	<u>SDP¹⁶</u>	=	<u>P</u>
<i>Movable Tiny Houses</i> through Institutional, Separately Institutional Uses , Homeless Facilities: Congregate Meal Facilities [60 sq ft per person] [No change in text.]	[No change in text.]					
Emergency Shelters	-	-	<u>SDP¹⁶</u>	<u>SDP¹⁶</u>	-	<u>P</u>
Homeless Day Centers [60 sq ft per person] through Vehicle & Vehicular Equipment Sales & Services, 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>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 Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]	[No change in text.]					

Footnotes to Table 132-15H

¹ through ¹⁹ [No change in text.]

(h) Safety Compatibility Review for San Diego International Airport

(1) Table 132-15I and Table 132-15J provide the safety compatibility criteria for each designated neighborhood safety zone in the San Diego International Airport influence area as identified on adopted map C- ~~949-1043~~. Uses that are conditionally permitted are subject to the maximum residential density and non-residential intensity limits. The numbers reflect the average intensities and densities existing in May 2014 and vary by geographic location within the listed *land use plan* areas and neighborhoods.

(2) through (3) [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]	Centre City												
	Uptown			Balboa Park		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	- <u>1.51</u>	-	- <u>1.51</u>	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]	<u>L/37</u>	<u>L/38</u>	<u>L/93</u>	<u>L/13</u>	<u>L/33</u>	<u>L/13</u>	<u>L/16</u>	<u>L/33</u>	<u>L/33</u>	-	<u>L/35</u>	<u>L/</u> <u>1.01</u>	=

Employee Housing (100 sq ft per person) through Live/Work Quarters [No change in text.]	[No change in text.]												
<u>Low Barrier Navigation Center</u> [60 sq ft per person]	<u>L/.37</u>	<u>L/.38</u>	<u>L/.93</u>	<u>L/.13</u>	<u>L/.33</u>	<u>L/.13</u>	<u>L/.16</u>	<u>L/.33</u>	<u>L/.33</u>	-	<u>L/.35</u>	<u>L/1.01</u>	=
<i>Permanent Supportive Housing</i> through Institutional, Separately Regulated Institutional Uses , Homeless Facilities: Congregate Meal Facilities [60 sq ft per person] [No change in text.]	[No change in text.]												
<u>Emergency Shelters</u> [60 sq ft per person]	<u>L/.37</u>	<u>L/.38</u>	<u>L/.93</u>	<u>L/.13</u>	<u>L/.33</u>	<u>L/.13</u>	<u>L/.11</u>	<u>L/.33</u>	<u>L/.33</u>	-	<u>L/.35</u>	<u>L/1.0</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.]												
<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 Signs, Separately Regulated Signs Uses , Theater <i>Marqueses</i> [No change in text.]	[No change in text.]												

Footnotes to Table 132-15I

¹ through ⁶ [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/	Peninsula
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Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Naval Training Center					Other Neighborhoods				Midway-Pacific Highway				
	4W	1	2W	3NW	3S W	2W	3N W	3S W	4W	1	2E	3NE	3NW	5N
Safety Zones														
Maximum Dwelling Unit Per Acre	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 Development	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 Uses, Continuing Care Retirement Communities [No change in text.]	[No change in text.]													
<u>Emergency Shelters</u>	<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.]													
<u>Low Barrier Navigation Center</u>	<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.]													
<u>Emergency Shelters</u> [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.]													
<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 Signs, Separately Regulated Signs Uses, Theater	[No change in text.]													

<i>Marquees</i> [No change in text.]	
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Footnotes to Table 132-15J

¹ through ⁵ [No change in text.]

***Item 43**

§132.1520 Airspace Protection Compatibility

Airspace protection compatibility within Review Areas 1 and 2 of the Airport Land Use Compatibility Overlay Zone shall be evaluated in accordance with Section 132. 1520.

(a) [No change in text.]

**Table 132-15K
Adopted Airspace Protection Maps**

Airport Influence Area	Map Number
MCAS Miramar through Montgomery-Gibbs Executive Airport [No change in text.]	[No change in text.]
San Diego International Airport	C-952; C- 973-1049
NOLF Imperial Beach through Naval Air Station North Island [No change in text.]	[No change in text.]

(b) [No change in text.]

(c) For San Diego International Airport, potential airspace obstruction shall be evaluated for compatibility with Federal Aviation Regulations Part 77, Subpart C in accordance with the following:

- (1) *Development* shall not exceed the ~~Threshold Siting Surfaces (TSS)~~ Combined Runway End Siting Surfaces and One Engine Inoperative Surfaces as shown on Map C-~~973-1049~~.

(2) [No change in text.]

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

***Item 43**

§132.1525 Aircraft Overflight Notification

(a) An overflight notification area has been designated for areas subject to aircraft overflight within this overlay zone. Adopted aircraft overflight maps identified in Table 132-15L are filed in the office of the City Clerk.

**Table 132-15L
Adopted Aircraft Overflight Maps**

Airport Influence Area	Map Number
MCAS Miramar through Montgomery- Gibbs Executive Airport [No change in text.]	[No change in text.]
San Diego International Airport	C- <u>950-1045</u>
NOLF Imperial Beach through Naval Air Station North Island [No change in text.]	[No change in text.]

(b) [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 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 decided by the City Council 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 other *development permits*, maps, or other approvals associated with the *development*.~~

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

Items *12, 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) ADUs and JADUs allowed under state law shall be exempt from Chapter 14, Article 3, Division 14 regulations.

(10) For the purpose of ADU and JADU regulations, multiple detached single dwelling units on an individual lot does not qualify as a multiple-dwelling unit structure.

(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 regulations.

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

***Item 44**

§141.0313 Transitional Housing Facilities

Transitional housing facilities offer residential accommodations for a specified period of time, mental health support and counseling services, and other support services to prepare *families* and individuals for independent living. Transitional housing facilities do not include drug or alcohol in-house treatment or rehabilitation facilities, work furlough or probationary residential facilities, or emergency shelters.

Transitional housing facilities are permitted as a limited use in zones indicated with an “L” and 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 regulations below. Section 112.0509(b) requiring a Planning Commission

recommendation for Process Five applications shall not be applicable to transitional housing facilities.

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

(k) Transitional housing for youth and young adults may include nonresidential uses and administrative office space in accordance with Section 141.1315(e).

***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) *Permanent supportive housing includes transitional housing for youth and young adults, and may include nonresidential uses and administrative office space, as defined in Government Code sections 65650 and 65651. The non-residential gross floor area within a permanent supportive housing development shall be used for on-site supportive services and administrative office space as follows:*

(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 services 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 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 regulations in Section 141.0316(b). Notwithstanding Section 131.0111, for the purpose of determining applicable *development* regulations, emergency shelters shall be considered a commercial *development*.

(a) Limited Use Regulations

- (1) Emergency shelters shall provide an on-site 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 with a fence, wall, or other applicable physical barrier from the *public right-of-way*.
- (2) Emergency shelters shall provide off-street parking at a rate of at least one space for each full-time-equivalent employee, calculated at eight 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.

(b) 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 an on-site 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 with a fence, wall, or other applicable physical barrier from the *public right-of-way*.

- (4) Emergency shelters shall provide at least one toilet for every 15 beds.
- (5) Emergency shelters shall provide off-street parking at a rate of at least one space for each full-time-equivalent employee, calculated at eight 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 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 ~~1528~~ 1528 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, rvcaps, 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) An 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* including small cell *wireless communication facilities* within the *public right-of-way*, where new ground-mounted equipment not to exceeds 48 inches in height and width and no more than one cabinet per *wireless communication facilities* and small cell

wireless communication facilities provider.

- (5) All small cell wireless communication facilities and wireless communication facilities within the public right-of-way, where above ground-mounted equipment not to 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 above the finished grade of the curb line and greater than 4 feet in diameter inches; other than a pole to which the wireless communication facility is attached. Equipment associated with the wireless communication facility including small cell wireless communication facilities with the public-right-of-way, where new ground-mounted equipment exceeds 48 inches in height and width above the finished grade or more than one cabinet per wireless communication facilities and small cell wireless communication facilities provider.~~

(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) [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 no other mounting apparatus or antenna(s) are available and would therefore result in significant loss in network coverage to the intended coverage area 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 eight feet in length or three 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 ensure public safety 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 sSection. *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~~ including, but not limited to, the following: 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 a 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 new 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 a *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 a *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 be removed for the construction of promenades if they are replaced with an equivalent number of new 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 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).
- (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 10 business days after the decision date. The application shall include the contents for appeal identified in Section 112.0510(a). The applicant shall be responsible for all administrative costs associated with processing the appeal.
- (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 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 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 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 visitor accommodations uses;
- (C) There are no abutting properties with a residential use; and
- (D) The premises is not within 300 feet from the property line to 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 visitor accommodations uses; and

- (C) There is an *abutting property* with a residential use; and
- (D) The *premises* is within 300 feet from the *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 38

§142.0505 When Parking Regulations Apply

These regulations apply in all base zones and planned districts, with the exception of those areas specifically identified as being exempt from the regulations, whether or not a permit or other approval is required.

Table 142-05A identifies the applicable regulations and the type of permit required by this Division, if any, for the type of *development* shown.

Table 142-05A

Parking Regulations Applicability

Type of <i>Development</i> Proposal	Applicable Regulations	Required Permit Type/ Decision Process
Any <i>single dwelling unit</i> residential <i>Development</i> through Nonresidential <i>developments</i> that vary from minimum parking requirements with a TDM Plan [No change in text.]	[No change in text.]	[No change in text.]
<i>Shared parking</i> for specified uses	Section 142.0545	No permit required by this division
<i>Shared parking</i> for nonspecified uses	Section 142.0545(b)(7)	Neighborhood Development Permit/ Process Two

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 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**

	Number of Minimum Required Automobile Parking Spaces
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Type of Unit and Related Uses	<i>Transit Priority Areas</i> ⁽³⁾	<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) ⁽²⁾ [See Section 142.0520(b)]

Footnotes for Table 142-05B

¹through³[No change in text.]

- (b) The off-street parking space requirement for an existing single dwelling unit 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>	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)				Motorcycle Spaces Required Per Dwelling Unit⁽⁹⁾	Bicycle Spaces Required Per Dwelling Unit⁽⁵⁾
	Basic⁽¹⁾	Transit Area⁽²⁾	Transit Priority Area⁽⁹⁾	Parking Impact⁽⁴⁾		
Studio up to 400 square feet through 5+ bedrooms [No change in text.]	[No change in text.]					
Affordable Housing dwelling units regulated by Section 142.0527	<u>N/A See Section 142.0527</u>	<u>N/A See Section 142.0527</u>	0	0.25 beyond that required in <u>Sec Section 142.0527</u>	(See footnote 3)	(See footnote 3)
Condominium conversion⁽⁸⁾ through Accessory uses (spaces per square feet⁽⁷⁾) [No change in text.]	[No change in text.]					

Footnotes for Table 142-05C

¹ through ¹¹ [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 a Transit Priority Area, off-*premises* parking shall not be permitted for residential uses.

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

Items 48 and 63

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

Footnotes for Table 142-05D

⁽¹⁾See Section 142.0527(a)(3)(B)(v).

⁽²⁾ Visitor and staff parking spaces are calculated by multiplying the ratio by the total number of affordable housing *dwelling units*.

⁽³⁾ For assigned parking, the number of additional parking spaces is calculated by multiplying the total parking spaces required for the affordable housing *dwelling units*, visitor, and staff parking by 0.1. For unassigned parking, no additional parking spaces are required.

(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**

Zone	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 ⁽¹⁾			
	Minimum Required Outside a <i>Transit Area</i> or <i>Transit Priority Area</i>	Minimum Required Within a <i>Transit Priority Area</i> ⁽⁶⁾	Minimum Required Within a <i>Transit Area</i> ⁽²⁾	Maximum Permitted
Commercial Zones, CC-1-1 through Industrial Zones, IL-3-1 [No change in text.]	[No change in text.]			
IP-1-1 IP-2-1 IP-3-1	5.0	0	4.3	6.5
IS-1-1 through Planned Districts, Old Town [No change in text.]	[No change in text.]			

Footnotes for Table 142-05E

¹ through ⁶ [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 ⁽¹⁾

	Minimum Required Outside a <i>Transit Priority Area</i>	Minimum Required Within a <u><i>Transit Priority Area</i></u> ⁽⁸⁾	Minimum Required Within a <i>Transit Area</i> ⁽²⁾	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 ⁽⁹⁾	0	85% of Minimum ⁽⁷⁾	N/A
Visitor accommodations through Distribution and Storage ⁽⁴⁾ , Self Storage Facilities [No change in text.]	[No change in text.]			
Industrial				
Heavy Manufacturing (except in IS Zone)	1.5 ⁽⁶⁾	0 ⁽⁶⁾	1.5 ⁽⁶⁾	4.0
Light manufacturing (except in IS Zone)	2.5 ⁽⁶⁾	0 ⁽⁶⁾	2.1 ⁽⁶⁾	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

¹ through ⁸ [No change in text.]

⁹ See Section 142.0565 for a 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,~~
sShared 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 s~~Shared parking facilities for uses or developments shall be
located within a ~~1,200~~ 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 when a Residential Development is located with a Place of Religious Assembly

When a place of religious assembly is located with a residential development in accordance with this Section, both uses shall be eligible for reduced minimum parking requirements, subject to the following:

- (a) The place of religious assembly and residential development shall be located outside of a Transit Priority Area.
- (b) The residential development shall comply with all of the following:
 - (1) The residential development shall be located on a lot that meets at least one of the following:
 - (A) Contains required off-street parking spaces for the place of religious assembly;

- (B) Is located on an *abutting property* that contains required *off-street parking spaces* for the place of religious assembly; or
- (C) Is within 0.1 miles from a *lot* that contains required *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.
- (c) Minimum parking requirements:
- (1) The minimum *off-street parking spaces* required for an existing place of religious assembly that is legally constructed 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 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 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 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 Street and Alley Improvements Are Required for Condominium Conversions

No subdivision approval process shall be completed 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 ~~S~~ection 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 are 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%
651 - 700	73%
601 - 650	71%
551 - 600	68%
501 - 550	66%

- (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, 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 108

§142.0740 Outdoor Lighting Regulations

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

- (c) General regulations that apply to all outdoor lighting:
 - (1) [No change in text.]
 - (2) Shields and flat lenses shall be required to control and direct the light below an imaginary horizontal plane passing through the lowest point of the fixture, except for:
 - (A) [No change in text.]
 - (B) Outdoor lighting fixtures less than ~~6,200~~ 2,000 initial luminaire lumens ~~outside of the Coastal Overlay Zone and outdoor lighting fixtures less than 4,050 initial luminaire lumens within the Coastal Overlay Zone~~, including landscape lighting and decorative lighting;
 - (C) through (G) [No change in text.]
 - (3) through (7) [No change in text.]
 - (d) through (g) [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) ~~residential development of a single~~ One or more new dwelling units,
- (b) ~~New residential development of multiple dwelling units~~,
- (~~e~~)(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
<i>Development of a single dwelling unit</i>	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 <i>multiple dwelling units</i>	[No change in text.]	[No change in text.]
New nonresidential <i>development</i> through Additions to existing <i>multiple dwelling unit</i> residential or nonresidential <i>development</i> 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>In One <i>Sign</i> Category A only, one <i>sign</i> per facade on buildings that have a height of 100 feet or greater for building identification only</u>
Additional Regulations through Directories , 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 2

§142.1304 Inclusionary Affordable Housing Requirements

From July 1, 2020 through June 30, 2024, the requirements of subsections (a) and (b) of this Section shall be implemented incrementally as set forth in the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual on file with the San Diego Housing Commission (Procedures Manual). Effective July 1, 2024, all residential *development* subject to this Division shall include inclusionary *dwelling units* as follows:

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

(i) A development that is required to provide inclusionary dwelling units in accordance with this Division may reserve up to 10 percent of those affordable dwelling units for artists if all the requirements in Section 143.0749 are met.

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* 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 California Revenue and Taxation Code section 214(g).

(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 abutting 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 is inconsistent with both the zoning ordinance and *land use plan* designation on the date the application was *deemed complete* or the applicant 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) *Development* on a *premises* containing *environmentally sensitive lands* that is limited to interior modifications or repairs, or any exterior repairs, alterations or maintenance that does not increase the footprint of an existing building or *accessory structure*, and will not encroach into the *environmentally sensitive lands* during or after construction. For a *premises* containing a *sensitive coastal*

bluff, any addition shall observe a minimum 40-foot setback from the coastal bluff edge.

(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* ~~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. If the *development* contains any occupied affordable *dwelling units* on the application submittal date, each occupied replacement affordable *dwelling units* must provide the same *bedroom mix* as the occupied affordable *dwelling units*. The replacement affordable *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. 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 *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 *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. If the income categories are unknown for the highpoint, it is rebuttably presumed that the affordable *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. 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) 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) [No change in text.]

(2) *Low income* - At least 10 percent of the pre-*density* bonus *dwelling units* in the *development* shall be affordable, including an allowance for utilities, to *low income* households at a rent that does not exceed 30 percent of 60 percent of the area median income, as adjusted for household size appropriate for the *dwelling unit*- or;

(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 in accordance with California Government Code Section 65915(c)(2). 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 density bonus for lower income student's housing density bonus agreement-development shall utilize the following qualifying criteria:

(1) 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.

(2) 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.

(3) 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.

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

~~(1)~~(A) At least 10 percent of the pre-density bonus units in the development shall be affordable to lower income students at a rent that does not exceed 30 percent of 65 percent of the area median income for a single-room occupancy unit type.

~~(A)~~(i) The eligibility of a student shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education that the student is enrolled in, or by the California Student Aid Commission, stating that the student

receives or is eligible for financial aid, including an institutional grant or fee waiver, from the college or university, the California Student Aid Commission, or the federal government.

~~(B)~~(ii) For the purposes of calculating a *density* bonus granted pursuant to Section 143.0720(g), the term “unit” means one rental bed and its pro rata share of associated common area facilities.

~~(2)~~(B) 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)~~(C) The *development* will provide *lower income students* experiencing homelessness priority for the applicable affordable units. A homeless service provider, as defined in Section 103577(e)(3) of the California Health and Safety Code, or institution of higher education that has knowledge of a *lower income student’s* homeless status may verify a *lower income student’s* status as homeless.

~~(4)(D)~~ 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)(E)~~ Rental units shall remain available as affordable units for a period of 55 years or longer, as may be required by other laws or covenants.

(F) The lower income student units shall be comparable in mix and amenities to the market-rate student units in the development and be dispersed throughout the development.

(G) Lower income students must be allowed to share a unit with students of any income level.

(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 ~~44~~ 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 ^{2,3}	5

Footnotes for Table 143-07A

¹ through² [No change in text.]

³ 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 23 [No change in text.]	[No change in text.]	
> 24 - 30	50 ^{2,3}	3
31 - 32	50 ^{2,3}	4
> 33	50 ^{2,3}	5

Footnotes for Table 143-07B

¹ through ² [No change in text.]
³ 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</i> <i>Income</i> Units	Percent <i>Density</i> Bonus	Number of Incentives
10 through 43 [No change in text.]	[No change in text.]	
≥ 44	50 ¹	5

Footnotes for Table 143-07C

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

Item 55

§143.0744 Parking Ratios for Affordable Housing

Upon the request of an *applicant* for a *development* meeting the criteria in Sections 143.0720(e), 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**

Type of Development	Percent Affordable	Transit Requirement	Parking Ratio for Development ¹
Rental or for sale development containing market rate and very low income, low income, and/or moderate income dwelling units <ul style="list-style-type: none"> • Very low income • Low income • Moderate income 	11% 20% 10%	The development is located within a Sustainable Development Area.	0.5 spaces per bedroom
Rental housing <ul style="list-style-type: none"> • Very low income, low income and moderate income 	100% ²		0.5 spaces per dwelling unit
Rental housing with an affordable housing cost to lower income senior citizens in accordance with California Civil Code Sections 51.3 and 51.12	100% ²	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.	0.5 spaces per dwelling unit
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	100% ²	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.	0 spaces per dwelling unit

Footnotes for Table 143-07D

- ¹ 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).
- ² Exclusive of a manager’s unit.

Item 27

§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) A multiple dwelling unit development for use by public agency employees to be constructed under a contract with a public agency;
 - (3) A 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) A 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) A permanent supportive housing;
 - (6) A 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 Zone¹</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 Income²</u>	<u>6.0 FAR</u>	<u>7.0 FAR</u>	<u>8.0 FAR</u>
	<u>Moderate Income³</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 Income²</u>	<u>4.0 FAR</u>	<u>5.0 FAR</u>	<u>6.0 FAR</u>
	<u>Moderate Income³</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 Sections 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 base zone that does not 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 [†]	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> ²	6.0	7.0 FAR	8.0 FAR
	<i>Moderate Income</i> ³	5.0 FAR	6.0 FAR	7.0 FAR
3	<i>Very Low Income or Low Income</i> ²	4.0 FAR	5.0 FAR	6.0 FAR
	<i>Moderate Income</i> ³	3.0 FAR	4.0 FAR	5.0 FAR

Footnotes for Table 143-07E

- ¹ Mobility Zones as defined in Section 143.1103.
- ² 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*.
- ³ 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 for creating affordable housing for artists, in a manner consistent with the Local Tenant Preferences to Prevent Displacement Act (California Government Code section 7061). These regulations support access to dwelling units affordable to very low income, low income, or moderate income artists at risk of displacement and further the City’s cultural preservation and anti-displacement goals without violating the California Fair Employment and Housing Act or the federal Fair Housing Act.

(a) A development that provides housing for very low income, low income, or moderate income households may reserve up to 10 percent of 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 state designated cultural district pursuant to California Government Code section 8758; or within 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 hold a valid and current business license from the State of California or show other proof of employment in visual, graphic, or performing art of any media, including but not limited to a painting, print, drawing, sculpture, craft, photograph, film, or performance as defined by California Government Code section 65914.8, and as otherwise determined by the City Manager;
- (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

An *applicant* requesting a density bonus, incentive(s), waiver(s), or parking reduction(s) provided under this Division shall identify, at the time of application, ~~an Affordable Housing Incentives and Waivers Report~~ any requested incentive(s), waiver(s), or parking reductions to the satisfaction of the City Manager. ~~The report 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 containing shared housing buildings and shared housing units requesting an affordable housing density bonus is subject to the following:

- (a) A shared housing building may be permitted in base zones that permit an affordable housing density bonus.
- (b) Shall meet one of 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 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) or 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.
 - (3) After achieving 50 percent density bonus, the applicant shall include 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

- (5) The maximum total *density* bonus for the *development* shall not exceed 100 percent of the pre-*density* bonus units.

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

<u>Percent <i>Very Low Income Units</i></u>	<u>Percent <i>Density Bonus</i></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 <i>Moderate Income Units</i></u>	<u>Percent <i>Density Bonus</i></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 of 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) 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, each replacement affordable *dwelling units* must 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* household.
- (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 Area;
- (ii) Highest Resource Opportunity Area;
- (iii) Moderate Resource Opportunity Area 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 affordable *dwelling units* ~~newly constructed~~ constructed or rehabilitated by another *applicant* to satisfy the requirements of this Division, including contracting with an affordable housing developer with experience obtaining tax-exempt bonds, low income housing tax credits, and other competitive sources of financing, upon approval by the San Diego Housing Commission. The applicant shall cause the off-site affordable deed-restricted dwelling units to be newly constructed or rehabilitated in accordance with Section 142.1304(e)(5) or Section 142.1307.

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 Area;

(ii) Highest Resource Opportunity Area;

(iii) Moderate Resource Opportunity Area 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 affordable *dwelling units* newly constructed or rehabilitated by another *applicant* to satisfy the requirements of this Division, including contracting with an affordable housing developer with experience obtaining tax-exempt bonds, low income housing tax credits, and other competitive sources of financing, upon approval by the San Diego Housing Commission. The *applicant* must cause the off-site affordable deed-restricted *dwelling units* to be newly constructed or rehabilitated in accordance with Section 142.1304(e)(5) or Section 142.1307.

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 10-foot minimum landscaped buffer between the residential and commercial uses development and the freeway freeway. The required landscape buffer shall be located on the development premises. A parkway may count toward compliance with this requirement.
- (2) Orientation of Outdoor Areas. Buildings with residential uses on a premises abutting a freeway public right-of-way shall not have exterior common open space within 30 feet from the property line abutting a freeway public right-of-way.
- (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 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, except for fences and retaining walls in accordance with Chapter 14, Article 2, Division 3, and architectural projections and encroachments in accordance with Section 131.0461.
- (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~~Measures 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 was adopted prior to January 1, 2022 in accordance with

Chapter 12, Article 3, Division 1, and that does not permit residential development;

- (c) ~~Mixed-use developments consisting of residential and non-residential uses;~~
Protected dwelling units as defined in Section 143.1207 on a premises with a previously conforming use.
- (d) ~~Transitional housing facilities and permanent supportive housing; and~~
- (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 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 existing *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 *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 Area;

(ii) Highest Resource Opportunity Area;

(iii) Moderate Resource Opportunity Area 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 development that provides replacement dwelling units off-site, the applicant shall provide the City Manager with a Certificate of Occupancy or similar documentation demonstrating 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, each occupied replacement *protected dwelling units* must 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 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 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 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.]

* Item 109

§143.1420 Decarbonization of the Built Environment Regulations

The following regulations support the reduction of greenhouse gas emissions and energy consumption.

- (a) New pools and spas. New pools and spas are subject to section 110.4, Mandatory Requirements of Pool and Spa Systems and Equipment of the California Energy Code.
- (b) Existing pools and spas.

 - (1) Except as provided in Section 143.1420(b)(2), one of the following heating systems shall be provided:

 - (A) A solar thermal heating system with a solar collector service area that is equivalent to 65 percent or greater of the pool and spa surface area;
 - (B) A heat pump heater as the primary heating system that is sized using manufacturer’s specifications, as required by Reference Joint Appendix JA16.3 of the California Building Energy Efficient Standards Code. A supplementary heater can be of any energy source;
 - (C) A heating system that derives at least 60 percent of the annual heating energy from on-site renewable energy or on-site recovered energy;
 - (D) A combination of a solar pool heating system and heat pump pool heater without any additional supplementary heater; and
 - (E) A pool heating system determined by the Development Services Department Director to use no more energy than the systems specified in Sections 143.1420(b)(1)(A)-(D).

- (2) The following existing pool and spa systems are exempt from the requirements of Section 142.1420(b)(1):
- (A) Portable electric spas compliant with the Appliance Efficiency Regulations, Title 20 of the California Code of Regulations;
 - (B) A pool and spa that is heated solely by a solar pool heating system without any backup heater; and
 - (C) Heating systems that are used exclusively for permanent spa applications where there is an inadequate Solar Access Roof Area as specified in Section 150.1 for solar pool heating system to be installed.

* Items 40 and 41

Chapter 14

Article 3: Supplemental Development Regulations

Division 15: Streamlined Small Lot Subdivision Regulations

§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 the 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). The regulations 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*.

(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) 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).
- (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 or use categories, including their corresponding separately regulated 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 or contains 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) Very High Fire Hazard Severity Zones as determined by the California Department of Forestry and Fire Protection pursuant to Government Code section 51178;
- (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 the application is submitted, 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 the Streamlined Small Lot Subdivision

Regulations

(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 a 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 California Revenue and Taxation Code section 214(g).*
- (d) *In accordance with California 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.*
- (f) *No other discretionary action pursuant to the Land Development Code shall be required for an application that complies with this division except when a Coastal Development Permit is required by Section 126.0702.*

§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 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.
 - (3) Any minimum requirement applicable to the base zone on the size, width, depth, frontage, or dimensions of an individual lot created by the development beyond the minimum parcel size specified in Section 143.1515(c) shall not apply.
- (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 California Civil Code section 4100;

- (3) Part of a housing cooperative, as defined in California Civil Code section 817;
 - (4) Owned by a community land trust as defined in California Government Code section 66499.41; or
 - (5) Part of a tenancy in common, as defined in California 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 *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 *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) Prior to the recordation of the *subdivision* map, the *applicant* shall record a covenant with the City ensuring that no *lot* resulting from a *subdivision* pursuant to this Division shall be sold, leased, or financed separately from any other such *lots* unless each parcel that is sold, leased, or financed meets one of the following criteria:
 - (1) The *lot* contains a residential *structure* completed in compliance with all applicable provisions in the California Building Standards Code that includes at least one *dwelling unit*;

- (2) The lot already contains an existing legally permitted residential structure;
- (3) The lot is reserved for internal circulation, open space, or common area; or
- (4) The lot is the only remaining parcel within the subdivision that is not developed with a residential structure in compliance with all applicable provisions of the California Building Standards Code.
- (k) The information of a homeowners' association shall not be required by this Division, except as required by California 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 between dwelling units within the proposed subdivision, except as required by the California Building Code (Title 24 of the California Code of Regulations).
 - (2) Side yard and rear yard setbacks from the pre-subdivided perimeter lot line shall be four feet or must comply with the base zone, whichever is less.
 - (3) Dwelling units must comply with the front yard and street side yard setbacks of the base zone.
 - (4) Notwithstanding Section 143.1520(a)(1) – (3), no setback is required for an existing structure. In addition, a structure 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.

(5) 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 habitable area 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*, one *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) Street and Alley Improvements – Street and Alley improvements shall be constructed 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 ΘP 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 ⁻⁽¹⁾		2-			3-				
	4th >>	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7	8	
Open Space through Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities [No change in text.]	[No change in text.]										
<u>Emergency Shelters</u>	≡		C			≡					
Employee Housing: 6 or Fewer Employees through Institutional, Separately Regulated Institutional Uses , Homeless Facilities: Congregate Meal Facilities [No change in	[No change in text.]										

text.]			
Emergency Shelters	-	€	-
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 Distribution and Storage, Equipment & Materials Storage Yards [No change in text.]	[No change in text.]		
Moving & Storage Facilities	-	P =	-
Distribution Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]		

Footnotes for Table 155-02C

¹ through ³ [No change in text.]

⁴ 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.

⁵ through ¹³ [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 ⁽¹⁾	2 ⁽¹⁾	3	4	5	6	7	8	
Max residential density ⁽²⁾ through Setback Requirements , Optional side <i>setback</i> (ft) [See Land Development Code Section	[No change in text.]								

131.0543(b) [No change in text.]								
<u>Side setback</u> abutting residential (ft) [See Land Development Code Section 131.0543(c)]	applies	applies	applies	applies	applies	applies	applies	applies
Min <i>street</i> side setback (ft) through Optional rear setback (ft) [See Land Development Code Section 131.0543(b)] [No change in text.]	[No change in text.]							
<u>Rear setback</u> abutting residential (ft) [See Land Development Code Section 131.0543(c)]	applies	applies	applies	applies	applies	applies	applies	applies
Max structure height (ft) through Max floor area ratio , 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
Pedestrian paths [See Land Development Code Section 131.0550] through Parking lot orientation [See Land Development Code Section 131.0556] [No change in text.]	[No change in text.]							
<u>Building Transitions and Buffers from Adjacent Freeways</u> [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
¹ through ⁹ [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 ⁽³⁾ (Floor Area Includes Gross Floor Area plus below Grade <i>Floor</i> Area and Excludes Floor Area Devoted to Parking)				
	Required Automobile Parking Spaces				Required Bicycle Parking Spaces ⁽²⁾
	Minimum Required Outside a <i>Transit Area</i> or Outside a <i>Parking Standards Transit Priority Area</i> <u><i>Transit Priority Area</i></u>	Minimum Required within a <i>Parking Standards Transit Priority Area</i> <u><i>Transit Priority Area</i></u> ⁽⁴⁾	Minimum Required Within a <i>Transit Area</i> ⁽¹⁾	Maximum Permitted	Minimum Required
Commercial Zones					
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 <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process ⁽¹⁾
-------------------------------------	---------------------	--

Residential and mixed commercial/residential development in facility deficient neighborhoods shown on Map B-4104	155.0243(a) <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 shall serve as Secretary of the Board and as an ex officio member and maintain records of all official actions of the Review Board. The Secretary shall not be entitled to vote.~~

~~(5)~~(4) All officers of the City shall cooperate with the Board and render all reasonable assistance to it.

~~(6)~~(5) The Board shall render a report annually on March 31, or on request, to the Mayor.

(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~~, 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	Zone Designator	Zones
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explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	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
1 through 7 [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
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 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 Commercial Services, Separately Regulated Commercial Services Uses , Tire Processing Facility [No change in text.]		[No change in text.]								
Sidewalk Cafes, <u>Streetaries</u> , and <u>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 Signs, Separately Regulated Sign Uses , Theater Marquees [No change in text.]		[No change in text.]								

Footnotes for Table 1516-01D
1 through 7 [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	Zone Designator	Zones	
[See Section 131.0112 for Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd>>	OTOP-	
	3rd >>	1-	2-
	4th >>	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>		=	=
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 1516-01F

¹ through ⁴ [No change in text.]