

San Diego Community Planners Committee

City Planning Department • City of San Diego • 202 C Street, MS 413 San Diego, CA 92101
SDPlanningGroups@sandiego.gov • (619)-235-5200

MEMO

TO: City of San Diego Planning

FROM: Victoria LaBruzzo, CPC Chair

DATE: January 27, 2026

RE: Community Planners' Committee (CPC) Comments on 2025 LDC Update

MOTION to adopt the subcommittee recommendations as presented at the February 27, 2026 CPC regular meeting. Furthermore, CPC urges the city to publish remaining code language as soon as possible to inform the public. Motion: Peninsula Second: North Park

A) CPC DOES NOT OPPOSE (as written)

CPC does not oppose Items 1–9, 11, 13–24, 26–29, 31–35, 39, 42–53, 55–57, 59–60, 62–84, 86–88, 90, 94–100, and 105–107, AND those portions of Item 61 which pertain to the Central Urbanized Planned District (CU PDO).

B) CPC DOES NOT OPPOSE IF MODIFIED (amendments requested)

*CPC does not oppose **Items 38 and 54** provided the City incorporates the amendments below:*

Item #38 – Pedestrian Path of Travel Parameters

*State law did not specify parameters for a pedestrian path of travel. CPC recommends applying an already adopted standard from the City's Street Planning Manual—specifically the bicycle design standard—to provide clear, objective criteria for implementation. Using this established City Design Manual standard ensures consistent treatment of factors such as **grade steepness** and supports accessible pedestrian movement to and from shared parking areas for all users, including **older adults and individuals with disabilities**.*

Item #54 – Incentives Waivers Report (IWR)

State law allows for an "Incentives Waivers Report," and CPC recommends that the City create a simple, standardized version of this report for applicants to complete at the outset of a project. Establishing a uniform form and terminology will prevent applicants and members of the public from searching for a report that is not otherwise required and will ensure consistent documentation across projects. CPC further recommends that the City include a dedicated, searchable database field for this report so staff and the public can efficiently retrieve, compile, and analyze waiver-related information now and in the future.

C) CPC OPPOSES (non-state-mandated)

CPC opposes Items 30, 85, 91, 92, and 93, 102 and requests the City revise these items as reflected in the requested amendments below.

Item #85 – Appeal Fees

CPC recommends that All CPG appeals fees to be waived.

Item #91 – Transition Planes and Buffers from Adjacent Freeways

The proposed code change would set the transition plane angle to 65 degrees between commercial development abutting adjacent residences of 15 DU/AC or fewer or an open space zone (OC, OP, OC). CPC recommends a 45-degree transition plane angle, particularly to minimize development impacts adjacent to parks and open space.

Items #92 and #93 – Transition Zone (TZ) adjacency to Miramar APZ

CPC references language from the adopted University Community Plan (2024) which states:

“The University Community also has land categorized as Accident Potential Zone (APZ) I and II and Transition Zone (TZ)...where there is greatest potential for accidents.”

Item #92 – Housing up to 60 DU/AC in Transition Zone (TZ)

Housing up to 60 DU/AC is currently allowed in the Transition Zone (TZ) with an SDP. Code amendment #92 would eliminate the SDP and replace it with a ministerial decision. CPC recommends an SDP continue to be required due to adjacency to the Miramar Airport Accident Potential Zone (APZ).

Item #93 – Child Care facilities in Transition Zone (TZ)

Childcare facilities are currently disallowed in the Transition Zone (TZ). The proposed amendment would allow childcare with a ministerial decision. CPC recommends childcare not be disallowed, but that an SDP be required due to adjacency to the Miramar Airport Accident Potential Zone (APZ).

Item #102 - Mobility Choice Regulations – VMT Reduction Measures Buy-Out Fee – Mobility Zones 2 and 3

This update would create negative impacts for multiple communities—primarily, though not exclusively, within District 5—by reducing the requirement for onsite VMT Reduction Measures in Mobility Zones 2 and 3. Many neighborhoods in these districts have limited access to major transit centers due to distance, roadway constraints, and significant changes in topography, making localized VMT mitigation especially critical. Despite these conditions, the update would instead allow developers to pay the VMT Reduction Measure Buyout Fee, permitting the City to allocate those funds elsewhere rather than applying them within the communities where the transportation impacts are actually occurring.

D) CPC OPPOSES (state-mandated items, noted)

CPC opposes Items 36, 37, 40, 41, and 58, while recognizing these amendments are mandated by state law, and requests the City provide clarity on statutory basis and implementation impacts.

E) NO CPC ACTION / NO MOTION

CPC takes no action on Items 10, 101, 103, and 104, AND those portions of Item 61 which apply to the Cass Street Planned District (PB PDO) and the Carmel Valley Planned District (CV PDO).

F) OUTSTANDING ITEMS (Needs further information from Planning): 12, 25, 89 Tabled until February board meeting.

VOTE RECORD

Vote: 22 Yes / 0 No / 0 Abstain

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

Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Regulatory Reforms	* 1	Administrative Citations - Code Enforcement Fines and Civil Penalties	The amendment is needed to ensure that penalties for violations of the Municipal Code or applicable State Building Code, including violations of Short-Term Residential Occupancy regulations, sufficiently deter code violations. The current penalty structure, which ranges from \$100 to \$1,000 per day depending on the severity and duration of the violation, has not been updated since 2007. Updating the fines will strengthen enforcement efforts and encourage timely corrective action.	This amendment to the Administrative Citations Regulations would increase civil penalties associated with violations of the Municipal Code or State Building Code from \$100; \$250; \$500; \$750; or \$1,000 to up to \$10,000.	12.0908(c)
Align the Code with the City's Climate, Energy or Housing Goals	2	Inclusionary and Affordable Housing Regulations - Designated Cultural Districts	The amendment is needed to implement AB 812 (Boerner, 2023), which allows cities to reserve up to 10 percent of the affordable homes within a project within one-half mile of a designated cultural district for artists to support the growth of cultural districts and protect the displacement of cultural bearers.	This amendment to the Inclusionary Affordable Housing Regulations and the Affordable Housing Regulations would allow a developer to reserve no more than 10 percent of the affordable homes located within or within one-half mile of a designated cultural district for artists.	142.1304(i) 143.0749
	3	Commercial Base Zones - Floor Area Ratio Bonus for Residential Mixed Use	The amendment to the Commercial Base Zone Regulations would allow an additional 0.5 Floor Area Ratio bonus for residential mixed-use developments located in Mobility Zones 2 or 3, within High Resource Areas or Highest Resource Areas, as defined by the California Tax Credit Allocation Committee Opportunity Areas Map, that provide all required deed-restricted affordable homes onsite.	This amendment to the Commercial Base Zone Regulations would allow an additional 0.5 Floor Area Ratio bonus for residential mixed-use developments located in Mobility Zones 2 or 3, within High Resource Areas or Highest Resource Areas, that provide all required deed-restricted affordable homes onsite.	131.0546(a)(1)
	* 4	Condominium Conversions - Street and Alley Improvements	The amendment is needed to ensure adequate street and alley improvements when converting rental homes into condominiums.	This amendment to the Public Facility Regulations and Condominium Conversion Regulations would require improvements to adjacent streets and alleys prior to issuing a subdivision approval for the conversion of rental homes into condominiums.	142.0625 144.0507(g)

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Align the Code with the City's Climate, Energy or Housing Goals	5	Inclusionary and Affordable Housing Regulations - Offsite Affordable Housing Requirements	The amendment is needed to address off-site affordable housing requirements, which currently allow off-site affordable housing in various circumstances, including in areas that are: located within a Sustainable Development Area, designated as a High Resource Area or Highest Resource Area, as defined by the California Tax Credit Allocation Committee's Opportunity Areas Map, and in communities where less than five percent of the housing stock consists of deed-restricted affordable dwelling units. The current requirement that affordable housing be below five percent excludes several High Resource Areas and Highest Resource Areas.	This amendment to the Inclusionary Affordable Housing Regulations and the Affordable Housing Regulations would remove the requirement that off-site affordable housing be located in communities where less than five percent of the housing stock is deed-restricted so long as they are within High Resource Areas and Highest Resource Areas located within the Sustainable Development Area, such as the Black Mountain Ranch, Pacific Highlands Ranch, and the Torrey Highlands Community Planning Area which were developed with a 20% inclusionary requirement.	142.1305(a)(3) 143.0745(c)
	6	Complete Communities Housing Solutions - For-Sale Dwelling Units	The amendment is needed to include provisions for the development of for-sale homes within the Complete Communities Housing Solutions Regulations.	This amendment to the Complete Communities Housing Solutions Regulations would include applicability for the development of for-sale homes, where currently only rental homes are permitted.	143.1002(a) 143.1005(b)(4) 143.1005(b)(8) 143.1015(a)(5) 143.1016(a)
	7	Complete Communities Housing Solutions - Development Impact Fee Waivers	The amendment to the Complete Communities Housing Solutions Regulations is needed to remove the waiver of development impact fees for homes under 500 square feet, as the current policy creates a disincentive to develop larger, family-suitable homes and limits the City's ability to generate revenue needed for infrastructure improvements.	This amendment to the Complete Communities Housing Solutions Regulations would remove the development impact fee waiver for homes less than 500 square feet.	142.0640(b)(4) 143.1010(f)(2)
	8	Central Urbanized Planned District - Chimney Requirement	The amendment is needed to the Central Urbanized Planned District Use Regulations to remove the requirement for a chimney from the architectural features requirement for developments with three or more homes. This requirement is overly restrictive and contrary to the City's Climate Action Plan.	This amendment to the Central Urbanized Planned District Regulations would remove the requirement to include a chimney when more than three homes are proposed.	155.0232(a)(3)
	9	Central Urbanized Planned District - Moving and Storage Facilities	The amendment is needed to prohibit moving and storage uses within the Central Urbanized Planned District zones to be consistent with the Mid-City Communities Plan that plans for medium-high to high-density residential development and commercial uses along its transit corridors. Moving and storage uses are an auto-oriented use that is not consistent with the intended uses in either the existing or future community plan.	This amendment to the Central Urbanized Planned District Regulations would prohibit new moving and storage facilities as a permitted use in the following Central Urbanized Zones: CU-2-3, CU-2-4, and CU-2-5 zones.	155.0238 - Table 155-02C

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Align the Code with the City's Climate, Energy or Housing Goals	10	Old Town San Diego Planned District - Sidewalk Cafes, Streetaries, and Active Sidewalks	The amendment is needed to allow sidewalk cafes, streetaries and active sidewalks in commercial zones of the Old Town San Diego Planned District Regulations. The amendment is consistent with the Old Town San Diego Community Plan, which encourages visitor-oriented ground-floor frontages to promote pedestrian activity, including sidewalk cafes.	This amendment to the Old Town San Diego Planned District Regulations would allow sidewalk cafes, streetaries, and active sidewalks within commercial zones, consistent with citywide regulations.	1516.0117 - Table 1516-01D
Clarifications	11	Noise Regulations - Sound Level Limits	The amendment to the sound level limits is needed to clarify specific situations in which average noise levels may temporarily exceed applicable limits for an activity occurring within the City or on a property, provided the noise is produced under an approved permit or agreement.	This amendment to the Noise Regulations would clarify that specific situations may allow an exception to temporarily exceed average noise level limits, provided the use or activity is authorized by a special event permit, development permit, or other permit or agreement approved by the City Manager.	59.5.0401(a)
	* 12	Definitions - Multiple Dwelling Unit and Single Dwelling Unit	The amendment is needed to clarify the definitions of multiple dwelling unit and single dwelling unit, particularly for lots developed with multiple single dwelling units or multiple accessory dwelling units. These revisions are necessary to ensure consistent interpretation and application across different housing development types.	This amendment would clarify that multiple single dwelling units on the same lot are each classified as single dwelling units and do not meet the definition of multiple dwelling units. It would also clarify that the presence of an accessory dwelling unit on a lot with a single dwelling unit does not constitute a multiple dwelling unit.	113.0103 141.0302(a)(10)
	13	Definitions - Transit Priority Area	The amendment is needed to the definition of a Transit Priority Area, which references, but does not precisely align with the definition in the California Public Resources Code Section 21099.	This amendment would more precisely align the definition of a Transit Priority Area in Public Resources Code Section 21099. It would not change the City's existing Transit Priority Area Map.	113.0103
	14	Rules for Calculation and Measurement - Calculating Gross Floor Area for Multiple Zoning Designations	This amendment is needed to clarify the requirements for calculating gross floor area for premises with multiple zoning designations to ensure consistency with current practices.	This amendment to the Rules for Calculation and Measurement Regulations would clarify that gross floor area is calculated separately within each zoning designation and then totaled for the entire premises, irrespective of zoning boundaries.	113.0234(b)(5)
	15	Condominium Conversions-Subdivision Procedures and Parcel Maps	The amendment to the Subdivision Procedure Regulations is needed to clarify the applicability of ministerial parcel map approvals to condominium developments.	This amendment to the General Subdivision Procedure Regulations would clarify the tentative map exceptions for condominium creation, confirm that parcel maps may be used for subdivisions, and specify that a parcel map may be used to subdivide four or fewer condominiums.	125.0410(a) 125.0410(b)

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Clarifications	16	Public Right-of-Way Permit Procedures - Expiration	The amendment to the Public Right-of-Way Permit Regulations is needed to clarify that the permit will automatically align with the expiration of the associated building permit rather than granting an extension of the public right-of-way permit if it expires.	This amendment to the Public Right-of-Way Permit Procedure Regulations would clarify that the expiration of a public right-of-way permit automatically aligns with the expiration of the associated building permit.	129.0750(a)
	17	Setback Requirements - Fire Separation Distance	The amendment is needed to clarify that state law requires a fire separation distance in all base zones to be sufficient for fire safety and emergency access, which may be greater than the setbacks.	This amendment would clarify that the fire code may require a fire separation distance that is greater than the setback in all base zones for health and safety purposes.	131.0270 131.0343(c) 131.0443(i) 131.0543(c) 131.0643(h) 131.0720 143.1520(a)(4) 151.0103(b)(15)
	18	Mixed-Use Base Zones - Live/Work Quarters	The amendment is needed to clarify that up to 50 percent of the Live/Work Quarters floor area can be used to comply with the employment use requirements for the employment mixed-use zone. While live work quarters are not considered a residential use, they do include floor area for residential. A requirement for employment use remains.	This amendment to the Mixed Use Base Zone Regulations would clarify that up to 50 percent of floor area of Live/Work units can count towards the employment use for the purposes of calculating non-residential floor area to meet the requirements of the employment mixed-use zone.	131.0709 - Table 131-07B 131.0712
	19	Mixed-Use Base Zones - Street Wall Exceptions	The amendment is needed to clarify the reference point used to measure the exception to the street wall requirements in mixed-use zones, specifically when the public right-of-way level differs from the building level. The exception applies to areas that may be subtracted from the required length of the street-facing frontage.	This amendment to the Mixed-Use Base Zone Regulations would clarify that the height difference between the public right-of-way and the building pad is to be measured vertically from the building pad grade to the existing grade of the public right-of-way.	131.0717(c)
	20	Sign Regulations - Cannabis Leaf Symbol	The amendment is needed to clarify that cannabis outlets are not permitted to use cannabis leaf symbols on signage, consistent with existing regulations that allow only text on signs for cannabis outlets.	This amendment to the Sign Regulations would clarify that cannabis outlets are prohibited from using the cannabis leaf symbol on any signs.	141.0504(d) 142.1210(a)(1)(E)

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Clarifications	21	Child Care Facilities - After School Care	The amendment is needed to clarify that after school care facilities are a type of child care center. Although licensed by the State of California, they are not currently listed in the Separately Regulated Use Regulations, which creates permitting challenges despite the code describing child care centers as facilities that include infant centers, preschools, and school age extended day care.	This amendment to the Residential Use Category – Separately Regulated Uses Regulations would clarify that after school care facilities are a type of child care center, ensuring they can be permitted consistently with other centers that provide care for school-aged children.	141.0606(a)(2)
	22	Development Impact Fees - Onsite Park Requirements	The amendment is needed to clarify that the developer must establish a deposit account for the administration of the performance and payment bonds when designing an onsite park to satisfy all or a portion of their Citywide Park Development Impact Fee requirements, in order to provide transparency.	This amendment to the Public Facility Regulations would clarify that, when a developer proposes to design an onsite park to satisfy all or part of the Citywide Park Development Impact Fee requirements, a deposit account must be established prior to acceptance of the performance and payment bonds, to the satisfaction of the City Manager for bond administration.	142.0640(b)(8)(E)
	23	Refuse, Organic Waste, and Recyclable Materials Storage Regulations - Applicability	The amendment is needed to the Refuse, Organic Waste, and Recyclable Materials Storage Regulations to clarify all new dwelling units are required to comply with the regulations.	This amendment to the Refuse, Organic Waste, and Recyclable Materials Storage Regulations would clarify that storage for refuse, organic waste, and recyclable materials is required for any new dwelling unit.	142.0805 142.0805 - Table 142-08A
	24	Sign Regulations - Sign Category A Permanent Secondary Signs	The amendment to the Sign Regulations is needed to clarify that Table 142-12I, Permanent Secondary Signs, restricts Identification Wall Signs for High-Rise Buildings to Sign Category A, to ensure consistency with the text in Section 142.1250(b). The current format of Table 142-12I could be misinterpreted to mean that Identification Wall Signs for High-Rise Buildings fall under Sign Categories A, B, and C, which conflicts with the regulatory text that limits them to Sign Category A.	This amendment to the Sign Regulations would clarify that Table 142-12I, Permanent Secondary Signs, restricts Identification Wall Signs for High-Rise Buildings to Sign Category A.	142.1250 - Table 142-12I

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Clarifications	* 25	Affordable Housing Regulations, Complete Communities Housing Solutions and Dwelling Unit Protection Regulations - Replacement of Affordable Dwelling Units	The amendment is needed to provide clarification to the Affordable Housing Regulations, Complete Communities Housing Solutions Regulations and Dwelling Unit Protection Regulations to be consistent with Government Code Section 66300.5(d), which defines "equivalent size" as requiring replacement dwelling units to have at least the same total number of bedrooms as the units being replaced.	This amendment to the Affordable Housing Regulations, Complete Communities Housing Solutions Regulations, and Dwelling Unit Protection Regulations would clarify that "equivalent size" means that the replacement dwelling units must include the same total number of bedrooms as the units being replaced to ensure consistency.	143.0717(b) 143.1005(b)(1) 143.1005(b)(2) 143.1212(c)
	26	Density Bonus in Exchange for Affordable Housing Units - Base Zone Regulations	The amendment is needed to the Affordable Housing Regulations to clarify that residential or mixed-use developments may receive a 0.5 floor area ratio (FAR) bonus even when deviations from base zone development regulations are granted. The current regulations do not clearly state whether the FAR bonus and associated incentives apply when such deviations are approved.	This amendment to the Affordable Housing Regulations clarifies that residential and mixed-use developments utilizing the 0.5 FAR bonus may deviate from base zone regulations. Developments would still be required to comply with the specified site eligibility criteria.	143.0720(o)
	27	Affordable Housing in All Communities and Floor Area Ratio Bonus Program for Land Owned by a Public Agency or Qualified Non-Profit Corporations	The amendment is needed to provide clarification to the Affordable Housing in All Communities Regulations to separate the regulations that permits 100% affordable housing developments in zones where it would not typically be allowed from the regulations that allow a floor area ratio bonus for land owned by public agencies or qualified non-profit corporations.	This amendment to the Affordable Housing Regulations, specifically the Affordable Housing in All Communities Regulations, would relocate the floor area ratio bonus provisions for land owned by a public agency or qualified non-profit corporation into a new, separate section.	143.0744 143.0746(b)
	* 28	Coastal Overlay Zone Affordable Housing Replacement Regulations - Replacement Dwelling Units	The amendment is needed to provide clarification to the Coastal Overlay Zone Affordable Housing Replacement Regulations to be consistent with Government Code Section 66300.5(d) defines "equivalent size" as requiring replacement dwelling units to have at least the same number of bedrooms as the units being replaced.	This amendment to the Coastal Overlay Zone Affordable Housing Replacement Regulations would align the dwelling unit replacement requirements with state law to clarify that the replacement units must contain at the same total number of bedrooms.	143.0860(a)

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Clarifications	* 29	Complete Communities Housing Solutions - Offsite Requirements	The amendment is needed to clarify the types of alternative financing permitted for off-site deed-restricted affordable dwelling units developed under the Complete Communities Housing Solutions Regulations. To qualify, these units must not be subject to restrictions from another program or policy and must not have received financing from the San Diego Housing Commission.	This amendment to the Complete Communities Housing Solutions Regulations would specify that off-site deed-restricted affordable dwelling units must not currently be restricted under any other program or policy, nor may they have received a loan or project-based vouchers from the San Diego Housing Commission. However, these units may be financed through alternative sources, such as tax-exempt bonds or low-income housing tax credits, subject to review and approval by the San Diego Housing Commission.	143.1015(b) 143.1016(b)
	30	Complete Communities Housing Solutions - Constructed or Rehabilitated Affordable Housing	The amendment to the Complete Communities Housing Solutions Regulations is needed to clarify that the required affordable housing must be newly constructed or rehabilitated.	This amendment to the Complete Communities Housing Solutions Regulations would clarify that to meet the affordability requirements, the affordable housing provided must be newly constructed or rehabilitated.	143.1015(b) 143.1016(b)
	* 31	Dwelling Unit Protection Regulations - Recorded Covenant Requirement	The amendment to the Dwelling Unit Protection Regulations is needed to clarify the existing practice where applicants record a covenant on the premises prior to the issuance of a permit when not accompanied by a building permit, to ensure that all demolished protected homes are replaced.	This amendment to the Dwelling Unit Protection Regulations would clarify that, when protected homes are proposed for demolition, applicants must record a covenant prior to obtaining a permit to guarantee their replacement.	143.1210
	32	Central Urbanized Planned District - Commercial Component within Multiple Dwelling Unit Residential Developments	The amendment to the Central Urbanized Planned District Regulations is needed to clarify Footnote 4 in Table 155-02C by specifying that the required commercial component must be located on the ground floor within the front 30 feet of the lot when permitting multiple dwelling unit residential developments in the CU-2-4, CU-2-5, and CU-3-3 commercial zones. The current language only references the front 30 feet of the lot without indicating that it applies specifically to the ground floor. This clarification aligns the Planned District regulations with the citywide commercial base zone standards, which prohibit residential uses and parking on the ground floor in the front 30 feet of the lot in applicable zones.	This amendment to the Central Urbanized Planned District Regulations would clarify Footnote 4 in Table 155-02C to specify that multiple dwelling unit residential development is only permitted when the required commercial component exclusively occupies the ground floor within the front 30 feet of the lot.	155.0238 - Table 155-02C
	33	Airport Land Use Compatibility Overlay Zone - Airport Override Process	The amendment is needed to clarify that approval of a proposed development is not to be consolidated with a City Council action to overrule an Airport Land Use Commission determination.	This amendment to the Airport Land Use Compatibility Overlay Zone Regulations would clarify that the City Council may consider the override separately from the proposed development, and clarify the hearing order.	132.1555

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Clarifications	34	Landscape Regulations - Protection of Existing Trees and Shrubs	The amendment is needed to clarify that the Landscape Regulations protect existing trees and shrubs consistent with the Landscape Standards in the Land Development Manual.	This amendment to the Landscape Regulations clarifies that existing trees and shrubs are protected pursuant to the Landscape Standards in the Land Development Manual. This amendment will not change the landscape requirements.	142.0401
Compliance with State Law	35	Noticing - Planning Commission Hearings	The amendment is needed to implement AB 2904 (Quirk-Silva, 2023), which extends the noticing requirement for Planning Commission hearings on proposed amendments to development regulations and rezones from 10 to 20 days.	This amendment to the Notice Regulations would require a 20 calendar day notice period for proposed amendments to development regulations and rezones for Planning Commission hearings.	112.0301(c)(3) 112.0305
	36	Environmental Determination Appeals - Public Stormwater Facilities Maintenance	The amendment is needed to implement AB 3227 (Alvarez, 2024), which streamlines the approval process for routine maintenance of public stormwater facilities until January 1, 2030, by exempting them from the California Environmental Quality Act and appeals of environmental determinations.	This amendment to the Notice Regulations would add an exclusion that sunsets on January 1, 2030, to exempt capital improvement projects for routine maintenance of public stormwater facilities from environmental determination appeals, reducing administrative delays.	112.0310(b)
	37	Definitions - Major Transit Stop	The amendment is needed to implement AB 2553 (Friedman, 2024), which revises the definition of a major transit stop by increasing the minimum required frequency intervals for bus routes.	This amendment would revise the definition of a major transit stop to apply to the intersection of two or more major bus routes with a service frequency interval of 20 minutes or less, replacing the previous 15-minute requirement.	113.0103
	38	Parking Regulations - Shared Parking	The amendment is needed to implement AB 894 (Friedman, 2023), which allows the sharing of underutilized parking between separate properties located within 2,000 feet of each other to meet minimum parking requirements, provided that at least 20 percent of the parking on one property is underutilized. This is less restrictive than the current requirement, which limits shared parking to properties within 1,200 feet and requires at least 25 percent underutilized parking. It also requires local agency approval when a parking analysis is provided by an applicant.	This amendment to the Parking Regulations would remove the requirement for a Neighborhood Development Permit for shared parking for unspecified uses and reduce the requirements for utilizing a shared parking agreement by allowing separate properties within 2,000 feet of each other to meet minimum parking requirements when at least 20 percent of a property's parking is underutilized.	113.0103 142.0505 - Table 142-05A 142.0525(b) 142.0545(a)
	39	Tentative Maps - When a Tentative Map is Not Required	The amendment is needed to align the tentative map exclusions of the Subdivision Map Act with the specific language used when referencing zoning. The current regulation refers to land "before the subdivision" having a commercial, mixed-use, or industrial base zone; however, Government Code Section 66426(c) specifies "land zoned for industrial or commercial development."	This amendment to the Tentative Map Regulations would ensure alignment with state law by clarifying that the exemption under the Subdivision Map Act applies specifically "land zoned for industrial or commercial development."	125.0410(b)(3)

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Compliance with State Law	* 40	Streamlined Small Lot Subdivision Regulations - Multiple Dwelling Unit Zones	The amendment is needed to implement SB 684 (Caballero, 2023), which requires a streamlined approval process for a subdivision of up to 10 dwelling units on lots zoned for multiple dwelling units that are 5 acres or less.	This amendment establishes the Streamlined Small Lot Subdivision Regulations and allows for the ministerial approval of a subdivision of up to 10 dwelling units on lots zoned for multiple dwellings that are 5 acres or less and not located within a Very High Fire Hazard Severity Zone.	125.0430 Chapter 14, Article 3, Division 15 144.0211(b)
	* 41	Streamlined Small Lot Subdivision Regulations - Single Dwelling Unit Zones	The amendment is needed to implement SB 1123 (Caballero, 2024), which requires the ministerial subdivisions allowed by SB 684 (Caballero, 2023) for up to 10 dwelling units on vacant lots in single-dwelling unit zones. It is also needed to implement AB 130 (Committee on Budget, 2025), which amends the requirements for ministerial subdivisions allowed by SB 684 (Caballero, 2023) and SB 1123 (Caballero, 2024) to address remainder parcels and limit the sale of parcels without residential structures.	This amendment establishes the Streamlined Small Lot Subdivision Regulations and requires for the ministerial approval for subdivisions of up to 10 dwelling units on lots of 1.5 acres or less in single-dwelling unit zones, subject to specific site criteria and not located within a Very High Fire Hazard Severity Zone. It also would allow for the creation of remainder parcels that do not count against the 10 lot limit, and requires lots to be sold with a dwelling unit unless they are reserved for open space, common area or a remainder parcel.	125.0430 Chapter 14, Article 3, Division 15 144.0211(b)
	42	Vehicle and Vehicle Equipment Sales and Service Uses - Hydrogen Vehicle Fueling Stations	The amendment is needed to implement SB 1291 (Archuleta, 2022) and SB 1418 (Archuleta, 2024), which requires the approval of hydrogen vehicle fueling stations through a ministerial permit process.	This amendment to the Separately Regulated Vehicle and Vehicle Equipment Sales and Service Regulations would add hydrogen vehicle fueling stations as a permitted use, along with applicable development and use regulations. These stations would be allowed on properties zoned for industrial or commercial development that do not have residential development, or on sites that previously contained a gas station.	131.0222 - Table 131-02B 131.0322 - Table 131-03B 131.0422 - Table 131-04B 131.0522 - Table 131-05B 131.0622 - Table 131-06B 131.0707 - Table 131-07A 132.1510 - Table 132-15D 132.1510 - Table 132-15E 132.1515 - Table 132-15G 132.1515 - Table 132-15H 132.1515 - Table 132-15I 132.1515 - Table 132-15J 141.0801(b)(5) 141.0804 151.0103(b)(14) 155.0238 - Table 155-02C 1516.0112 - Table 1516-01B 1516.0117 - Table 1516-01D 1516.0122 - Table 1516-01F
	* 43	Airport Land Use Compatibility Overlay Zone - Airport Land Use Compatibility Plan for San Diego International Airport	The amendment is needed to ensure consistency with the updated Airport Land Use Compatibility Plan for the San Diego International Airport, adopted by the Airport Land Use Commission in 2025, in compliance with State law requiring jurisdictions to either implement such plans or formally overrule the Commission.	This amendment to the Airport Land Use Compatibility Overlay Zone Regulations would update the boundary maps for the airport influence areas, noise contours, safety zones, and airspace protection areas. It would replace the current Threshold Siting Surface map with a new map titled the Combined Runway End Siting Surfaces and One Engine Inoperative Surfaces map. The amendment also updates the noise compatibility criteria, as well as both the general safety compatibility regulations and criteria specific to community planning areas, to ensure consistency with the updated Airport Land Use Compatibility Plan for the San Diego International Airport.	132.1502 - Table 132-15A 132.1505(c)(1) 132.1510 - Table 132-15C 132.1510 - Table 132-15E 132.1515(c)(2)(G) 132.1515 - Table 132-15F 132.1515(h)(1) 132.1515 - Table 132-15I 132.1515 - Table 132-15J 132.1520(c)(1) 132.1515 - Table 132-15K

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Compliance with State Law	* 44	Separately Regulated Residential Uses - Permanent Supportive Housing	The amendment is needed to implement AB 1801 (Jackson, 2024), which requires supportive housing developments with more than 20 dwelling units to dedicate three percent of total floor area to onsite supportive services, including developments that provide transitional housing for youths and young adults. The bill also allows administrative office space to be included, subject to specified parameters.	This amendment to the Separately Regulated Residential Use Regulations would update the use regulations for Transitional Housing Facilities and Permanent Supportive Housing to require that applicable developments with more than 20 dwelling units dedicate a minimum of three percent of the total floor area to onsite supportive services. It would also allow up to 25 percent of the total floor area to be used as auxiliary office space by a qualified nonprofit corporation providing those services.	141.03103(k) 141.0315(e)
	* 45	Parking Regulations - Reduced Parking Requirements when a Residential Development is located with a Place of Religious Assembly	The amendment is needed to implement AB 2244 (Wicks, 2022), which allows reduced minimum parking requirements for developments that includes both housing and a place of religious assembly.	This amendment to the Parking Regulations would establish proximity requirements for qualifying developments, reduce the minimum parking requirement a place of religious assembly by 50 percent, require one space per dwelling unit for the new housing development and allow existing parking spaces serving the place of religious assembly to be counted toward the requirements for both the existing and new development.	141.0602(a)(2) 142.0530- Table 142-05G 142.0565
	46	Fence Regulations - Monitored Security Fence Systems	The amendment is needed to implement AB 2371 (Juan Carrillo, 2024), which expands the allowable use of electrified security fences to include certain commercial properties.	This amendment to the Fence Regulations would permit Monitored Perimeter Security Fence Systems on lots with specified commercial uses and revise the associated development standards.	129.0203(a)(25) 142.0390(c)(1) 142.0390(d)
	47	Parking Regulations - Single Dwelling Units	The amendment is needed to implement AB 1308 (Quirk-Silva, 2023), which prohibits increasing minimum parking requirements for single dwelling units that undergo remodels or additions, provided that the project does not exceed other applicable zoning regulations, including, but not limited to, height, lot coverage, and floor-to-area ratio.	This amendment applies to single dwelling units required to increase parking as part of a remodel or addition. In the City, the only requirements for additional parking spaces is when bedrooms are added in the campus impact area of the parking overlay zone and when previously conforming homes are expanded. This amendment removes the parking requirement outside of a Transit Priority Area, where state law does not allow the City to require parking for any residential development. This amendment only applies to existing single dwelling units where the development does not exceed the maximum size limits set by the base zone, including but not limited to height, lot coverage, and floor area ratio.	142.0510(d)(6) 142.0520

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Compliance with State Law	48	Affordable Housing Parking Regulations	The amendment is needed to implement AB 2345 (Gonzalez, 2020), which specifies parking ratios for affordable density bonus developments that range from 1 to 2.5 parking spaces per dwelling unit depending on the number of bedrooms. Additionally, Table 142-05C incorrectly indicates that parking requirements are not applicable; instead, it should reference Section 142.0527, which contains the applicable parking regulations.	This amendment to the Parking Regulations ensures that parking ratios for affordable housing developments located outside of a Transit Priority Area are consistent with State Density Bonus Law. Additionally, it corrects the parking requirement in Table 142-05 by replacing "n/a" with a reference to Section 142.0527.	142.0525 - Table 142-05C 142.0527 - Table 142-05D
	49	Public Facilities Regulations - Housing Development Exemption from Land Dedication Requirements	The amendment is needed to implement AB 3177 (Carrillo, 2024), which prohibits local agencies from requiring land dedications to widen roadways for the purpose of mitigating vehicular traffic impacts, meeting adopted traffic level of service standards, or achieving desired roadway widths for housing and mixed-use developments that are in a transit priority area and have less than 500 linear feet of street frontage, unless certain exemptions are met.	This amendment to the Public Facility Regulations would exempt a housing or mixed-use development within a Transit Priority Area from land dedication requirements intended to mitigate vehicular traffic impacts, unless the site has more than 500 linear feet of street frontage or the dedication is necessary to preserve safety or provide public improvements, such as sidewalks and sewer.	142.0611(f)
	* 50	Affordable Housing Regulations - Shared Housing Density Bonus	The amendment is needed to implement AB 682 (Bloom, 2022), which expands State Density Bonus Law by specifying that a housing development eligible for a density bonus includes a shared housing building, as defined.	This amendment to the Affordable Housing Regulations and Definitions would add shared housing as a development type eligible for a density bonus.	113.0103 143.0715 143.0755
	51	Affordable Housing Regulations - For-Sale Affordable Dwelling Units and Qualified Nonprofit Corporations	The amendment is needed to implement AB 323 (Holden, 2023), which prohibits the sale of deed-restricted affordable dwelling units to buyers who do not meet the designated income requirement as a condition of a density bonus. If a designated affordable unit remains unsold to an eligible household within 180 days, it may be sold to a qualified nonprofit corporations dedicated to providing affordable housing.	This amendment to the Affordable Housing Regulations would allow for-sale affordable units, not sold within 180 days to an income-qualified household, to be sold to a qualified nonprofit corporation whose mission is to provide affordable housing.	143.0720(d)(9)
	52	Affordable Housing Regulations - Senior Housing Density Bonus	The amendment is needed to implement AB 2694 (Ward, 2024), which expands State Density Bonus Law to include Residential Care Facilities for the Elderly.	This amendment to the Affordable Housing Regulations would allow for the senior housing density bonus to include Continuing Care Retirement Communities, which are licensed by the state as a Residential Care Facility for the Elderly.	143.0720(e)

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Compliance with State Law	* 53	Affordable Housing Regulations - Student Housing Developments	The amendment is needed to implement AB 3116 (Garcia, 2024), which amends the State Density Bonus Law to establish specific requirements for student housing developments that provide deed restricted affordable housing and are eligible for a density bonus. The bill includes various criteria for eligibility and occupancy. Projects receiving a density bonus of more than 35 percent cannot be located on sites that require replacement housing. The bill also eliminates parking requirements for student housing developments.	This amendment to the Affordable Housing Regulations would specify the following requirements for student housing developments receiving a density bonus for providing deed restricted affordable housing: (1) changes related to student eligibility and occupancy, (2) that student housing developments receiving a density bonus of 35 percent or more cannot be located on a site requiring replacement housing, and (3) elimination off-street parking requirements for student housing developments that include at least 20 percent affordable dwelling units. This amendment also includes a reorganization of subsection (g) to clarify which requirements apply to the development overall and those that apply specifically to the housing agreement.	143.0720(g)
	* 54	Affordable Housing Regulations - Density Bonus Percentages and Affordable Housing Incentives and Waivers Report	The amendment is needed to implement AB 1287 (Alvarez, 2023), which amends the State Density Bonus Law to allow cumulative density bonuses for housing developments that provide a higher percentage of affordable dwelling units than required. It also prohibits jurisdictions from requiring documentation to justify incentives or waivers granted under state law.	This amendment to the Affordable Housing Regulations would allow developments achieving the maximum percentage of affordable dwelling units to be eligible for an additional state density bonus, and would remove the requirement for a waivers report. Applicants would be required only to identify the incentives and waivers.	143.0740 - Table 143-07A 143.0740 - Table 143-07B 143.0740 - Table 143-07C 143.0750 143.0760
	55	Affordable Housing Regulations - Parking Ratios for Affordable Housing	This amendment is needed to remove the reduced parking ratios for affordable housing developments located within a half-mile of a major transit stop (Transit Priority Areas), as they are no longer applicable following the passage of AB 2097 (Friedman, 2022), which prohibits jurisdictions from imposing minimum parking requirements in these areas.	This amendment to the Affordable Housing Regulations would remove the affordable housing parking requirements in Transit Priority Areas. Affordable housing developments located outside of a Transit Priority Area would continue to adhere to the Citywide parking regulations in Chapter 14, Article 2, Division 5.	143.0744
	56	Affordable Housing Regulations - Findings of Denial	The amendment is needed to implement Government Code Section 65589.5, which clarifies the strict criteria a local government must meet to deny or reduce the density of a housing development.	This amendment would revise the findings for denial for affordable housing developments to be consistent with Government Code Section 65589.5 by stipulating that a denial of an affordable housing project must be based on a specific adverse impact on health and safety, for which there is no feasible method to mitigate the impact.	142.1315 143.0765

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Compliance with State Law	57	Dwelling Unit Protection Regulations - Applicability	The amendment is needed to implement AB 1218 (Lowenthal, 2023), which expands the types of developments subject to dwelling unit protections and strengthens the requirements for replacement housing and relocation assistance when housing units are demolished for nonresidential developments. For nonresidential projects, replacement housing must be provided on a different premises within the City of San Diego, consistent with state law, and must be developed prior to or concurrently with the nonresidential development. Replacement housing may also be provided by a third party that enters into a contract with the project applicant.	This amendment to the Dwelling Unit Protection Regulations would expand the types of developments subject to compliance and require that, when protected dwelling units are demolished for nonresidential developments, the replacement units may be provided on a different receiver site that meets specific locational criteria that includes being: (1) within a Sustainable Development Area, and (2) within specified Resource Opportunity Areas identified by the California Tax Credit Allocation Committee. Additionally, the replacement units must be developed prior to or concurrently with the nonresidential development and may be provided by a third party under contract with the project applicant, consistent with state law.	143.1201 143.1203 143.1212(b)
	58	Multi-Dwelling Unit Regulations for Single Family Zones - Streamlining	The amendment is needed to implement SB 450 (Atkins, 2024), which streamlines the approval of multi-dwelling units and urban lot splits to comply with SB 9 (Atkins, 2021) by: (1) removing the restriction that limits the demolition of existing exterior structural walls to 25 percent; (2) eliminating the ability to deny proposed developments based on specific adverse impacts on the physical environment; and (3) prohibiting the application of objective zoning, subdivision, and design standards that are not uniformly applied to developments within the underlying zone.	This amendment to the Multi-Dwelling Unit Regulations for Single-Family Zones would: (1) remove the exclusion for developments involving the demolition of more than 25 percent of existing exterior structural walls, (2) eliminate the physical environment as a reason to deny a project, and (3) remove the requirement to provide street trees when they are not mandated for other residential developments.	143.1303(b)(4) 143.1305(b) 143.1310(a)(5)
	59	Multi-Dwelling Unit Regulations for Single Family Zones - Approvals	The amendment is needed to comply with SB 9 (Atkins, 2021) by allowing the waiver of development regulations that would otherwise prevent the construction of two dwelling units, each no larger than 800 square feet, on a single-family zoned property developed in accordance with the Multi-Dwelling Unit Regulations for Single-Family Zones.	This amendment to the Multi-Dwelling Unit Regulations for Single-Family Zones, would allow the waiver of development regulations to permit two dwelling unit, each up to 800 square feet, on a single-family zoned property.	143.1310(b)
	60	Multi-Dwelling Unit Regulations for Single Family Zones - Existing Junior Accessory Dwelling Units	The amendment is needed to clarify that if a Junior Accessory Dwelling Unit (JADU) exists on a site requesting a multiple-dwelling unit development in a single-family zone, the JADU must be converted into a multiple-dwelling unit to ensure the unit limit established by SB 9 (Atkins, 2021) is not exceeded. This amendment was requested by the California Department of Housing and Community Development in correspondence to the City dated October 30, 2024, and May 30, 2025.	This amendment to the Multi-Dwelling Unit Regulations for Single Family Zones, clarifies that a Junior Accessory Dwelling Unit (JADU) must be removed or converted into one of the multiple-dwelling units when both the Multi-Dwelling Unit and Urban Lot Split provisions are applied to the same development, to ensure consistency with state law.	143.1305(c)(2)

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Compliance with State Law	61	Parking Requirements - Mobility Choices and Planned Districts	The amendment is needed to replace references to the "Parking Standards Transit Priority Area" with "Transit Priority Area" within the Mobility Choices Regulations and the Carmel Valley, Cass Street, Central Urbanized, and Old Town San Diego Planned Districts, to ensure consistency with state law. This is a cleanup item following the prior amendment to implement AB 2097 (Friedman, 2022).	This amendment would update references in the Mobility Choices Regulations and the Carmel Valley, Cass Street, Central Urbanized, and Old Town San Diego Planned Districts by replacing mentions of "Parking Standards Transit Priority Area" with "Transit Priority Area."	143.1103(b)(6) 143.1103(b)(7) 153.0103 154.0103 155.0252 - Table 155-02E 1516.0104
Corrections	62	Application Process - Reference to the Redevelopment Agency of San Diego	The amendment is needed to remove references to the Redevelopment Agency of the City of San Diego, which was dissolved by the State of California in 2012 and Disposition and Development Agreements.	This amendment would remove references to the Redevelopment Agency of the City of San Diego and Disposition and Development Agreements in the definition of "applicant" and the process requirements for development applications.	22.4102 22.4302 112.0102(a)(4) 113.0103
	63	Typographic and Formatting Corrections	The amendment is needed to correct formatting and typographic errors that occur when code sections are reconciled through the code amendment process.	This amendment would correct various typographic and formatting errors within the code.	123.0205 131.0422 - Table 131-04B 131.0522 - Table 131-05B 141.0412(a) 142.0310(c) 142.0403(b)(8) 142.0527 - Table 142-05D 143.0746(b)(2)(4) 143.1015(a)(7)(A)
	64	RM (Residential--Multiple Unit) Zone - Student Housing	The amendment is needed to correct the footnote reference in Table 131-04B, Use Regulations for Residential Zones, for the limited use regulations for Student Housing in the RM (Residential-Multiple Unit) Zones, which was affected when the footnotes were renumbered in a previous code update.	This amendment to the Residential Base Zone Regulations would correct the footnote reference for Student Housing in the RM Zones to properly refer to the separately regulated use provisions for Fraternity and Sorority Housing and Student Housing.	131.0422 - Table 131-04B
	65	Residential Base Zones - Habitable and Non-Habitable Accessory Buildings	The amendment is needed to correct a section that includes regulations for both habitable and non-habitable accessory buildings. Currently, the section references only non-habitable accessory buildings, even though it also contains regulations for habitable accessory buildings.	This amendment to the Residential Base Zone Regulations would correct the current language to ensure it accurately refers to both habitable and non-habitable accessory structures.	131.0448

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Corrections	66	Commercial Base Zone - Visitor Accommodations	The amendment is needed to include a provision to clarify that Visitor Accommodations are limited to stays of less than 30 days to Commercial Regional, Commercial Office, and Commercial Visitor zones. A previous Land Development Code added this provision to the Commercial Community and Commercial Neighborhood commercial base zones, but it was not added to the Commercial Regional, Commercial Office, and Commercial Visitor zones.	This amendment to Commercial Base Zone Regulations would clarify that Visitor Accommodations are limited to stays of less than 30 days within the Commercial Regional, Commercial Office, and Commercial Visitor zones.	131.0522 - Table 131-05B
	* 67	Commercial Base Zones - Maximum Setback Requirements	The amendment to the Commercial Base Zone regulations is needed to correct Diagram 131-05B, Maximum Setback Requirements, by removing the explanatory text stating, "70% of the structure is located no farther back than the maximum front setback of the base zone. The remaining 30% is allowed to be located farther back than the maximum front setback." The removal of this text will eliminate redundancy and ensure consistency with the development regulations in the section.	This amendment to the Commercial Base Zones Regulations would remove the explanatory text in Diagram 131-05B Maximum Setback Requirements, as it is redundant and creates confusion within the development regulations in the section.	131.0543 - Diagram 131-05B
	68	Airport Land Use Compatibility Overlay Zone - Noise Compatibility for the Marine Corps Air Station (MCAS) Miramar Airport Influence Area	The amendment is needed to the Airport Land Use Compatibility Overlay Zone to allow wholesale, warehouse, and other indoor storage land use categories as compatible up to 80 decibels Community Noise Equivalent Level (dB CNEL) to be consistent with the MCAS Miramar Airport Land Use Compatibility Plan. The Airport Land Use Compatibility Overlay Zone currently does not permit these land use categories where noise levels exceed 75 dB CNEL.	This amendment to the Airport land Use Compatibility Overlay Zone Regulations would align the Land Development Code with the MCAS Miramar Airport Land Use Compatibility Plan by permitting Moving and Storage Facilities, Wholesale, and Distribution and Storage uses in areas with noise levels up to 80 dB CNEL, provided that any associated office or retail indoor spaces are mitigated to achieve an interior noise level of 50 dB CNEL.	132.1510 - Table 132-15D
	69	Airport Land Use Compatibility Overlay Zones - Low Barrier Navigation Centers	The amendment is needed to add Low Barrier Navigation Centers as a Residential Separately Regulated Use in the Airport Land Use Compatibility Overlay Zone regulations. State law requires that these facilities be permitted by-right in zones that allow multifamily residential uses.	This amendment to the Airport Land Use Compatibility Overlay Zone Regulations would add Low Barrier Navigation Centers as a Residential Separately Regulated Use in the applicable use tables.	132.1510 - Table 132-15D 132.1510 - Table 132-15E 132.1515 - Table 132-15G 132.1515 - Table 132-15H 132.1515 - Table 132-15I 132.1515 - Table 132-15J

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Corrections	70	Accessory Dwelling Units (ADU) - ADU Home Density Bonus Program Corrections	The amendment to the ADU Home Density Bonus Program is necessary to correct an oversight that mistakenly identified the RS-1-1 zone as having a floor area ratio based on adjusted lot area, as outlined in Table 131-04J. In addition, the amendment updates the ADU Home Density Bonus Community Enhancement Fee Resolution (R-316269) to also reference the Citywide Park Development Impact Fee for fee calculation purposes.	This amendment to the ADU and JADU Separately Regulated Use Regulations, specifically the ADU Home Density Bonus Program, corrects an error that mistakenly included the RS-1-1 zone as having a scaled floor area ratio based on adjusted lot area, as referenced in Table 131-04J. Additionally, the amendment updates the ADU Home Density Bonus Community Enhancement Fee Resolution (R-316269) to also reference the Citywide Park Development Impact Fee for the purpose of calculating the fee amount.	141.0302(d)(3)(A)(iii) Resolution
	71	Alcoholic Beverage Outlets - Corrections	The amendment is needed to remove references to Redevelopment Project Areas from the Separately Regulated Use Regulations for Alcoholic Beverage Outlets and to replace the term "premises" with "establishment." The Department of Alcoholic Beverage Control defines "premises" as the business selling alcohol, but the Land Development Code uses "premises" to mean the land where the buildings are located, causing confusion.	This amendment to the Retail Sales Use Category, Separately Regulated Uses Regulations, would remove the reference to Redevelopment Project Areas for Alcoholic Beverage Outlets and replace the term "premises" with "establishment" in the development regulations for these outlets.	141.0502

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Corrections	* 72	Parking Regulations - Non-Residential Use Parking Ratios	The amendment is needed to include the IP-3-1 (Industrial-Park) zone in Table 142-05E, Parking Ratios for Retail Sales, Commercial Services, Offices, and Mixed-Use Development since the IP-3-1 zone permits retail sales and commercial service uses.	This amendment to the Parking Regulations would include the IP-3-1 zone to the Table 142-05E, requiring the same number of automobile parking spaces that are required in the IP-1-1 and IP 2-1 zones.	142.0530 - Table 142-05E
	73	Parking Regulations - Parking Ratios for Specified Non-Residential Uses Correction	The amendment is needed to correct the Parking Ratios Table for Specified Non-Residential Uses which incorrectly references "priority area" instead of "transit priority area" when identifying minimum required automobile parking spaces. It also erroneously applies parking requirements to uses that should be exempt due to their location within a transit priority area.	This amendment to the Parking Regulations would correct the column header in the Parking Ratios Table for Specified Non-Residential Uses and removes a footnote reference that is no longer applicable.	142.0530 - Table 142-05G
	74	Development Impact Fees - Facilities Benefit Assessments	The amendment is needed to remove references to Facilities Benefit Assessments, which have been replaced with Development Impact Fees.	This amendment to the Public Facilities Regulations would remove the reference to Facilities Benefit Assessments.	142.0640(a) 142.0640(c)
	* 75	Environmentally Sensitive Lands - Coastal Bluffs	The amendment is needed to the Environmentally Sensitive Lands Regulations to correct the placement of the limited exemption from the requirement for a Neighborhood Development Permit or Site Development Permit for projects that maintain a minimum 40-foot setback from the edge of a sensitive coastal bluff. This exemption is currently located with regulations that apply outside of the Coastal Zone, however there are no coastal bluffs located outside of the Coastal Zone.	This amendment to the Environmentally Sensitive Lands Regulations would relocate the exemption from a Neighborhood Development Permit or Site Development Permit for projects that maintain a minimum 40-foot setback from the edge of a sensitive coastal bluff to ensure the provision applies within the Coastal Zone.	143.0110(c)
	76	Affordable Housing Regulations - Moderate Income	The amendment is needed to the Affordable Housing Regulations to consistently reference moderate income as any household with an income up to 120 percent of the area median income which is consistent with the state.	This amendment to the Affordable Housing Regulations would correct references in the density bonus requirements for moderate income to align with the defined limit of 120 percent of the area median income.	143.0720(c) 143.0720(d)(3) 143.0720(h)(2)(C) 143.0720(i) 143.0720(l)

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Corrections	77	Complete Communities Housing Solutions - Urban Parkway Requirements	The amendment to the urban parkway requirements in the Complete Communities Housing Solutions Regulations is needed to correct references to the section of the Land Development Code that addresses public street improvements in the Land Development Manual.	This amendment to the Complete Communities Housing Solutions Regulations would correct the references to refer to public street improvements in the Land Development Manual, which contains the Street Design Manual.	143.1025(a)
	78	Climate Action Plan Regulations - Accessory Dwelling Unit (ADU) Home Density Bonus Program	The amendment to the ADU and JADU Separately Regulated Use Regulations is needed to correct a prior amendment that inadvertently applied Climate Action Plan development regulations to by-right ADUs and JADUs allowed under state law, which should not be subject to these requirements.	This amendment to the ADU and JADU Separately Regulated Use Regulations would specify that: (1) Climate Action Plan regulations apply only to developments utilizing the ADU Home Density Bonus Program, and (2) by-right ADUs allowed under state law are exempt from the Climate Action Plan requirements.	141.0302(a)(9) 141.0302(d)(10) 143.1403(a)(4)
	79	Appendix P Emergency Housing - California Building Code	The amendment is needed as the most recent California Building Code changed Appendix O to Appendix P, but this update is not reflected in the Land Development Code.	This amendment to the Additions and Modifications to Appendix O of the California Building Code Regulations would replace references to Appendix O with Appendix P.	Chapter 14, Article 5, Division 38 145.3806(b)

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Corrections	80	Central Urbanized Planned District - Code Reference Corrections	The amendment is needed to correct references to the floor area ratio bonus for child care within the Development Regulations applicable to the Central Urbanized Planned District Regulations.	This amendment to the Central Urbanized Plan District Regulations would correct references for the floor area ratio bonus for child care and the Supplemental Development Regulations applicability.	155.0242 - Table 155-02D 155.0253 - Table 155-02F
Regulatory Reforms	* 81	Administrative Abatement Penalties	The amendment is needed to increase abatement penalties for causing or maintaining a public nuisance to better reflect current administrative and investigation costs. The current penalties, which have not been revised since 2007, impose a maximum rate of \$2,500 per violation and a maximum cap of \$200,000 per parcel or structure for related violations.	This amendment to the Administrative Abatement regulations would increase the penalties for causing or maintaining a public nuisance to \$10,000 per violation and a maximum cap of \$500,000 per parcel or structure in a calendar year in order to better reflect current administrative and investigation costs.	12.0609(e)
	* 82	Administrative Civil Penalties	The amendment is needed to increase civil penalties for code violations to ensure updated enforcement costs and improve deterrence. The current limit of \$10,000 per violation, with a cap of \$400,000 per parcel or structure for related violations, has not been updated since 2017.	This amendment to the Administrative Civil Penalties Regulations would raise the maximum amount of civil penalties for general code violations from \$400,000 to \$500,000 per parcel or structure in a calendar year to ensure civil penalties are better aligned with enforcement costs and serve as a stronger deterrent against noncompliance.	12.0803(d)
	* 83	Public Hazards and Public Nuisances - Abandoned Property Penalty Fees	The amendment is needed to the Public Hazards and Public Nuisances Regulations to increase penalties to discourage prolonged property neglect and to promote compliance with property maintenance standards. These penalties have not been updated since 2006.	This amendment to the Public Hazards and Public Nuisances Regulations would increase the maximum cap on abandoned property penalties from \$5,000 per property to \$100,000 per property in a calendar year.	54.0315(a) 54.0315(b)
	* 84	Consolidated with Item No. 1 Short-Term Residential Occupancy (STRO) - Administrative Citations	The amendment is needed to increase the STRO violation citations to deter violations.	This amendment to STRO Regulations would increase the violation administration citations to deter violations.	Resolution
	85	Appeal Fees - Project and Environmental Appeals	The amendment is needed to increase the appeal fee for project and environmental appeals to better reflect the City's cost of processing.	This amendment would increase the appeal fee for project and environmental appeals to align with fees charged by other cities.	Resolution

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Regulatory Reforms	86	Adoption and Amendment Procedures for Land Use Plans - Local Coastal Program Amendments Certification Requirements	The amendment is needed to address material changes to a land use plan, which require a recommendation from the Planning Commission prior to City Council approval. However, when the Coastal Commission modifies a land use plan within the City's Local Coastal Program, the City Council must act within six months of the Coastal Commission's action. The requirement for a Planning Commission recommendation presents challenges in meeting this deadline.	This amendment to the Adoption and Amendment Procedures for Land Use Plans Regulations would determine that modifications made by the Coastal Commission to a land use plan within the City's Local Coastal Program are not considered material changes and, therefore, do not require a recommendation from the Planning Commission.	122.0106(c)
	87	Previously Conforming Use Flexibility	The amendment is needed to provide additional flexibility for lots with commercial or industrial uses that were rezoned through a community plan update by allowing additional but similar previously conforming uses.	This amendment to the Previously Conforming Premises and Uses Regulations would allow specified commercial and industrial uses on parcels located outside of Environmental Justice Communities, with requirements to provide improvements such as widened sidewalks, street trees, and public spaces.	126.0203(b)(3) 127.0103 - Table 127-01A 127.0107(a) 127.0110
	88	Construction Permits - Bond Requirements for Grading or Public Improvements	The amendment to the Construction Permit Bond requirements is needed to waive the bond for projects valued at \$100,000 or less that involve work in the public right-of-way or require a grading permit, as the bond can be overly burdensome for projects of this size. It is also needed to clarify that the City Manager has the authority to waive a bond requirement without referencing the Land Development Manual.	This amendment to the General Construction Permit Authority and Procedures regulations would waive the bond requirement for projects valued at \$100,000 or less, as demonstrated through a cost estimate provided by the Building Official. It also clarifies that the City Manager may waive a bond requirement without referencing the Land Development Manual.	129.0119(a)(7) 129.0119(f)
	* 89	Public Right-of-Way Permits - Fiber Optic and Utility Equipment	The amendment is needed to the Public Right-of-Way Permit Regulations to reduce the approval process from a Process 4 Site Development Permit for the installation of larger fiber optic and utility equipment cabinets in the public right-of-way that exceed the dimensions for a public right-of-way permit to ensure consistent service and to support the rapid changes in technology infrastructure.	This amendment to the Public Right-of-Way Permit Regulations would streamline the review process for large utility equipment cabinets in the Public Right-of-Way by reducing the decision-making level for fiber optic and utility equipment that exceeds the dimensions for public right-of-way permits.	126.0402(u) 129.0710

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Regulatory Reforms	90	Emergency Shelters	The amendment is needed to streamline the permitting process for emergency shelters by placing the use type from an Institutional, Separately Regulated Use to a Residential, Separately Regulated Use, which is the same use type as Low Barrier Navigation Centers.	This amendment to the Separately Regulated Uses Regulations would move the emergency shelters use from an Institutional Separately Regulated Use category to a Residential Separately Regulated Use category.	131.0222 - Table 131-02B 131.0322 - Table 131-03B 131.0422 - Table 131-04B 131.0522 - Table 131-05B 131.0622 - Table 131-06B 131.0707 - Table 131-07A 132.1510 - Table 132-15D 132.1510 - Table 132-15E 132.1515 - Table 132-15G 132.1515 - Table 132-15H 132.1515 - Table 132-15I 132.1515 - Table 132-15J 141.0316 141.0412(a)(2) 141.0412(c) 141.0412(d) 155.0238 - Table 155-02C 1516.0112 - Table 1516-01B 1516.0117 - Table 1516-01D 1516.0122 - Table 1516-01F
	* 91	Residential, Commercial, and Mixed Use Base Zones - Building Transitions and Buffers from Adjacent Freeways	The amendment to the Residential, Commercial, and Mixed-Use Base Zones is needed to establish consistent requirements that provide separation from freeway impacts and ensure a transition in bulk and scale for development in higher intensity zones that abut lower-density residential or open space zones.	This amendment to the Residential, Commercial, and Mixed Use Base Zones Regulations would require: (1) development adjacent to freeways to provide a landscape buffer and setback for common outdoor areas, and (2) an angled transition plane for development in higher intensity zones that are abutting a lower-density residential zones or open space zones. Additional edits for consistency are made to the Complete Communities Housing Solutions Regulations and the Central Urbanized Planned District.	131.0431 - Table 131-04G 131.0470 131.0531 - Table 131-05C 131.0531 - Table 131-05D 131.0531 - Table 131-05E 131.0543(c) 131.0560 131.0709 - Table 131-07B 131.0725 143.1025(d) 143.1025(e) 155.0242 - Table 155-02D
	92	Airport Land Use Compatibility Overlay Zone - Residential Development in the Marine Corps Air Station (MCAS) Miramar Airport Influence Area Transition Zone	The amendment is needed to the Airport Land Use Compatibility Overlay Zone to remove the requirement for a Site Development Permit for residential development that exceeds two dwelling units per acre within the MCAS Miramar Airport Influence Area Transition Zone. A prior Land Development Code update amended the Airport Land Use Compatibility Overlay Zone to allow up to 60 dwelling units per acre within the Transition Zone.	This amendment to the Airport Land Use Compatibility Overlay Zone Regulations would remove the requirement for a Site Development Permit for residential development at a density of up to 60 dwelling units per acre within the MCAS Miramar Airport Influence Area Transition Zone. Residential development within this zone would be required to conform with the supplemental site design regulations.	132.1515(c)(1)(F) 132.1515 - Table 132-15G
	93	Airport Land Use Compatibility Overlay Zone - Safety Compatibility for Child Care Centers in the Marine Corps Air Station (MCAS) Miramar Airport Influence Area Transition Zone	The amendment is needed to allow Child Care Centers within the MCAS Miramar Airport Influence Area Transition Zone.	This amendment to the Airport Land Use Compatibility Overlay Zone Regulations would allow Child Care Centers in the MCAS Miramar Airport Influence Area Transition Zone as a limited use, with a maximum floor area ratio of 0.42, consistent with small assembly uses. It also removes the expansion limit for child care centers under previously conforming regulations that are no longer applicable.	132.1515 - Table 132-15G 132.1535(d)

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Regulatory Reforms	* 94	Wireless Communication Facilities Regulations	The amendment is needed to the Wireless Communication Facilities Regulations to streamline the approval process. The current review process for Wireless Communication Facilities was established when the technology was still developing and, in certain instances, requires Planning Commission approval. Streamlining the approval process would ensure timely approval and avoid requiring Planning Commission approval unless appealed.	This amendment to the Wireless Communication Facilities Separately Regulated Use Regulations would streamline the review process by reducing the approval process for specific wireless communication facility applications.	126.0402(m) 126.0402(t) 141.0420
	95	Development Impact Fees - Accessory Dwelling Units	The amendment is needed to align Development Impact Fees (DIFs) for ADUs with state law by exempting only ADUs under 750 square feet. In addition, the reference to scaling the DIF is no longer necessary because, with the adoption of Citywide Development Impact Fees, the fees are already based on the size of each ADU.	This amendment to the Public Facility Regulations would revise the DIFs for ADUs to ensure consistency with state law while clarifying that only ADUs under 750 square feet are exempt. The amendment would also remove the outdated reference to scaling the DIF, as the adopted Citywide Development Impact Fees are already calculated based on the size of each ADU. If there are more than two ADUs on a lot, the first two will continue to be exempt with it applying to the two smallest ADUs.	142.0640(b)(1)
	96	Sign Regulations - Previously Conforming	The amendment is needed to establish an approval process for previously conforming signs to allow minor allowances necessary for maintenance, repair, rebuilding, and alteration through a higher approval process.	This amendment to the Sign Regulations would allow for minor allowances necessary for the maintenance, repair, rebuilding, or alteration of a previously conforming sign through a Neighborhood Development Permit.	126.0402(a)(6) 127.0202(f)-(h)
	97	Promenades and Active Sidewalks - Relocating Accessible Parking Spaces	The amendment is needed to provide greater flexibility by allowing applicants to relocate accessible parking spaces either within the same block perimeter or within 500 feet of their original location when incorporating a promenade and active sidewalk. The current requirement prohibits the removal of accessible parking spaces, which limits the design and use of the space for intended activation of the promenade.	This amendment to the Commercial Services Use Category - Separately Regulated Uses Regulations for promenade and active sidewalk would allow applicants the ability to relocate accessible parking spaces either within the same block perimeter or within 500 feet of their original location.	141.0621(c)(3)(B)(i) 141.0629(b)(2)(A)

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Regulatory Reforms	98	Parking Regulations - Screened Parking	The amendment is needed to the Parking Structure Design Regulations to require full screening for parking structure facades fronting the public right-of-way to improve the pedestrian environment and visual aesthetics. The current regulations only require screening 3.5 feet above the finished floor.	This amendment to the Parking Structure Design Regulations would require full screening for parking structure facades extending from the ground floor to the top of the structure when fronting the public right-of-way.	142.0560(k)
	99	Development Impact Fees for Public Facilities and Spaces - Automatic Annual Increases	The amendment is needed to include the Citywide Development Impact Fees in the automatic annual increases based on the Construction Cost Index for Los Angeles to ensure that fees are adjusted for inflation without necessitating further action from the City Council to provide timely and adequate funding for public infrastructure.	This amendment to the Public Facility Regulations would include an automatic annual increases based on the Construction Cost Index for Los Angeles for the Citywide Development Impact Fees for Parks, Mobility, Fire, and Libraries.	142.0640(c)
	100	Encroachment Maintenance and Removal Agreements - Sidewalk Alternative Designs	The amendment is needed to streamline the permitting process for sidewalks with alternative designs by providing the City Engineer ability to determine whether an Encroachment Maintenance and Removal Agreement should be required.	This amendment to the Public Facilities Regulations would allow the City Engineer to determine whether an Encroachment Maintenance and Removal Agreement is needed for a sidewalk with an alternative design.	142.0670(a)(1)
	101	La Jolla Commercial Sign Control District - Subdistrict A Projecting Signs	The amendment is needed to the La Jolla Commercial and Industrial Sign Control District Subdistrict A, which prohibits projecting signs which has led businesses to place A-frame signs within the pedestrian path of travel.	This amendment to the Sign Regulations would allow projecting signs in the La Jolla Commercial and Industrial Sign District - Subdistrict A along the public right-of-way, provided they are in compliance with specific design characteristics that include: the property have frontage facing the public right-of-way, one sign allowed with a maximum of two faces, limitations on sign size and projection into the public right-of-way, and height restrictions.	142.1290(d)(4)

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Regulatory Reforms	102	Mobility Choices Regulations- Vehicle Miles Traveled Reduction Measures Buy-Out Fee for Mobility Zones 2 and 3	The amendment is needed to the Mobility Choices Regulations to specify how to calculate the Vehicle Miles Traveled Reduction Measures Buy-Out Fee for Mobility Zones 2 and 3. Development applicants would have the ability to choose to pay this fee if unable to implement Vehicle Miles Traveled Reduction measures.	This amendment to the Mobility Choices Regulations would add language to the calculation of the Vehicle Miles Traveled Reduction Measures Buy-Out Fee in Mobility Zones 2 and 3, similar to what is described in the Land Development Manual, Appendix T. It would also establish a fee structure for development in these mobility zones that choose to pay the buy-out fee instead of implementing Vehicle Miles Traveled Reduction measures.	143.1103(b)(5) Resolution Land Development Manual, Appendix T
	103	Carmel Valley Planned District Medical Offices	The amendment is needed to the Carmel Valley Planned District to permit medical offices on all lots, since medical office is only permitted on certain lots within the Employment Center zone. This would help to improve access to healthcare services.	This amendment to the Carmel Valley Planned District Regulations would permit medical offices on any lot within the Employment Center zone.	153.0309(a)(9)
	104	La Jolla Shores Planned District - La Jolla Shores Planned District Advisory Board	The amendment is needed to remove the City Manager as the Secretary of the La Jolla Shores Planned District Advisory Board to be consistent with other advisory boards where the City Manager is not a member of the advisory board.	This amendment to the Jolla Shores Planned District would remove the City Manager as Secretary of the La Jolla Shores Planned District Advisory Board.	1510.0105(a)(4)
Corrections	105	Development Impact Fees - Multi-Dwelling Unit Regulations for Single Family Zone	The amendment is needed to correct a reference regarding the scaling of development impact fees for the third and fourth dwelling units constructed under the Multi-Dwelling Unit Regulations in Single-Family Zones. Scaling the fees is no longer necessary because, with the adoption of Citywide Development Impact Fees, the fees are already based on the size of each dwelling unit.	This amendment to the Public Facilities Regulations deletes Table 142-06A, "Scaled Development Impact Fee Rate for Specific Residential Development," and removes a reference that previously scaled the Development Impact Fees for the third and fourth dwelling units constructed under the Multi-Dwelling Unit Regulations in Single-Family Zones. This scaling is no longer needed because, with the adoption of the Citywide Development Impact Fees, the fees are now based on dwelling unit size.	142.0640(b)(7) 142.0640(b) - Table 142-06A

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Type of Amendment	Number	Name of Item	Why Is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Compliance with State Law	106	Affordable Housing Regulations - Applicability and Calculations	The amendment is needed to the Rules for Calculations and Measurements and the Affordable Housing Regulations to ensure consistency with Government Code Section 65915. Section 65915(i) defines a housing development eligible for a density bonus as a project of five or more residential units, including mixed-use developments, without limiting eligibility to specific zones. Additionally, Section 65915(f) requires the density bonus to be calculated based on the maximum allowable residential density, as determined by the greatest number of units permitted under the applicable zoning or General Plan. ADU's however, are not subject to the density requirements of zoning or the General Plan.	This amendment to the Rules for Calculations and Measurements clarifies that ADU's are included when determining density bonus eligibility, but are not included when calculating residential density for the purposes of a density bonus request. Additionally, the amendment to the Affordable Housing Regulations removes references to specific zones.	113.0222(c) 143.0715
	107	Replacement Parking for Streetaries, Active Sidewalks, Outdoor Dining on Private Property and Promenades	The amendment is needed to implement AB 2097 (Friedman, 2022), which prohibits the requirement of minimum parking for developments within a Transit Priority Area.	This amendment to the Streetaries, Active Sidewalks, Outdoor Dining Regulations for private property and promenades would clarify that the requirement to replace parking removed for these facilities in the Beach Impact Area of the Parking Impact Overlay Zone applies only when the facilities are located outside a Transit Priority Area.	141.0621(a)(1)(M)(iii) 141.0621(b)(2)(C)(iv) 141.0621(c)(3)(B)(iv) 141.0628(a)(5)(D)(ii) 141.0629(b)(2)(D)

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Type of Amendment	Number	Name of Item	Why is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Align the Code with the City's Climate, Energy or Housing Goals	1	Downtown: Rooftop Gardens	The current requirements for screening rooftop mechanical equipment within the Centre City Planned District do not allow flexibility to provide rooftop landscaping. Rooftops within the Downtown area can provide an opportunity to increase urban green space.	Updates the definition of "screen" to allow additional flexibility for using landscaping on rooftops to enclose mechanical equipment. In addition, the amendment expands the existing eco-roof incentive by offering an additional bonus if a development project incorporates a rooftop community garden, and requires the inclusion of trees when using the existing eco-roof density bonus.	156.0302 156.0309(d)(4)
	2	Downtown: Permit Process for Development within the Coastal Zone Overlay	Development projects located within the Coastal Zone, including those with affordable housing units, are typically delayed through the approval process. This amendment would remove this burdensome process for developments that utilize a Density Bonus Program and are consistent with the Local Coastal Program.	Reduces the process level from Process 2 to Process 1 for developments within the Downtown Coastal Zone that utilize any of the Downtown Density Bonus Programs and are consistent with the Local Coastal Program, where no such process otherwise exists for projects in the remaining portions of Downtown.	156.0307(b)(1)
	3	Downtown: Urban Open Space Bonus Clarification	The current Urban Open Space density bonus requires the provision of amenities that meet a specified point value based on the Parks Master Plan. However, the regulations require further clarification about which specific amenities qualify toward meeting the program's required points.	Clarifies that the amenities qualifying for the Urban Open Space Bonus must be selected from the Amenities/Recreation Opportunities Table in Appendix D of the Parks Master Plan. Expands eligibility for the bonus to development that provides recreational amenities at any existing park or urban open space within downtown, either onsite or offsite.	156.0309(d)(2)
	* 4	Downtown: Increasing Child Care Facilities	The current Child Care Facilities density bonus requires the provision of a child care facility on-site in exchange for a density bonus. This limits the ability of downtown developments to use the child care facilities bonus, as the cost to locate within new high-rise construction can be prohibitive for many child care facilities, and can increase the costs for families seeking to use the facilities.	Expands upon the existing density bonus for Child Care Facilities to allow the required child care facility to be located near the proposed development.	156.0309(d)(6)
	5	Downtown: Increasing Homeownership Opportunities	Residential development projects within the Downtown area are typically offered as rental housing, which limits available housing types and discourages long term residency.	Allows a new density bonus for development projects above a certain size that include a certain percentage of for-sale housing to encourage new homeownership opportunities within the downtown area, diversify the housing stock downtown, and promote long-term residents. Standard subdivision requirements would apply to developments that include for-sale homes.	156.0309(d)(10)

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Type of Amendment	Number	Name of Item	Why is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Align the Code with the City's Climate, Energy or Housing Goals	6	Downtown: Small Lot Development Incentive	Small lots under 12,000 square feet within the downtown area are currently underdeveloped due to regulations that limit the feasibility of tower development.	Allows the development of smaller lots under 12,000 square feet by providing a density bonus and exemptions from certain development regulations that typically make tower construction infeasible on small lots.	156.0309(d)(11)
	7	Downtown: Increasing Middle Income Housing	The existing Middle Income Housing density bonus has been successful in limited circumstances but needs to be right-sized to address market conditions in order to attract more middle income housing development.	Provides additional incentives for middle income housing within the Downtown area by providing additional exemptions from development regulations for projects that provide 100% middle income housing. Renumbers the existing section to accommodate other proposed amendments.	156.0309(d)(12)
	8	Downtown: C Street Revitalization Bonus	Much of the area along C Street is currently underdeveloped at densities that are less than the required minimums identified in the Centre City Planned District Ordinance, even though C Street is centrally located within Downtown and provides direct access to the trolley system.	Provides an additional bonus of 100% of the FAR earned through other FAR Bonus Programs to developments located along C Street that use other FAR Bonus programs to incentivize higher density projects and encourage redevelopment of underutilized properties.	156.0309(d)(14)
	9	Downtown: Preservation of Tree Canopy	New developments within the downtown area often remove existing mature trees, opting to plant new trees instead of preserving. These actions can result in overall reductions of tree canopy area within downtown, and the loss of existing mature trees, which can have negative ecological and environmental impacts.	Encourages the preservation of mature trees by providing a density bonus of 0.2 FAR for each mature tree preserved, and by requiring downtown developments that remove more than 50% of their mature trees to provide additional trees on or off-site or pay into the FAR Bonus fund to fund the provision of trees within public spaces in the Downtown area. This payment would be in addition to any required payment to the Urban Tree Canopy fund.	156.0311(m)
Clarifications	10	Downtown: Alternative Interim Uses	In a previous code update, the Centre City Planned District Ordinance regulations were amended to allow more flexibility in meeting the active commercial use requirements on designated streets by permitting additional uses by right. However, these changes were not incorporated into the "Alternative Interim Uses" regulations, which were intended to provide flexible options for satisfying the commercial use requirements.	Updates the Centre City Planned District Ordinance to delete outdated references to "Alternative Interim Uses" to ensure consistency with the adopted code language in a previous code update.	156.0302 156.0307(b)(2) 156.0307(b)(9) 156.0315(f)

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Type of Amendment	Number	Name of Item	Why is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Clarifications	11	Downtown: Clarifying Applicable Development Regulations	The Centre City Planned District Ordinance is unclear about which specific regulations take precedence when conflicts occur with other policy documents.	Clarifies that Centre City Planned District Ordinance regulations take priority when there is a conflict with other policy documents.	156.0306
	12	Downtown: Clarifying When Certain Processes Apply	The Centre City Planned District Ordinance requires further clarification about when certain development review processes apply to additions to existing structures.	Clarifies the applicable processes for additions to existing structures, helping applicants and staff consistently and effectively determine the regulations that apply to various development types.	156.0308(b)(4) 156.0315(h)(1)
	13	Downtown: FAR Bonus Program Clarifications	The Downtown Floor Area Ratio Bonus programs require the recordation of covenant restrictions, Covenants, Conditions, and Restrictions (CC&R's) or an easement to ensure development meets all density bonus requirements. However, measures do not exist for cases where developments fail to meet the recorded requirements, causing the loss of public benefits or development amenities tied to the bonus. Additionally, the current formula for calculating density bonuses for affordable housing does not take into account other bonuses that use scaling factors instead of numeric values, which makes calculations difficult. Some Floor Area Ratio Bonus programs are not clearly named, making it difficult for staff to reference programs when working with applicants.	Codifies existing procedures requiring developments that earn a bonus but fail to maintain compliance to make a payment to the Floor Area Ratio Bonus Fund, supporting additional public amenities in the Downtown area; codifies existing practice for calculating affordable housing bonuses on downtown projects; adds names to previously unnamed Floor Area Ratio Bonus Programs to improve staff communication with applicants; and reorganizes existing section 156.0309(d)(11), splitting it into two sections, (13) and (15), to increase clarity. This amendment does not include any substantive changes to the bonuses.	156.0309(d) 156.0309(d)(1)-(6) 156.0309(d)(8)-(10) 156.0309(d)(13) 156.0309(d)(15)
	14	Downtown: Greenway Bonus Clarification	The applicability of the Greenway density bonus is unclear, particularly whether it applies anywhere in the downtown area or only in locations specifically designated for a greenway in the Downtown Community Plan.	Clarifies that the Greenway density bonus is applicable to any development in the Downtown area that includes public improvements consistent with what is required for greenways.	156.0309(d)(9)
	15	Downtown: Street Wall Exception for Pedestrian Entrances	The mandatory street wall requirements provide an exception for recessed entrances. The code does not specify the types of recessed entrances that are included in the exception. This can lead to confusion for applicants about how the regulations apply.	Clarifies that the street wall exception for recessed entrances only applies to recessed pedestrian entrances.	156.0310(d)(1)(B)(iii)

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Type of Amendment	Number	Name of Item	Why is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Clarifications	16	Downtown: Fill-Type Utility Lid Requirements	The materials used for lids for subsurface utility equipment beneath sidewalks are inconsistent throughout the downtown area, even though the Centre City Streetscape Manual currently requires the use of fill-type lids with materials that match adjacent sidewalk materials. This variation in sidewalk material detracts from the overall design of the public realm.	Codifies the existing Centre City Streetscape Manual requirements within the Centre City Planned District Ordinance and Gaslamp Quarter Planned District Ordinance by specifying that utilities need to utilize fill-type lids that match the surrounding sidewalk. It also provides a high-quality alternative for lids that are below a certain size and may not be able to incorporate upgraded paving materials. Requiring fill-type lids ensures a consistent sidewalks appearance, enhancing the pedestrian experience.	156.0311(c) 157.0110(c)(1)
	* 17	Downtown: Removing Non-Regulatory and Unnecessary Language	Sections 156.0311(k), 157.0102(b), and 157.0103 include nonregulatory text that adds unnecessary length to the Centre City and Gaslamp Quarter Planned District Ordinances. Additionally, Section 156.0315(j) contains outdated provisions for Social Service Institutions, Transitional Housing, and homeless facilities that are inconsistent with current citywide regulations, and Section 157.0105(a)(1) references itself for approval processes instead of the Citywide approval processes.	Removes nonregulatory language, consolidating Sections 156.0311(k), 157.0102(b), and 157.0103 into shorter and clearer sections. It also removes outdated provisions in Section 156.0315(j) and clarifies Section 157.0105(a)(1) to align the Downtown regulations with the citywide regulations.	156.0311(k) 156.0315(j) 157.0102(b) 157.0103 157.0105(a)(1)
	18	Downtown: Live Entertainment Clarification	The regulations related to live entertainment require further clarification, particularly the distinctions between acoustic and non-acoustic performances, which creates confusion for applicants regarding what uses require a discretionary permit.	Clarifies the distinction between types of live entertainment that require a discretionary permit as amplified versus non-amplified. A discretionary permit is still required for amplified live entertainment.	156.0315(c)
	19	Downtown: Programming Activities in Promenades	The current downtown regulations require further clarification regarding how an entity can permit multiple recurring activities within designated promenades.	Clarifies the process for obtaining a permit for multiple recurring activities hosted by the same entity within a designated promenade in both the Centre City Planned District and the Gaslamp Quarter Planned District.	156.0315(c)(6) 157.0110(c)(2)
	* 20	Downtown: Reorganizing Development Regulations	The existing development regulations in the Gaslamp Quarter Planned District Ordinance lack clarity regarding when they apply, which creates confusion for applicants and staff.	Reorganizes and clarifies the development regulations for the Gaslamp Quarter into distinct sections that clearly indicate when regulations apply to all sites, sites with no contributing historical resource, and sites with a contributing historical resource. No substantive changes are proposed as a part of this item.	157.0106 157.0107 157.0108 157.0109

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Clarifications	21	Downtown: Sidewalk Cafe and Streetary Design Regulations	The Gaslamp Quarter Design Guidelines and Streetary Design Regulations for sidewalk cafes and streetaries are not currently included in the Gaslamp Quarter Planned District Ordinance, which can create confusion for applicants and staff when trying to determine the applicable regulations for sidewalk cafes and streetaries in the Gaslamp Quarter.	Codifies the existing regulations for sidewalk cafes and streetaries from the Gaslamp Quarter Design Guidelines and Gaslamp Quarter Streetary Design Regulations into the Gaslamp Quarter Planned District Ordinance, making them easier to locate alongside the other regulations for the Gaslamp Quarter.	157.0115
Compliance with State Law	22	Downtown: Downtown Community Plan Minor Amendments	The Downtown Community Plan has not been amended to reflect adopted updates to the Centre City Planned District Ordinance or Gaslamp Quarter Planned District Ordinance, which has resulted in outdated references, maps, figures, or to reflect the dissolution of the Redevelopment Agency.	This amendment would provide consistency between the Downtown Community Plan and previously adopted updates to the Centre City Planned District Ordinance and Gaslamp Quarter Planned District Ordinance, as required under State law. This amendment would also remove outdated references and text, including references to redevelopment and CCDC and outdated graphs, pictures, and figures. This would amend the City's General Plan due to the Downtown Community Plan being a component of the General Plan.	Draft Downtown Community Plan
Corrections	* 23	Downtown: Formatting, Reference, and Labeling Corrections	The Centre City Planned District Ordinance is missing complete references for uses within the Use Table and contains inconsistent labels to designate Limited Uses, sometimes identifying them with just an "L" and sometimes with an "L/N". The Centre City and Gaslamp Quarter PDOs also use defined terms which incorrectly lack italicization.	Updates the use table to ensure the accuracy of relevant references to applicable use regulations and make the labels for all limited uses consistent with the citywide format. Corrects a reference in section 156.0307(b)(7) that was not fixed when section numbering was changed in previous LDC amendments, and moves the placemaking on private property use to the separately regulated institutional section to match the citywide use table. Corrects instances where defined terms are not properly italicized.	156.0307(b)(7) 156.0308(b)(2) 156.0308 - Table 156-0308-A 156.0308 - Table 156-0308-A Footnotes 3, 12, and 13 156.0309(b) 156.0309(d)(1)(B)(iv) 156.0309(d)(8)(A)-(C) 156.0309(d)(13) 156.0309(e) 156.0309(f) 156.0310(c) 156.0310(d)(1)(B)(v) and (vii) 156.0310(d)(1)(E) 156.0310(d)(3) 156.0310(e) 156.0310(g) 156.0310(j) 156.0311(h)(3) 156.0313(d) 156.0313(f) 156.0315(e) 157.0107(b) 157.0108(a)
	24	Downtown: Encroachments Clarification	The section "Other Projections" is unnecessary, as it only references citywide regulations for encroachments that apply regardless of their inclusion in the Centre City Planned District Ordinance.	Removes references to "Other Projections" Section to simplify and reduce the length of the Centre City Planned District Ordinance.	156.0311(h)(3)
	25	Downtown: Use Table - Alignment with Citywide Code	The existing use table in the Gaslamp Quarter Planned District Ordinance includes outdated use categories that do not align with citywide land use regulations.	Updates the use categories in the Gaslamp Quarter Planned District Ordinance use table to align with the current citywide use categories.	157.0110 - Table 157-0110-A

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

Type of Amendment	Number	Name of Item	Why is This Amendment Needed?	What Does This Amendment Do?	Code Section(s)
Regulatory Reforms	* 26	Downtown: Off-Site Alcoholic Beverage Sales	The Centre City and Gaslamp Quarter Planned District regulations limit when an establishment can receive exceptions from alcohol regulations for off-site sales; however exceptions are permitted on a case-by-case basis. Due to the absence of a defined process, this discourages grocery stores from locating in the Downtown area. In addition, the use of different terminology to describe establishments that sell alcohol for off-site consumption that is manufactured by the business (such as, brewpubs, brewpub tasting rooms, and brewery tasting rooms) creates confusion for applicants attempting to understand which regulations apply.	Provides a clear and defined process for large establishments, such as grocery stores, to obtain exceptions from specific off-site alcohol beverage sale restrictions. These exceptions include bottle sizes and hours of operation, and provide a limit on the amount of floor area dedicated to alcohol beverage sales while ensuring adequate security measures. In addition, the amendment consolidates the regulations for establishments that manufacture their own alcohol for off-site consumption under a single term, craft beverage producer.	156.0302 Table 156-0308-A 156.0315(a) 156.0315(b) 157.0111(a) 157.0111(b)
	27	Downtown: Outdoor Activities	The use of private property for temporary community-focused uses in the Centre City Planned District Ordinance currently requires a discretionary permit, which creates barriers that discourages property owners to use these spaces for the benefit of the community.	Updates the definition and use regulations for outdoor activities, allowing them as a permitted use in all Centre City Planned District zones. Additionally, specifies that live entertainment within these spaces would continue to require a temporary use permit, including for placemaking on private property.	156.0302 Table 156-0308-A 156.0310(h) 156.0315(e)
	28	Downtown: Transparency Alternative to Main Street Overlay	The Centre City Planned District Ordinance currently requires development on designated main streets to have active commercial uses on 80 percent of the ground-floor street frontage, with a limited exception for smaller lots. This requirement restricts businesses' ability to locate along main streets, leading to an increased number of vacant tenant spaces in locations intended to be the most active.	Provides greater flexibility to reduce the amount of space dedicated to active commercial uses, provided the development includes clear windows along most of the street facing building façade, providing views into the internal space.	156.0307(b)(9)
	29	Downtown: Temporary Construction Yards	The Centre City Planned District requires applicants to obtain a Neighborhood Use Permit to operate a temporary construction yard, which adds additional processing time and costs to large development projects.	Allows temporary construction yards as a limited use to reduce the burden on developments, while still requiring the use to comply with specific provisions.	156.0308 - Table 156-0308-A
	30	Downtown: Traffic Calming at Garage Entrances	Many driveways within the downtown area are steeply sloped, causing drivers to exit buildings at high speeds. This can negatively impact the pedestrian experience on sidewalks adjacent to these buildings.	Requires the installation of a speed-reducing measure (i.e., speed bump) on sloped driveways between the sidewalk and exit gates to ensure drivers slow down before crossing pedestrian walkways.	156.0313(j)
	31	Downtown: Limiting Reductions in Sidewalk Area for Vehicle Loading	The Centre City Planned District Ordinance currently allows developments to move the curb line to accommodate passenger loading zones. This can lead to meandering sidewalks, where sidewalks do not continue in a straight line, forcing pedestrians to walk in a curved, side-to-side pattern.	Prohibits the movement of the curb line for the purposes of passenger loading areas. It also ensures that sidewalks do not meander, requiring a straight path in order to provide a positive pedestrian experience.	156.0313(k)
	32	Downtown: Daytime Commercial Activation at Entertainment Venues	Many establishments that operate night clubs within the Gaslamp Quarter are only open at night, leaving storefronts closed and the streets inactive during the day. This detracts from the pedestrian experience within the Gaslamp Quarter.	Reduces the process level for live entertainment located entirely below the ground floor and for live entertainment that provides an active commercial use along the entire ground-floor façade from Process 3 to Process 2 in order to encourage more street-level, daytime activation.	157.0111(c)

DRAFT

2026 Land Development Code Update – Citywide Review

§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.

§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.

§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.]

§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*.

§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.]

§54.0315 Abandoned Property Penalty

- (a) If an *abandoned property* is left in an abandoned state for more than ninety ~~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.]

§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.]

§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.]

§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.]

§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.

§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.]

§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)(1) 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.]

§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.

§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.]

§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.

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

[No change in text.]

§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* 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.]

§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.

§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.

§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).

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

§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.]

§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.

§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.

§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.

§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).

§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).

§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.]

§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	Zone Designator	Zones
--	-----------------	-------

descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>		OP-	OC-	OR ⁽¹⁾ -	OF ⁽¹⁾ -	
	3rd >>		1-	2-	1-	1-	1-
	4th >>		1	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 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 Regulated Signs Uses, Theater <i>Marquees</i> [No change in text.]	[No change in text.]						

Footnotes for Table 131-02B

¹ through ¹² [No change in text.]

§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.

§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 Uses , Homeless Facilities: Congregate Meal Facilities [No change in text.]		[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 <i>Marquees</i> [No change in text.]		[No change in text.]			

Footnotes for Table 131-03B

¹ through ¹³ [No change in text.]

§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.

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in Table 131-04B.

Legend for Table 131-04B

[No change in text.]

**Table 131-04B
Use Regulations Table for Residential Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																				
	1st & 2nd>>	RS-					RX-					RT-										
	3rd >>	1-					1-					1-										
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5
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 ⁽⁺⁾⁽⁹⁾			L ⁽⁺⁾⁽⁹⁾			L ⁽⁺⁾⁽⁹⁾			L ⁽⁺⁾⁽⁹⁾		L ⁽⁺⁾⁽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	[No change in text.]														

Stations [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 131-04B

¹ through ¹⁰ [No change in text.]

§131.0431 Development Regulations Table for Residential Zones

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

- (a) RS Zones through (c) RT Zones [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.]						

<p><u>Building Transitions and Buffers from Adjacent Freeways</u> [See Section 131.0470]</p>	=	=	=	<u>applies</u>	<u>applies</u>	<u>applies</u>
<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>	[No change in text.]					

<p>Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]</p>	<p style="text-align: center;">Zone Designator</p>	Zones					
	<p>1st & 2nd >></p>	RM					
	<p>3rd >></p>	3-	3-	3-	4-	4-	5
	<p>4th >></p>	7	8	9	10	11	12
<p>Maximum permitted density^{(1),(2)} (sf per DU) through Supplemental requirements [No change in text.]</p>	[No change in text.]						

<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 <i>Dwelling Unit Protection Regulations</i> [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.]

§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.

§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.]

§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.

§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
------------------------------	-----------------	-------

[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	CN ⁽¹⁾ -						CR-		CO-						CV-		CP-	
	3rd >>	1-						1-	2-	1-		2-		3-		1-		1-	
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	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>		-		
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>	<u>C</u>						<u>C</u>	-	<u>C</u>		<u>C</u>		<u>C</u>		<u>C</u>		-		
Homeless Day Centers through Commercial Services, Tasting Rooms [No change in text.]	[No change in text.]																		
Visitor Accommodations	P ⁽²¹⁾						<u>P⁽²¹⁾</u>	<u>P⁽²¹⁾</u>	-		<u>P⁽²¹⁾</u>		<u>P⁽²¹⁾</u>		<u>P⁽²¹⁾</u>		-		
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>		
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 [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																								
		1st & 2nd >>	CC-																							
		3rd >>	1-			2-			3-						4-						5-					
		4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	1	2	3	4	5	6	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>	<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>	L	-	L	L	L	L	L
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>	<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.]

§131.0531 Development Regulations Tables for Commercial Zones

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

(a) CN Zones

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

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones					
	1st & 2nd >>	CN-					
3rd >>	1-	1-	1-	1-	1-	1-	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>
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>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	

<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>
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Footnotes for Table 131-05E

¹ through ⁵ [No change in text.]

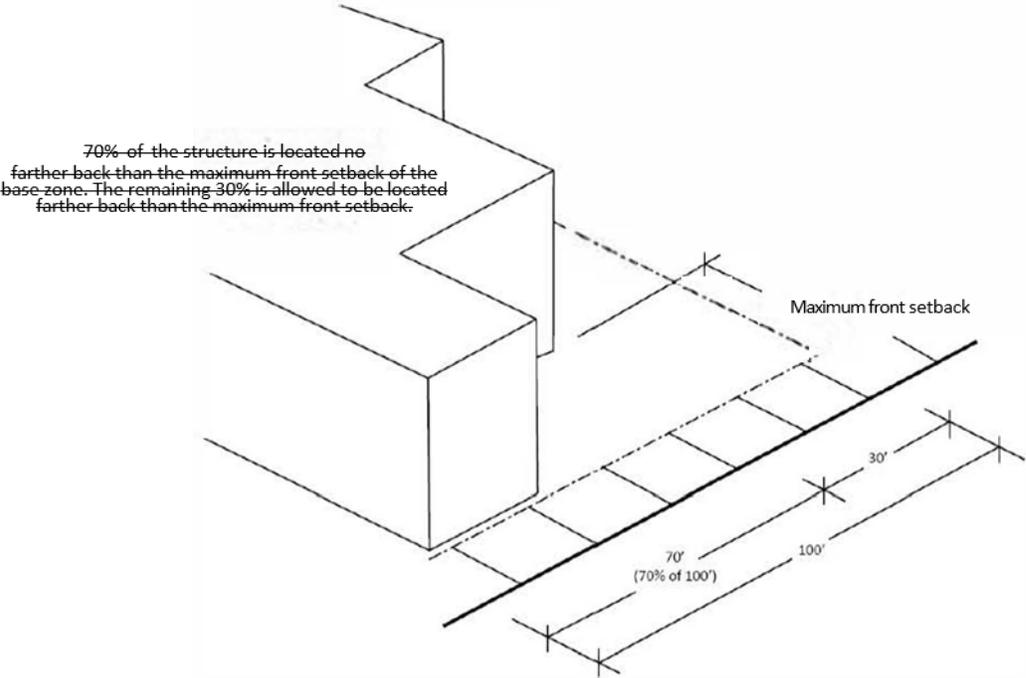
§131.0543 Setback Requirements for Commercial Zones

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

~~minimum setback~~ of that portion of the
~~structure~~ immediately below.

(B) Minimum step back for ~~structures~~ placed at the
~~rear property line~~.

(i) Any portion of the ~~structure~~ exceeding 15
feet in height shall be stepped back from
~~the rear property line~~ 10 feet, or 10
percent of the ~~lot~~ depth but not less than
5 feet, whichever is less.

(ii) Each 15 feet in height above 30 feet shall
be stepped back at least 3 feet from the
~~minimum setback~~ of that portion of the
~~structure~~ immediately below.

(3) For side and rear yards, if the ~~structure~~ is set back 10 feet
or more from the ~~property line~~, each 15 feet in height
above 30 feet shall be stepped back at least 3 feet from the
~~minimum setback~~ of that portion of the ~~structure~~
immediately below.

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

§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.]

§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.

§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	Zone Designator	Zones									
	1st & 2nd >>	IP-	IL-			IH-		IS-	IBT-		
3rd >>	1- 2- 3-	1- 2- 3-	1- 2- 3-	1- 2-	1- 1-	1- 1-					

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

Footnotes for Table 131-06B

¹ through ²³ [No change in text.]

§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.

§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>€</u>	<u>€</u>	<u>€</u>	<u>€</u>	<u>€</u>	<u>€</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 <i>Marquees</i> [No change in text.]		[No change in text.]					

Footnotes for Table 131-07A

¹ through ¹⁰ [No change in text.]

§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]	<u>Applies</u>			<u>Applies</u>		
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]	<u>Applies</u>					
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.]

§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.

§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.]

§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.

§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.

§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- 953-1047
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.]

§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.]

§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	Aircraft Noise Exposure (dB CNEL)
--------------------------------------	--

[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	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.]			
Emergency Shelters	P³	P³	-	-
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</i> , Separately Regulated Signs Uses , Theater <i>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.]

§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- 949 <u>1043</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]	APZ I	APZ II	TZ
Maximum People Per Acre	25	50	300
Open Space through Agriculture , Open Air Markets for the Sale of Agriculture- Related Products & Flowers [No change in text.]	[No change in text.]		
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 , <i>Accessory Dwelling Units</i> through Continuing Care Retirement Communities [No change in text.]	[No change in text.]		

<u>Emergency Shelters</u>	=	=	<u>P</u>
Employee Housing:			
6 or Fewer Employees	-	SDP ³	SDP ³ <u>L¹⁷</u>
12 or Fewer Employees	-	SDP ³	SDP ³ <u>L¹⁷</u>
Greater than 12 Employees	-	SDP ³	SDP ³ <u>L¹⁷</u>
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 <u>L¹⁷</u>
<i>Junior Accessory Dwelling Units</i> [No change in text.]	[No change in text.]		
Live/Work Quarters	-	SDP ³	SDP ³ <u>L¹⁷</u>
<u>Low Barrier Navigation Center</u>	=	=	<u>L/.42</u>
<i>Movable Tiny Houses</i> [No change in text.]	[No change in text.]		
<i>Permanent Supportive Housing</i>	-	SDP ³	SDP ³ <u>L¹⁷</u>
Residential Care Facilities:			
6 or Fewer Persons	- ¹¹	SDP ³	SDP ³ <u>L¹⁷</u>
7 or More Persons	-	SDP 3	SDP ³ <u>L¹⁷</u>
Student Housing	-	-	L/1.38 ³¹⁷
Transitional Housing:			
6 or Fewer Persons	- ¹¹	SDP ³	SDP ³ <u>L¹⁷</u>
7 or More Persons	-	SDP ³	SDP ³ <u>L¹⁷</u>
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>	-	-	<u>P</u>

Homeless Day Centers [60 sq ft per person] through Hospitals [240 sq ft per person] [No change in text.]	[No change in text.]		
<u>Hydrogen Vehicle Fueling Stations</u>	<u>L/.17⁹</u>	<u>L/.34⁹</u>	<u>P⁹</u>
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)(~~D~~E) (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]	Uptown		Balboa Park		Centre City								
					Cortez			East Vill- age	Little Italy				
Safety Zones	2E	3NE	3SE	2E	4E	2E	3SE	4E	4E	1	2E	3SE	5S
Maximum Dwelling Unit Per Acre	58	62	164	-	-	-	210	-	-	-	40	154	-
Maximum People Per Acre	272	278	674	96	240	96	842	240	240		255	732	180
Person per Household Multiplier for Mixed-Use Development	1.51	1.48	1.57	- <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.]													
<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/.16</u>	<u>L/.33</u>	<u>L/.33</u>	-	<u>L/.35</u>	<u>L/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/.16</u>	<u>L/.33</u>	<u>L/.33</u>	-	<u>L/.35</u>	<u>L/1.01</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>Marquees</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/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Ocean Beach	Peninsula												
		Naval Training Center				Other Neighborhoods				Midway-Pacific Highway				
Safety Zones	4W	1	2W	3NW	3S W	2W	3N W	3S W	4W	1	2E	3NE	3NW	5N
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>	=
<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.]													
Emergency Shelters [60 sq ft per person]	L/.33	-	L/.17	L/.25	L/.32	L/.13	L/.25	L/.25	L/.33	-	L/.26	L/.25	L/.27	-
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 <i>Signs</i> ,	[No change in text.]													

<p>Separately Regulated Signs Uses, Theater Marquees [No change in text.]</p>	
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Footnotes to Table 132-15J

¹ through ⁵ [No change in text.]

§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 - <u>1049</u>
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.]

§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- 950 <u>1045</u>
NOLF Imperial Beach through Naval Air Station North Island [No change in text.]	[No change in text.]

(b) [No change in text.]

§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.]

§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.]

§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.]

§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).

§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.

§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 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.

§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.]

(e) 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.]

§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~~ 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~~ 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 ~~R~~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.]

§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 sSection.

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.]

§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.]

§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.]

§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.]

§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.]

§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.]

§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.]

§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.]

§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.

§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.]

§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 property line tofrom 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 (D) The premises is within 300 feet, measured horizontally in a straight line from property line to from the property line, of a public park, child care facility, recreation center, community center or school.

§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*.

§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 ~~f~~ree pruning. Topping of trees is prohibited.
 - (9) through (17) [No change in text.]
- (c) through (d) [No change in text.]

§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

§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.]

§142.0520 Single Dwelling Unit Residential Uses — Required Parking Ratios

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

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

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

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.

§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	N/A See Section <u>142.0527</u>	N/A See Section <u>142.0527</u>	0	0.25 beyond that required in See Section 142.0527	(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.]

§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.]
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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.]

§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)
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	Required Automobile Parking Spaces⁽¹⁾			
	Minimum Required Outside a <i>Transit Priority Area</i>	Minimum Required Within a <i>Transit Priority Area</i>⁽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.]

² 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.]

§142.0545 Shared Parking Requirements

- (a) Approval Criteria. ~~In all zones except single-unit residential zones,~~
~~§~~Shared parking may be approved through a Building Permit subject to the following requirements.
- (1) *Shared parking* requests shall be for two or more different ~~land~~ uses or developments located adjacent or near to one another, subject to the standards in this ~~§~~Section.
- (2) ~~All~~ ~~§~~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.]

§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.]

§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 Transit Priority Areas.
- (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.

§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.

§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.

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

(a) Purpose

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

prohibit the City from imposing additional ~~DIFs~~ Development Impact Fees on a particular project.

(b) Payment of Fees

Development Impact Fees (as defined in California Government Code ~~Section~~ Section 66000) for applicable *development* shall be paid prior to requesting a final inspection. A final inspection shall not occur until the applicable ~~DIFs~~ Development Impact Fees are paid in areas where ~~DIFs~~ Development Impact Fees have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require the payment of ~~DIFs~~ Development Impact Fees for *development* that would increase demand for public facilities or result in the need for new public facilities. ~~DIFs~~ Development Impact Fees shall not be required for inclusionary *dwelling units* provided pursuant to Chapter 14, Article 2, Division 13 if the *applicant* has satisfied all the requirements of Division 13 for inclusionary *dwelling units* on the same *premises* as the market-rate *dwelling units*. The ~~DIF~~ Development Impact Fee amount due shall be based upon the ~~DIF~~ Development Impact Fee schedule in effect when the *development* application was *deemed complete*, or the ~~DIF~~ Development Impact Fee schedule in effect when the fees are paid, whichever amount is lower, plus an automatic increase consistent with Section 142.0640(c), if applicable.

Exemptions:

- (1) *Accessory Dwelling Units* less than 750 square feet in gross floor area, *Junior Accessory Dwelling Units*, *movable tiny houses*, and

guest quarters are exempt from ~~DIF~~ Development Impact

Fees, except as follows. The following are also exempt:

- (A) The first two *Accessory Dwelling Units* on a *premises* ~~are~~ shall be exempt from the requirement to pay ~~DIF~~ Development Impact Fees, regardless of the *gross floor area* of the *Accessory Dwelling Unit*, unless the *Accessory Dwelling Units* are constructed in accordance with Section 143.1305(c)(1), in which case payment of ~~DIF~~ Development Impact Fees will be required in accordance with Section 142.0640(b)(1)(B) if the *Accessory Dwelling Units* 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.]

§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.]

§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.]

§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
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<i>Development of a single dwelling unit</i>	Comply with the Waste Management Regulations, if applicable, and Sections 142.0810, 142.0820, and 142.0834	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.]	

§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.]

§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 Categories</i> 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 Category A</i> 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.]

§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.]

§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.

§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.]

§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.

§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.]

§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.

§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.]

§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 *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) The *density* bonus agreement shall utilize the following qualifying criteria:

- (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.
- (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.

- (3C) 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.
- (4D) ~~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*.~~
- (5E) 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*.
- (6F) 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 ~~110~~ 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 ~~110~~ 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.]

§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 Bonus</i>	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 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 143-07B
Low Income Density Bonus Households**

Percent <i>Low Income</i> Units	Percent <i>Density Bonus</i>	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 Income</i> Units	Percent <i>Density Bonus</i>	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).

§143.0744 Parking Ratios for Affordable Housing

Upon the request of an *applicant* for a *development* meeting the criteria in Sections 143.0720(c), 143.0720(d), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(j), the vehicular parking ratios in Table 143-07D, as may be applicable, or those set forth in Chapter 14, Article 2, Division 5, inclusive of disabled and guest parking, whichever is lower, shall apply. For purposes of this Division, a *development* may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking or parking within a required front *yard setback*.

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

Type of Development	Percent Affordable	Transit Requirement	Parking Ratio for Development¹
 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 	 (This cell is crossed out by a diagonal line) 	 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 <i>development</i> 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 <i>development</i> 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.

§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.

§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.]

§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 ¹	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 Income²</i>	6.0	7.0 FAR	8.0 FAR
	<i>Moderate Income³</i>	5.0 FAR	6.0 FAR	7.0 FAR
3	<i>Very Low Income or Low Income²</i>	4.0 FAR	5.0 FAR	6.0 FAR
	<i>Moderate Income³</i>	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.~~

§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.

§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, any requested incentive(s), waiver(s), or parking reductions to the satisfaction of the City Manager.

§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.

§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 Very Low Income Units</u>	<u>Percent Density Bonus</u>
<u>5</u>	<u>20</u>
<u>6</u>	<u>23.75</u>
<u>7</u>	<u>27.5</u>
<u>8</u>	<u>31.25</u>
<u>9</u>	<u>35</u>
<u>10</u>	<u>38.75</u>

Table 143-07G

Additional Moderate Income Density Bonus Households

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

§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.

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

- (a) Replacement dwelling units shall comply with all of the following:
 - ~~(a)(1)~~ (1) Replacement *dwelling units* shall provide housing opportunities similar to those provided by the *dwelling units* converted or demolished.
 - (2) Replacement *dwelling units* shall be acceptable to the Executive Director of the San Diego Housing Commission in accordance with a Coastal Affordable Housing Compliance Permit.
 - (3) The replacement *dwelling units* ~~need not to be identical to those converted or demolished, but should be provided in the same bedroom ratio~~ must contain at least the same total number of bedrooms and provide at least the same bedroom mix as those converted or demolished.

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

§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.]

§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).

§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.]

§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* ~~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.

§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 aconstructed 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.

§143.1025 Supplemental Development Regulations

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

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

- (1) Urban *Parkway* Requirements. The *applicant* shall provide an urban *parkway* that is at least 14 feet in width measured from the face of the curb or at a width required per Section ~~142.0670(a)(3)~~ 142.0670(a)(4), whichever is greater. For a *premises* that is less than 25,000 square feet, an *applicant* may elect to provide a bicycle repair station, a wayfinding ~~sign~~ sign, public seating, a public drinking fountain or a smart kiosk, in lieu of an urban *parkway*. All *development* in this Section shall meet the minimum *parkway* requirements in Section ~~142.0670(a)(3)~~ 142.0670(a)(4).
- (A) [No change in text.]
- (B) Buffer Area. The urban *parkway* shall include a buffer area to separate the clear path from the parking, driving, or vehicular travel lane. The buffer area shall be at least 6 feet in width and shall include street trees, which may be located within tree grates or a continuous planter strip in accordance with Section ~~142.0670(a)(3)~~ 142.0670(a)(4).
- (C) An *applicant* may meet the urban *parkway* minimum width requirement in Section 143.1025(a)(1) by providing a public space fronting the urban *parkway* if all the following requirements are met:
- (i) Up to 4 feet of the urban *parkway* may be satisfied through the provision of a public space fronting the urban *parkway*, so long as the minimum *parkway*

requirements in Section ~~142.0670(a)(3)~~

142.0670(a)(4) and Community Plan

Implementation Overlay Zone regulations in

Chapter 13, Article 2, Division 14, or Community

Enhancement Overlay Zone regulations in Chapter

13, Article 2, Division 16, if applicable, are met;

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

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

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

(d) Buffer from Adjacent ~~Freeways~~ Freeways. Development on a premises within 50 feet of a freeway, except for *development* within the Centre City Planned District, ~~on a premises within 50 feet of a freeway~~ shall comply with the following:

(1) Landscape Buffer. Development on a premises abutting a public right-of-way of a freeway shall provide a A 10-foot minimum landscaped buffer ~~shall be provided~~ between the ~~residential and commercial uses~~ development and the ~~freeway~~ freeway. 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.

§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 sSection, ~~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.]

§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.

§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;~~ ProtectedProtected 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.~~

§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*.

§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;

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.]

§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.~~

§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.]

§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.

§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.]

§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.

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 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 parcel 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.
 - (3) 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.
 - (4) 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.

§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.]

§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.*

Chapter 14

Article 5: Building Regulations

Division 38: Additions and Modifications to Appendix ~~Θ~~ P of the

California Building Code

§145.3806 Local Addition of Section P113 “Emergency Housing Alternatives and Modifications” to the California Building Code

- (a) [No change in text.]
- (b) Section P113.1 Alternatives and Modifications is added as follows:
P113.1 Alternatives and Modifications. Alternatives and/or modifications that are reasonably equivalent to the requirements in Appendix ~~Θ~~ P and

this Division may be granted by the Building Official and Fire Code
Official for individual buildings or structures used for emergency housing.

§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.

§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.

§153.0309 Employment Center (EC)

(a) Permitted Uses

No building, improvement, or portion thereof 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.]

§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.

§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.]

§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	Zone Designator	Zones
	1st & 2nd >>	CU-

of the Use Categories, Subcategories, and Separately Regulated Uses]	3rd >>		2-			3-			
	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 text.]	[No change in text.]								
<u>Emergency Shelters</u>	-		E				-		
Homeless Day Centers through Hospitals [No change in text.]	[No change in text.]								
<u>Hydrogen Vehicle Fueling Stations</u>	L		L				L		
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.]

§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 131.0543(b)] [No change in text.]	[No change in text.]								
Side setback abutting residential (ft) [See Land Development Code Section 131.0543(c)]	applies	applies	applies	applies	applies	applies	applies	applies	
Min <i>street</i> side <i>setback</i> (ft) through Optional rear <i>setback</i> (ft) [See Land Development Code Section 131.0543(b)] [No change in text.]	[No change in text.]								
Rear setback abutting residential (ft) [See Land Development Code Section 131.0543(e)]	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.]								
Floor Area Ratio Bonus 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.]								
Building Transitions and Buffers from Adjacent Freeways [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.]

§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>	Minimum Required within a <i>Parking Standards Transit Priority Area</i>	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.

§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.]

§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.~~

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

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

(b) [No change in text.]

§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.

§1516.0112 Use Regulations for Old Town San Diego Residential Zones

The uses allowed in the Old Town San Diego Residential zones are shown in Table 1516-01B:

Legend for Table 1516-01B

[No change in text.]

Table 1516-01B

Use Regulations for Old Town San Diego Residential Zones

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

Footnotes for Table 1516-01B

¹ through ⁷ [No change in text.]

§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.]								
<u>Sidewalk Cafes, Streetaries, and Active Sidewalks</u>		- <u>L</u>	- <u>L</u>	- <u>L</u>	- <u>L</u>	- <u>L</u>	- <u>L</u>	- <u>L</u>	- <u>L</u>	- <u>L</u>
Sports Arenas & Stadiums through 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.]

§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 <i>Marquees</i> [No change in text.]		[No change in text.]	

Footnotes for Table 1516-01F

¹ through ⁴ [No change in text.]

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STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 156.0302, 156.0306, 156.0307, 156.0308, 156.0309, 156.0310, 156.0311, 156.0313, AND 156.0315; BY AMENDING CHAPTER 15, ARTICLE 7, DIVISION 1 BY AMENDING SECTIONS 157.0102, 157.0103, AND 157.0105, BY REPEALING SECTION 157.0106, BY RENUMBERING SECTION 157.0107 TO SECTION 157.0106, BY RETITLING, AMENDING, AND RENUMBERING SECTION 157.0108 TO SECTION 157.0107 AND SECTION 157.0109 TO SECTION 157.0108, ADDING NEW SECTION 157.0109, AMENDING SECTIONS 157.0110, AND 157.0111, AND BY RETITLING AND AMENDING SECTION 157.0115, ALL RELATING TO THE CENTRE CITY PLANNED DISTRICT AND THE GASLAMP QUARTER PLANNED DISTRICT LAND DEVELOPMENT CODE UPDATE.

§156.0302 **Definitions**

The following definitions apply to this Article. Where not otherwise specified, the definitions found in Chapter 11, Article 3, Division 1 of the Land Development Code shall apply. Each word or phrase that is defined in this Division or in Chapter 11, Article 3, Division 1 of the Land Development Code appears in the text in italicized letters.

Active commercial uses [No change in text.]

~~*Alternative Interim Uses* means uses permitted under the base land use regulations of this Division but which are not identified as *active commercial uses* within the~~

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~~Neighborhood Mixed-Use Center Land Use District, or the *Main Street* and *Commercial Street* Overlay Districts.~~

~~Base floor area ratio (Base FAR) through Bonus floor area ratio (Bonus FAR)~~

[No change in text.]

~~*Brewery Tasting Room* means an establishment which is licensed by the California Department of Alcoholic Beverage Control under a Type 1 or Type 23 duplicate license to sell malt beverages the licensee produces for on-site and off-site consumption.~~

~~*Brewpub* means a *bona fide eating establishment* which is licensed by the California Department of Alcoholic Beverage Control to manufacture and sell alcoholic beverages on the *premises* for on-site or off-site consumption.~~

~~*Brewpub Tasting Room* means an establishment which is licensed by the California Department of Alcoholic Beverage Control to manufacture and sell alcoholic beverages on the *premises* for on-site or off-site consumption.~~

~~*Building base* through *Courtyard* [No change in text.]~~

Craft beverage producer means an establishment licensed by the California Department of Alcoholic Beverage Control to manufacture and sell alcoholic beverages. Production can occur on or off the *premises*, and sales can be for on-site or off-site consumption.

~~*Cultural institution* or *cultural use* through *Mobile food trucks* [No change in text.]~~

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Outdoor Activities are temporary uses that include farmer's markets and other markets, arts and cultural events, recreational activities, and social or community events. *Outdoor activities may include the use of structures.*

Outdoor Use Area through Residential care facilities [No change in text.]

Screen or screening means partial or full enclosure of a space or area by a combination of landscaping and solid materials that are compatible with the materials and architectural design of the *development* in order to block views of the area from nearby *development* or *public rights-of-way*.

Sending site through Setback [No change in text.]

Stepback means the distance measured from a *property line* to the building walls of the upper *floors* of a building above a specified height.

Street wall through Urban open space [No change in text.]

§156.0306 Other Applicable Planning, Zoning, and Development Regulations

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

Chapter 11 Land Development Procedures

Chapter 12 Land Development Reviews

Chapter 13 Zones

Chapter 14 General Regulations

ATTACHMENT 5

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Chapter 14	Article 1, Division 1, General Rules for Separately Regulated Uses
Chapter 14	Article 2, Division 1, Grading Regulations
Chapter 14	Article 2, Division 2, Drainage Regulations
Chapter 14	Article 2, Division 3, Fence Regulations
Chapter 14	Article 2, Division 4, Landscape Regulations
Chapter 14	Article 2, Division 5, Parking Regulations
Chapter 14	Article 2, Division 6, Public Facility Regulations
Chapter 14	Article 2, Division 7, Off-site Development Regulations
Chapter 14	Article 2, Division 9, Mechanical and Utility Equipment Screening
Chapter 14	Article 2, Division 10, Loading Area Regulations
Chapter 14	Article 2, Division 11, Outdoor Storage Display, and Activity Regulations
Chapter 14	Article 2, Division 12, Sign Regulations
Chapter 14	Article 3, Supplemental Development Regulations
Chapter 14	Article 4, Subdivision Regulations
Chapter 14	Article 5, Building Regulations
Chapter 14	Article 6, Electrical Regulations
Chapter 14	Article 7, Plumbing Regulations
Chapter 15	Article 1, Planned Districts

Downtown Design Guidelines. The Downtown Design Guidelines supplement the regulations set forth in this Article and are intended to provide a best practice framework for the design of downtown's major streets, buildings, and public

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realm. The Downtown Design Guidelines are not regulatory but provide guidance for the design of new *development*.

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

The Downtown Design Guidelines may be amended in one of the following ways:

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

§156.0307 Land Use Districts

The following land use districts, shown in Figure B, define geographic areas that are subject to specific land use classifications. In addition, twelve overlay districts, shown in Figures C, D, and F, establish areas where additional requirements apply. Permitted land use classifications within each land use district are shown on Table 156-0308-A. Specific requirements for minimum percentages of *active commercial uses* and commercial uses on the ground-*floor* along *street frontages* are provided.

(a) [No change in text.]

(b) Overlay Districts

The Airport Land Use Compatibility Overlay Zone as identified in Chapter 13, Article 2, Division 15, applies to properties that are located within an airport influence area. The following Overlay Districts apply as illustrated in Figures C through N:

(1) Coastal Zone Overlay (CZ). This overlay ~~district~~District applies to lands near San Diego Bay in order to protect and enhance the

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quality of public access and coastal resources. *Development* within this overlay District requires a Process Two Coastal Development Permit in accordance with Chapter 12, Article 6, Division 7 of the Land Development Code. For *development* within this overlay District that earns an *FAR bonus* through any of the *FAR bonus* provisions of Section 156.0309(d), conforms with the *Local Coastal Program*, and satisfies the findings in Section 126.0708(a), the Coastal Development Permit shall be issued as a Building Permit in accordance with Process One as specified in Section 112.0502 and Chapter 12, Article 9, Division 2, and Sections 126.0711, 126.0712, 126.0713, 126.0715 and 126.0716 shall not apply.

- (2) *Commercial Street Overlay (CS)*. On *commercial streets* a minimum of 60 percent of the *ground-floor street frontage* shall contain commercial uses. *Active commercial uses* appropriate for *commercial streets* are identified in Table 156-0308-A, under *Main Street/Commercial Street* overlays. Outside of the Coastal Zone, up to 50 percent of required *active commercial uses* can be met with residential uses, provided that each of the *dwelling units* contain a minimum of three *bedrooms* and each *dwelling unit* on the ground floor fronting a *public right-of-way* has a separate ground floor entrance. ~~*Alternative interim uses* may be permitted on *commercial streets* pursuant to Section 156.0315(f).~~

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

(7) Limited Vehicle Access Overlay. No curb cuts are permitted on the ~~streets~~streets designated on Figure E, except as provided in Section 156.0313~~(k)~~(i)(4).

(8) [No change in text.]

(9) *Main Street Overlay (MS)*. On designated *main streets*, a minimum of 80 percent of the ground *floor street frontage* shall contain *active commercial uses*. Those uses which are appropriate for locations along *main streets* are identified in Table 156-0308-A, under *Main Street/Commercial Street* overlays. ~~On lots of 10,000 square feet or less, the~~ The percentage of *active commercial uses* may be reduced to 50 percent of the *street frontage* if a minimum of 80 percent of the *street-facing building façade* is comprised of clear, non-reflective windows that allow views of the ground-level indoor space. ~~*Alternative Interim Uses* may be permitted pursuant to Section 156.0315(f).~~

(10) through (12) [No change in text.]

§156.0308 Base District Use Regulations

(a) [No change in text.]

(b) *Previously Conforming Land Uses and Structures*

Land uses and *structures* that were legally established under previous regulations but that do not conform to the land use regulations of this Article may continue to exist and operate pursuant to Chapter 12,

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Article 7, Division 1 of the Land Development Code, with the following exceptions:

- (1) [No change in text.]
- (2) The *gross floor area of previously conforming ~~uses~~ uses* and *structures* may be expanded up to 100 percent of the existing *gross floor area of structures* on the *premises* through a Process Two Neighborhood Use Permit.
- (3) [No change in text.]
- (4) Where the *premises* contains Vehicle & Vehicular Equipment Sales & Services, Automobile Service Stations, Car Wash, Oil Change and Lubrication Service, Drive-Throughs, Moving & Storage Facilities, Parking Facilities, Surface Parking lots, or Maintenance & Repair Facilities, the *gross floor area of previously conforming uses and structures* shall not be expanded.

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS												
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS = Commercial Street; E = Employment Overlay												
Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	MC	RE	I ⁷	T ⁷	PC	OS	Additional Regulations	MS/CS & E Overlays ¹⁵
Public Park/ Plaza/Open Space [No change in text.]	[No change in text.]											
<i>Placemaking on Private Property</i>	P	P	P	P	P	P	P	P	P	P		
Agriculture through Community Gardens [No change in text.]	[No change in text.]											
Residential¹												
<i>Rooming House</i>	L	L	L	L	L	L	--	--	L	--	<u>§113.0103</u>	

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Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS													
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS = Commercial Street; E = Employment Overlay													
Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	MC	RE	I ⁷	T ⁷	PC	OS	Additional Regulations	<i>MS/CS & E Overlays¹⁵</i>	
<i>Multiple Dwelling Units through Separately Regulated Residential Uses, Low Barrier Navigation Center</i> [No change in text.]	[No change in text.]												
<i>Living Units</i>	P	P	P	P	P	P	--	--	P	--	§156.0315(b)(u e)		
<i>Residential Care Facilities through Permanent Supportive Housing</i> [No change in text.]	[No change in text.]												
Separately Regulated Institutional Uses													
<i>Satellite Antennas</i>	L/ €	L/ €	L/ €	L/ €	L/€	L/€	L/€	L/€	L/€	L/€	§141.0405		
<i>Correctional Placement Centers through Cultural Institutions</i> [No change in text.]	[No change in text.]												
<i>Educational Facilities</i>	P	P	P	P	P	P	--	--	P	--	<u>§141.0407</u>	CS, E	
<i>Energy Generation & Distribution Stations</i> [No change in text.]	[No change in text.]												
<i>Exhibit Halls & Conventional Facilities</i>	--	--	--	--	C	--	C	C	C	--	<u>§141.0409</u>	E	
<i>Historical Buildings Occupied by Uses Not Otherwise Allowed</i>	C	C	C	C	C	C	C	C	C	C	§156.0315(h) g)		
<i>Homeless Facilities</i> ⁶	C	--	C	C	C	--	--	--	C	--	§141.0412 §156.0315(h)		
<i>Hospitals</i> [No change in text.]	[No change in text.]												
<i>Intermediate Care Facilities and Nursing Facilities</i>	P	P	P	P	P	P	--	--	P	≡	<u>§141.0413</u> <u>§141.0423</u>	CS, E	

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Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS													
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS = Commercial Street; E = Employment Overlay													
Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	MC	RE	I ⁷	T ⁷	PC	OS	Additional Regulations	<i>MS/CS & E Overlays¹⁵</i>	
Major Transmission, Relay or Communication Switching Station [No change in text.]	[No change in text.]												
<u>Placemaking on Private Property</u> ⁵	<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>			
<i>Social Service Institutions</i>	C	--	C	C	C	--	--	--	C	--	§156.0315(i) §141.0417	CS	
<i>Wireless Communication Facilities through Separately Regulated Retail Sales Uses, Off-Site Alcohol Beverage Sales</i> [No change in text.]	[No change in text.]												
Commercial Services													
Animal Grooming & Veterinary Offices	P	P	P	P	P	P	--	--	P	--		CS, E	
Assembly & Entertainment	P	P	P	P	P	--	--	--	P	P	§141.0602	CS, E	
With <i>Live Entertainment</i>	N CL	N CL	N CL	N CL	N CL	--	--	--	N CL	N CL	§156.0315(c)		
With Outdoor Use Area <u>Outdoor Use Area</u>	L N	L N	L N	L N	L N	--	--	--	L N	L N	§156.0315(d)		
Building Services through Eating & Drinking Establishments, ¹⁴ <i>Bona-Fide Eating Establishments</i> [No change in text.]	[No change in text.]												
<i>Brewpubs</i>	P	P	P	P	P	P	-	-	P	P	§156.0315 (b)(2)	MS, CS, E	
<i>Non-Bona Fide Eating Establishments w/ Alcohol</i> [No change in text.]	[No change in text.]												

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Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS												
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS = Commercial Street; E = Employment Overlay												
Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	MC	RE	I ⁷	T ⁷	PC	OS	Additional Regulations	MS/CS & E Overlays ¹⁵
<i>Brewery Tasting Rooms</i> <u>Craft Beverage Producer</u>	P	P	P	P	P	P	--	--	P	--	§156.0315(b)(4)(2)	MS, CS, E
<i>Brewpub Tasting Rooms</i>	P	P	P	P	P	P	--	--	P	--	§156.0315(b)(3)	MS, CS, E
With Outdoor Use Area <u>Outdoor Use Area</u>	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	--	--	L/ N	P	§156.0315(d)	
With Live Entertainment	L/ N/ E	L/ N/ E	L/ N/ E	L/ N/ E	L/ N/ E	--	--	--	L/ N/ E	--	§156.0315(c)	
<i>Mobile Food Trucks through Separately Regulated Commercial Service Uses, Child Care Facilities</i> [No change in text.]	[No change in text.]											
<i>Outdoor Activities</i>	N/ CP	N/ CP	N/ CP	N/ CP	N/ CP	N/ CP	--	--	N/ CP	N/ CP	§156.0315(e)	MS, CS
<i>With Live Entertainment</i> ⁵	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	--	--	<u>C</u>	<u>C</u>	§156.0315(c)	
Parking Facilities (structure or surface) ⁸	C	C	C	C	C	C	C	C	C	C	§156.0313	CS
Private Clubs, Lodges and Fraternal Organizations	P	P	P	P	P	P	--	--	P	--	§141.0617	
<i>Pushcarts on private property through Recycling Facilities, Small and Large Processing Facilities</i> [No change in text.]	[No change in text.]											
Sidewalk Cafes, ¹⁰ Streetaries, and Active Sidewalks	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	--	--	L/ N	L/ N	§141.0621	
<i>SRO Hotels</i> [No change in text.]	[No change in text.]											
Urgent Care Facilities <u>Urgent Care Facilities</u>	P	P	P	P	P	P	--	--	P	--	§141.0624	CS, E

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Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS													
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS = Commercial Street; E = Employment Overlay													
Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	MC	RE	I ⁷	T ⁷	PC	OS	Additional Regulations	<i>MS/CS & E Overlays¹⁵</i>	
Offices⁽⁹⁾ through Distribution and Storage, Moving & Storage Facilities [No change in text.]	[No change in text.]												
Separately Regulated Distribution and Storage Uses													
Temporary Construction <u>Storage Yards</u>	<u>NL</u>	<u>NL</u>	<u>NL</u>	<u>NL</u>	<u>NL</u>	<u>NL</u>	<u>NL</u>	<u>NL</u>	<u>NL</u>	<u>NL</u>	--	<u>§141.0903</u>	
Industrial, Artisan Food and Beverage Producer¹² through Trucking and Transportation Terminals [No change in text.]	[No change in text.]												
Separately Regulated Industrial Uses													
Cannabis Production Facilities <u>Cannabis Production Facilities</u>	-	-	-	-	-	-	-	-	-	-	-	<u>§141.1004</u>	
Signs, Allowable Signs [No change in text.]	[No change in text.]												
Separately Regulated Signs Uses													
Community Entry or Neighborhood Identification Signs	N	N	N	C	N	N	N	N	N	N	N	141.1101 §141.1104 §14 1.1102	
Reallocation of <i>Sign</i> Area Allowance through Other Use Requirements , Temporary Uses and <i>Structures</i> [No change in text.]	[No change in text.]												

Footnotes for Table 156-0308-A

¹ through ² [No change in text.]

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³ For ~~hotels~~ hotels with 100 feet or more of *street frontage* along a ~~Main Street~~ Main Street, *active commercial uses* other than the ~~hotel~~ hotel lobby shall constitute at least ~~50%~~ 50 percent of the required *active commercial use* frontage.

⁴ [No change in text.]

⁵ ~~Uses designated with CS, MS, or E must meet minimum percentages specified in sections 156.0307(b) (4), (6), and (10). In lieu of a Conditional Use Permit, *placemaking* on private property and *outdoor activities* may offer *live entertainment* for up to twenty days per calendar year through the approval of one or more Temporary Use Permits.~~

⁶ through ¹¹ [No change in text.]

¹² Accessory retail sales or commercial uses that are accessible to the general public are required along a minimum 25 percent of any ~~street frontage~~ street frontage.

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

¹⁴ through ¹⁵ [No change in text.]

§156.0309 ~~FAR~~ FAR Regulations and ~~TDRs~~ TDRs

(a) [No change in text.]

(b) ~~Development Permit FAR~~ Development Permit FAR

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

(c) [No change in text.]

(d) *FAR Bonuses*

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Development may exceed the maximum *base FAR* for the site established by Figure H if the *applicant* provides certain public benefits or *development* amenities. The increased *density* earned through each *FAR bonus* shall be in addition to any other increase in *density* allowed by any other *density* bonus program. Any *development* that earns an *FAR bonus* through any of the *FAR bonus* provisions of this Section shall either record covenant restrictions, *CC&Rs*, or an easement on the property to ensure that the requirements of each *FAR bonus* are met. If a *development* earns an *FAR bonus* through any of the *FAR bonus* provisions of this Section and does not achieve or maintain the requirements of the *FAR bonus* provisions, as determined by the City Manager, the *record owner* shall purchase the equivalent *FAR bonus* through the *FAR Payment Bonus Program*.

- (1) Affordable Housing *Density Bonuses*. An *applicant* proposing a residential *development* that is entitled to a *density* bonus pursuant to the Affordable Housing Regulations (AHR), Chapter 14, Article 3, Division 7 of the Land Development Code, may increase the permitted *FAR* as specified below.
 - (A) [No change in text.]
 - (B) *Development* may provide either rental or for-sale affordable *dwelling units*, regardless of whether the market rate *dwelling units* within the *development* are for rent or

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sale. *Development* under these provisions shall be subject to the following requirements in addition to those in the AHR:

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

For the purposes of the above calculation:

Pre-AHR bonus *FAR* means the Maximum *Base FAR* found in Figure H plus any additional *bonus FAR* earned through Sections 156.0309(d)(2)-(11) and ~~Section 156.0309(f)~~.

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

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

- (iv) Affordable ~~housing units~~ dwelling units are not required to be distributed vertically throughout *floors* in high-rise *development*.

- (v) Underutilized Auto-Oriented Properties. For *development* meeting the criteria in Sections 143.0720(c)(1), 143.0720(c)(2),

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143.0720(d)(1), 143.0720(d)(2), 143.0720(d)(3),
143.0720(e), 143.0720(f), 143.0720(g),
143.0720(h), or 143.0720(i); where the *premises*
contains any of the following uses as of January 1,
2023: Vehicle & Vehicular Equipment Sales &
Services, Automobile Service Stations, Car Wash,
Oil Change and Lubrication Service, Moving &
Storage Facilities, Parking Facilities, Surface
Parking lots, Maintenance & Repair Facilities, or
Drive-Throughs, and those uses are to be replaced
with residential *development*, the *development* shall
receive an additional *density* bonus of 50 percent of
the AHR bonus.

(C) Micro-Unit Incentive. For *development* proposing to utilize
Section 143.0720(l)(9) providing for a ~~100%~~ 100 percent
density bonus for micro-unit *development*, the *development*
must first utilize other *FAR* bonus programs as listed in
Section 156.0309(d) to achieve a minimum *FAR* bonus of
3.0.

(2) ~~Urban Open Space~~ Public Spaces Incentive. *Development* that
reserves a portion of their site for the *development* of ~~public-urban~~
open space may qualify for an *FAR* bonus of 2.0, 4.0, 6.0, or 8.0;
~~subject to the following criteria:~~ Within the Downtown

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Community Planning Area, the addition of amenities to an existing public park shall be exempt from City Council Policy 600-33, including the requirement to amend a General Development Plan, subject to the approval of the Parks and Recreation Department Director. For the purposes of Section 156.0309(d)(2), amenities means the components listed in the Amenities/Recreation Opportunities Table in Appendix D of the Parks Master Plan.

- (A) The amount of *FAR bonus* shall be based on the following criteria:
- (i) *Development* that provides Active Sidewalks in accordance with Section 141.0621(c) and includes amenities which achieve a minimum of 3.5 points ~~per Appendix D of the Parks Master Plan~~ shall receive an *FAR bonus* of 2.0 or 4.0 if the length of the Active Sidewalk is greater than 150 linear feet.
 - (ii) *Urban open space* that is at least 10 percent of the site and includes amenities which achieve a minimum of 7 points ~~per Appendix D of the Parks Master Plan~~ shall receive an *FAR bonus* of 4.0.
 - (iii) *Urban open space* that is at least 15 percent of the site and includes amenities which achieve a minimum of 10.5 points ~~per Appendix D of the~~

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~~Parks Master Plan~~ shall receive an *FAR bonus* of 6.0.

(iv) *Urban open space* that is at least 20 percent of the site and includes amenities which achieve a minimum of 14 points ~~per Appendix D of the Parks Master Plan~~ shall receive an *FAR bonus* of 8.0.

(v) [No change in text.]

(vi) An applicant that provides new amenities or replaces existing amenities that achieve a minimum of 7 points in any existing public park, consistent with the General Development Plan and subject to the approval of the Parks and Recreation Department Director, or in any existing greenway or urban open space, subject to the approval of the Development Services Department Director, shall receive an FAR bonus of 4.0. The FAR bonus received under this Section shall be transferable to any premises within the Centre City Planned District upon the execution of a certificate of transfer.

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

(3) ~~Three Bedroom Units~~Family-Style Housing Incentive. To encourage larger *dwelling units* and accommodate larger *families*,

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developments that provide at least 5 three *bedroom* units, with each *bedroom* containing a minimum of 70 square feet, and have *CC&Rs* recorded on the property requiring the number of *bedrooms* in those units shall be entitled to an *FAR bonus*, subject to the following criteria:

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

(4) ~~*Eco-Roofs*~~*Eco-Roofs Incentive*. ~~*Eco-roofs* reduce storm water run-off, lower energy consumption, counter the increased heat of urban areas, and provide visual interest.~~ To encourage landscaped and ecologically designed roof tops, ~~a~~an *FAR bonus* may be earned based on the amount of *eco-roof* area. An *FAR bonus* of 1.0 shall be granted if the total area of an *eco-roof* exceeds 50 percent of the building's footprint. The *eco-roof* area only includes the planted or landscaped area that is designed to sustain and support vegetation. Documentation, drawings, and specifications must be provided to the City Manager prior to the issuance of a building permit that describes all plant varieties, soil depths, soil content, water retention systems, and supporting structural systems.

(A) ~~An *FAR Bonus* of 0.5 shall be granted if the total area of an *eco-roof* exceeds 50 percent of the building's footprint.~~ An additional *FAR Bonus* of ~~0.5~~1.0 shall be granted for an *eco-roof* area that is ~~designed to be~~ accessible to the building occupants ~~and which remains accessible through~~

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~~the recording of CC&Rs in accordance with Section 156.0309(d)(4)(B).~~

(B) ~~CC&Rs shall be recorded on the property providing for the development and perpetual maintenance of the eco-roof to City standards, and access by the building occupants to the eco-roof. These provisions of the CC&Rs shall be approved by the City Manager and the City Attorney's Office. An additional FAR Bonus of 2.5 shall be granted if the eco-roof is a community garden that is accessible to the building occupants.~~

(C) [No change in text.]

(D) At least one shade tree with a minimum 36-inch box size shall be provided on the roof top for every 5,000 square feet of roof area.

(5) ~~Employment Uses~~Use Incentive. To encourage the *development of employment uses* in the Centre City Planned District, ~~a~~an FAR bonus may be earned for the provision of *employment uses* within the *development*. In the Employment Overlay District, *development* containing 100 percent *employment uses*, excluding *hotel/motel* uses shall have no limit on FAR. In all other areas of the Centre City Planned District, any *development* that contains at least 50 percent *employment uses*, excluding *hotel/motel* uses, shall receive an FAR bonus of 50 percent and may utilize the

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development regulations within the Large Floorplate Overlay District.

- (6) *Child Care Facilities Incentive. Development* that includes a *child care facility* in compliance with the requirements of Section 141.0606 and ~~maintain~~ maintains an ‘E’ occupancy permit for a minimum of 20 years from the time of *construction permit* issuance will receive an *FAR bonus* at the rate of 20 square feet of additional *gross floor area* for each 1 square foot of *gross floor area* devoted to the *child care facility*. *CC&Rs* shall be recorded on the property requiring the maintenance of the “E” occupancy.
- (7) [No change in text.]
- (8) Sustainable ~~Building~~ Buildings Incentive. *Development* that demonstrates a high level of building sustainability by achieving a targeted level of performance may qualify for an *FAR bonus* of 1.0 or 2.0, subject to the following criteria:
 - (A) California Green Building ~~Standard~~ Standards Code (CALGreen): As adopted by the State of California,

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CALGreen includes voluntary performance tiers.

Development that complies with CALGreen Tier II and provides a double row of canopy trees along each ~~street frontage~~street frontage, triangulated with required street trees at the curb, shall receive an *FAR bonus* of 1.0.

- (B) *LEED*®: The US Green Building Council (USGBC) manages *LEED*® Core & Shell and *LEED*® for new construction. *Development* that provides a double row of canopy trees along each ~~street frontage~~street frontage, triangulated with required street trees at the curb, shall receive an *FAR bonus* of 1.0 if it also achieves ~~LEED~~® LEED® Silver certification, or an *FAR bonus* of 2.0 if it achieves a ~~LEED~~®-LEED® Gold or higher certification.
- (C) *CC&Rs* shall be recorded on the property providing for the *development* and perpetual maintenance of all measures that are identified to earn a ~~an~~ FAR Bonus. Prior to the issuance of any building permits the *applicant* shall provide a financial surety to ensure the timely completion of the *LEED*® certification process to the satisfaction of the City Manager. Within 180 days of receiving the final Certificate of Occupancy for a *development*, the *applicant* shall submit documentation that demonstrates achievement of the applicable *LEED*® rating, to the satisfaction of the

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City Manager. If the *applicant* fails to submit documentation, equivalent payment shall be made to the *FAR Bonus* Fund.

- (9) ~~*Greenways*~~ *Green Streets Incentive. Development located at any site within the Centre City Planned District that includes public improvements consistent with Section 156.0304(b)(3)(A) through (D), (B), or (C)(i) through (vi) shall be entitled to an FAR Bonus bonus of 2.0 or 4.0-3.0 or 5.0 if the public improvement is greater than 150 linear feet.*
- (10) *Homeownership Opportunities Incentive. Development that utilizes any of the FAR bonus provisions in Section 156.0309(d)(1) through (9) and achieves at least 150 percent of the maximum base FAR shall receive an additional FAR bonus of 6.0 if the development includes at least 60 percent for-sale housing and does not include any visitor accommodations uses. Prior to the issuance of the final Certificate of Occupancy, the applicant shall provide a recorded Certificate of Compliance, parcel map, or final map to ensure the timely completion of the subdivision process to the satisfaction of the City Manager.*
- (11) *Small Lot Development Accelerator. Development located on a lot less than 12,000 square feet that utilizes any of the FAR bonus provisions in Section 156.0309(d)(1) through (11) and achieves at least 150 percent of the maximum base FAR shall receive an*

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additional FAR bonus of 4.0 and shall be exempt from the requirements of 156.0310(d)(1)(E) through (G) and 156.0310(d)(2) and (3).

~~(10)~~(12) Middle Income Housing Incentive. *Development* that includes a minimum of 100 residential *dwelling units* where 20 percent of the total residential *dwelling units* are affordable up to 30 percent of 150 percent of the area *median income* shall have no limit on *density*. Where *development* includes a minimum of 300 residential *dwelling units* and 100 percent of the total residential *dwelling units* are affordable up to 30 percent of 150 percent of the area *median income*, those *dwelling units* located entirely within the *bonus FAR* shall not be subject to the requirements of Chapter 14, Article 2, Division 13. Non-residential uses may occupy no more than 20 percent of the *gross floor area*.

~~(11)~~(13) Underutilized Properties Incentive. *Development* which utilizes any of the *FAR bonus* provisions in Section 156.0309(d)(1) through ~~(9)~~(12), where the *premises* contains existing *development*, ~~which~~ that is less than the ~~Base Minimum~~ *minimum base FAR*, as identified on Figure H, as of January 1, 2024, ~~the *development*~~ shall receive an additional *density* bonus of 30 percent of the *FAR bonus*. ~~If the building permit application is deemed complete between January 1, 2024 and January 1, 2029, the *development*~~

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~~shall receive an additional *density* bonus of 50 percent of the *FAR bonus*.~~

(14) C Street Revitalization Bonus. *Development* located along C Street that utilizes any of the *FAR bonus* provisions in Sections 156.0309(d)(1) through (13) shall receive an additional *density* bonus of 100 percent of the *FAR bonus*.

(15) Housing Element Accelerator. *Development* that utilizes any of the *FAR bonus* provisions in Sections 156.0309(d)(1) through (14) shall receive an additional *density* bonus of 50 percent of the *FAR bonus* if the building permit application is *deemed complete* between January 1, 2024 and January 1, 2029.

(e) Exemptions from *FAR* Calculations

The following exemptions apply to the calculations for *FAR*:

(1) *Historical Buildings*. The *floor* area within the historic *building envelope* of any *designated historical resource* shall not be counted as *gross floor area* for the purposes of calculating the *FAR* for the *development*, if the *designated historical resource* is preserved, rehabilitated, restored, or modified and the *development* results in no more than minor alterations to the *designated historical resource* consistent with the Secretary of the Interior's Standards and Guidelines, or the *development* is approved through the Site Development Permit procedures, in accordance with Chapter 14, Article 3, Division 2 of the Land Development Code.

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The ~~floor area~~area within the historic *building envelope* may also be exempted from the *FAR* calculations if the *designated historical resource* is reconstructed consistent with the Secretary of the Interior's Standards and Guidelines as part of the *development*. Any remaining *FAR* on a *premises* containing a *designated historical resource* may be transferred to any other *premises* within the Downtown Community Planning Area. Appropriate *CC&Rs* shall be recorded to memorialize the reallocation of *FAR* on both *premises*.

(2) [No change in text.]

(3) ~~Child Care~~Child Care. All *floor area* that is dedicated to a *child care facility* in compliance with the requirements of Section 141.0606 shall not be counted as *gross floor area* for the purposes of calculating the *FAR* for the *development*.

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

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

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

(4) Permitted Transferable *Gross Floor Area*. The *gross floor area* that may be transferred shall be calculated as the permitted *gross floor area* based on the *sending site's* size and permitted maximum *base FAR*, as illustrated in Figure H. For transfers involving *sending sites* in which the *applicant* enters into a maintenance agreement, where the ~~applicant~~applicant is identified as the

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responsible party for maintenance, to provide the long-term maintenance of the park in accordance with the Parks Master Plan, the amount of permitted transferable *gross floor area* shall be increased by 50 percent.

(5) Procedures. The following procedures are required for any transfer of *gross floor area*:

(A) *Certificate of Transfer*. The ~~owner~~ record owner of a *sending site* wishing to transfer permitted *gross floor area* from the *sending site* shall execute a *certificate of transfer*. The *certificate of transfer* shall contain all of the following:

(i) The names and mailing addresses of the transferor (original ~~owner~~ record owner of the *sending site*) and transferees (~~owner(s)~~ record owner(s) of the *receiving site(s)* or the *TDR* bank) of the *gross floor area*.

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

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

(D) Property Deed. In addition to a *certificate of transfer*, the ~~owner(s)~~ record owner(s) of a *sending site* involving a *TDR* for *public park* land shall execute a deed transferring ownership of the site to the City.

(E) Approval for *Development*. When the use of *TDR* is necessary for the approval of a building permit for a

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development on a receiving site, the City shall not issue any building permits for that site unless the City Manager has issued a written verification that the ~~owner~~ record owner of the *receiving site* is entitled to the amount of *gross floor area* for the *development* based on a recorded *certificate of transfer*.

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

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

(1) Within the Little Italy Sun Access Overlay, ~~building height~~ building height shall not exceed 150 feet. A maximum *building envelope* height shall be further defined as follows and as illustrated in Figure N:

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

(2) [No change in text.]

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- (d) Building Bulk. Building bulk is divided into three main areas of the building: the *building base*, the *mid-zone*, and the *tower*. The *mid-zone* shall be applicable only in the areas within the Large Floorplate and Employment Overlay Districts, as illustrated in Figure C. The *development* standards for building bulk are summarized in Table 156-0310-A:

TABLE 156-0310-A: DEVELOPMENT STANDARDS

[No change in text.]

(1) *Building Base*

(A) [No change in text.]

(B) *Street Wall Frontage*. A *street wall* containing habitable space shall be provided along 100 percent of the *street frontage*, with the following exceptions:

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

(iii) Recessed ~~entrances~~ pedestrian entrances a maximum of 25 feet wide and a maximum of 15 feet deep;

(iv) [No change in text.]

(v) Patios and balconies up to 10 feet in depth and in front of habitable space may qualify as *street wall* ~~must~~ shall be approved through the *design review*;

(vi) [No change in text.]

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

(viii) [No change in text.]

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

(E) Maximum *Street Wall Height*. The maximum height of the *street wall* shall be between 50 and 85 feet as specified in Table 156-0310-A, measured from the average *grade* of the adjoining sidewalk to the top of the parapet (may be calculated in 100-foot increments for sites with ~~grades~~ grades greater than 5 percent) subject to the following exceptions:

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

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

(2) [No change in text.]

(3) *Tower*

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

(D) *Tower Setback* from Public ~~Streets~~ Streets. *Towers* shall be set back from any *property line* adjoining a public *street* by a minimum of 15 feet, with the following exceptions:

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

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

(e) *Ground-floor Heights*

The minimum *ground-floor* height for buildings, measured from the average *grade* of the adjoining public sidewalk, in increments of no more

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than 100 feet along a ~~street frontage~~frontage, to the finished elevation of the second *floor*, and for a depth of at least 15 feet, shall be the average of:

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

(f) [No change in text.]

(g) Residential *Development* Requirements

The following standards apply to residential *developments* that contain ~~fifty~~50 or more *dwelling units*:

(1) ~~Common Outdoor Open Space~~Common Outdoor Open Space

Each *development* shall provide *common outdoor open space* either at *grade*, podium, or roof level. *Common outdoor open space* areas shall have a minimum dimension of 30 feet in each direction, or 40 feet between opposing building walls when bordered by three building walls exceeding a height of 15 feet, and may contain active and passive areas and a combination of *hardscape* and landscape features, but a minimum of 10 percent of the *common outdoor open space* must be planting area.

All *common outdoor open space* must be accessible to all residents of the *development* through a common corridor. *Development* shall provide *common outdoor open spaces* as a percentage of the *lot* area in accordance with Table 156-0310-C.

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TABLE 156-0310-C:

COMMON OUTDOOR OPEN SPACE

[No change in text.]

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

(h) *Outdoor Activities* Development Regulations

Buildings and *structures* approved ~~under Section 156.0315(d)~~ for use with *outdoor activities* are not required to comply with the requirements of Sections 156.0310(a)-(g).

(i) [No change in text.]

(j) Refuse, Organic Waste, and ~~Recyclable Materials~~ *Recyclable Materials*

Storage

Development shall be subject to the Refuse, Organic Waste, and Recyclable Materials Storage Regulations in Sections 142.0805 through 142.0830, except that all storage areas shall be internal to the building and the minimum size requirements in Table 142-08B and Table 142-08C shall not apply. ~~Recyclable materials~~ *Recyclable materials* and organic waste storage areas, shall, at a minimum, be equal in size to the area provided for refuse storage.

§156.0311 Urban Design Regulations

The following urban design standards are intended to create a distinct urban character for the Centre City Planned District, ensure that *development* is designed with a pedestrian orientation, and foster a vital and active street life.

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

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- (c) Utilities. Electrical transformers and generators may be located above *grade* only if located on private property, outside the *public right-of-way*. Electrical transformers and generators shall be located below *grade* if within the *public right-of-way*. If located within a below-*grade* vault within the *public right-of-way*, the access hatch to the vault shall be located at least 6 feet back from the *street* curb, except that a minimum width access hatch may be located less than 6 feet from the *street* curb if it does not interfere with the placement of ~~*street*~~-*street* trees. Areas housing trash, storage, or other utility services shall be located in the garage or be completely concealed from view from the *public right-of-way* and adjoining *developments*, except for utilities required to be exposed by the City or utility company.

Subsurface utility equipment located under the sidewalk shall utilize fill-type lids covered with matching sidewalk material. As an alternative to fill-type lids, for covers that are less than 31 inches by 49 inches in size, an applicant may propose ductile-iron, traffic-rated and slip-resistant vault lids that are painted or stained to match the color of the surrounding sidewalk materials, to the satisfaction of the City Engineer.

Backflow prevention devices are to be located in a building alcove, landscaped area, or utility room within the building, outside of the *public right-of-way*, and completely *screened* from view. Utility services shall not be located above *grade* in the *public right-of-way* within the Centre

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City Planned District unless no feasible alternative would better protect an *historical building*.

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

(h) *Encroachments into the Public Rights-of-Way*

To ensure pedestrian safety and prevent excessive *encroachments* into the *public right-of-way*, the following criteria shall apply:

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

(3) ~~Other Projections. Additional *encroachments* such as awnings, canopies, marquees, and architectural projections may be permitted in accordance with Chapter 14, Article 2, Division 12 of this Code.~~

~~(4)~~(3) Subterranean Garages and Basements. *Encroachments* may be permitted in accordance with to Chapter 12, Article 9, Division 7 of the Land Development Code and City Council Policy 700-18 subject to the following additional criteria:

(A) Underground ~~encroachments~~*encroachments* extending 8 feet below the top of the sidewalk shall not be located within 6 feet from the curb face, except to accommodate access hatches to underground vaults. Such hatches shall be located to avoid interference with ~~street~~street tree planting.

(B) No *encroachment* shall be allowed to conflict with any approved plan for ~~street~~street tree planting and shall

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maintain a continuous clear zone for such planting for a depth of 8 feet.

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

(k) Ballpark Mixed-Use District Design Guidelines

(1) ~~Intent. The intent of these Design Guidelines is to create a memorable district that instills a strong sensory response from visitors, a district that is safe and comfortable throughout the year, and retains an association with historic activities of the J Street Corridor and the transition zone and their role in San Diego's growth and *development*, nurturing positive social interaction and neighborliness on non-game days as well as days with planned events. These Design Guidelines are intended to revitalize the East Village and promote new *development* that is compatible with *PETCO Park* and the existing buildings of the J Street Corridor and the transition zone. These Design Guidelines shall be advisory, not regulatory, for all public and private *development*.~~

(2) ~~Goals. The *development* of the Ballpark Mixed-Use District is meant to achieve the:~~

(A) ~~Realization of the Bay to Park Link;~~

(B) ~~Revitalization of the East Village; and~~

(C) ~~Reinforcement of the South Embarcadero.~~

(3) ~~Character. The following strategies form the basis of the design of buildings, streetscapes, plazas, and open spaces within the district:~~

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- (A) ~~Scale and Feeling of Public Space. Maintain and reinforce the existing pedestrian scale appropriate to small numbers of people as well as larger crowds.~~
- (B) ~~Language and Vocabulary of the District. Employ elements to reinforce the spatial *structure* of the district, to convey the symbolism of the Ballpark Mixed-Use District, and to provide information and directions.~~
- (C) ~~Territoriality of Public Space. All spaces should have a sense of ownership.~~
- (D) ~~Composition and Juxtaposition of Elements. Buildings, streetscape improvements, and landscaping should be designed to create a memorable experience.~~
- (E) ~~Two sub-areas within the Ballpark Mixed-Use District should receive particular attention:~~
 - (i) ~~The J-Street Corridor. The J-Street corridor (between Sixth and Eleventh Avenues) should be developed as an active commercial mixed-use district with a strong pedestrian orientation. The character of late nineteenth and early twentieth century commercial buildings should be extended eastward from the Gaslamp Quarter. The *development* of new buildings shall be compatible in scale and materials.~~

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~~(ii) The Sixth/Seventh Avenue Transition Zone.~~

~~Located immediately west of *PETCO Park* between L Street and the J Street Corridor, this area should create links between the Gaslamp Quarter and *PETCO Park* along K and L Streets.~~

~~(4)(1)~~ Design Guidelines

(A) Along the J Street Corridor (between Sixth Avenue and Eleventh Avenue)

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

(iii) The height of buildings along the *street wall* should create a *building base* and complement the height of older buildings in the corridor. Generally, *street wall* height should not exceed five stories or 60 feet in keeping with the character of existing nineteenth and early twentieth century commercial and warehouse *structures*.

Tower elements of the *street wall* which do not exceed 50 feet in width may exceed 60 feet in height so long as architectural fenestration, detailing and exterior materials create a podium appearance compatible with adjacent *structures* and visually break-up the appearance of the *street wall*. Any *development* with its highest occupiable *floor* level

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above 75 feet, which is greater than 50 feet wide,
~~shall~~should be stepped back by at least 50 feet.

(iv) through (xi) [No change in text.]

(B) Within the Sixth/Seventh Avenue Transition Zone

(between L Street and the J Street Corridor):

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

(iii) Buildings should be built to a maximum height of six *floors* or 80 feet to complement and transition the scale of the ~~ballpark~~PETCO Park to the Gaslamp District. *Development* above this height should be stepped back by 10 feet or introduce a clear material delineation that achieves the same visual effect.

(C) [No change in text.]

(D) Parking Garages. Parking garages should ~~comply with the Centre City Planned District requirements for street level uses. The garages should~~ be set back behind multi-story residential or commercial uses where appropriate and feasible to buffer the garages from facing residential or commercial uses. The façade treatment of freestanding parking garages should create an integrated and complementary architectural expression with adjacent or attached buildings along a *public right-of-way*, such that

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parked cars are predominantly *screened* from public view; sloped *floors* are not expressed; and a visually composed façade of openings, plane changes, belt courses, cornice treatments, and other architectural devices are developed.

(l) [No change in text.]

(m) Preservation of Mature Trees

For the purposes of this Section, mature tree means an existing tree with a height and spread of at least 15 feet that is located in the *public right-of-way* or within 10 feet of the *property line*. Mature trees should be preserved to the extent feasible. *Development* shall receive an *FAR bonus* of 0.2 *FAR* for each preserved mature tree. *Development* shall provide at least one of the following for each *street frontage* where 50 percent or more of the mature trees are proposed to be removed:

(i) An active sidewalk with a double row of canopy trees along the ground floor street frontage;

(ii) An *FAR bonus* payment in an amount equal to the purchase of 0.5 *FAR*; or

(iii) Two trees for each mature tree removed, either onsite or at an offsite location within the Centre City Planned District.

§156.0313 Parking, Loading, Traffic and Transportation Demand Management Standards

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

(d) Below-Grade Parking

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At least three levels of below-*grade* parking shall be provided prior to the provision of any above-*grade* parking, with the following exceptions:

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

(3) For *development* on sites proven to be significantly impacted by the underground water table, the City Manager may approve an exception to the below-*grade* parking requirements upon finding that it would create exceptional financial hardship to the ~~property owner~~ record owner or *applicant*.

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

(e) [No change in text.]

(f) *Structured Parking Facility Standards*

All parking must be provided below-*grade*. Above-*grade* parking facilities may only be allowed if all of the following requirements are met:

(1) [No change in text.]

(2) All parking located above the ground level shall meet the following standards:

(A) *Development* shall include no less than 100 percent of the

~~Base Maximum Floor Area Ratio~~ maximum base FAR;

(B) [No change in text.]

(C) For each *street frontage* in which at least 50 percent of the above-*grade* parking is not encapsulated, one of the following shall be provided:

(i) [No change in text.]

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(ii) *Living walls* on at least ~~30%~~30 percent of the above-grade parking along the *street frontage*; or

(iii) [No change in text.]

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

(H) All above-grade parking facilities directly abutting a public *street* shall exhibit level ~~floor~~floor areas for a minimum distance of 40 feet from the *property line* to allow for future conversion to habitable uses.

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

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

(j) Driveway Slopes and Security Gates

Driveway slopes shall meet the requirements of Section 142.0560(j)(9) of the Land Development Code. There shall be a transition behind the *public right-of-way* not to exceed a gradient of 5 percent for a distance of 10 feet. Security gates for parking garages shall be located a minimum distance of 10 feet from the front *property line*, and the door swing of any security gate shall not encroach into the 10-foot required minimum distance from the front *property line*. A vertical speed reduction device shall be provided in the area between the security gate and the *property line*. Security gates shall be constructed of an upgraded screening material that is at least ~~80%~~80 percent non-transparent.

(k) Passenger Loading Zones

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Movement of the curb line shall not be permitted to accommodate passenger loading zones.

~~(1)~~ *Transportation Demand Management (TDM)*

To reduce single-occupant vehicle trips into the Centre City Planned District, *applicants* for proposed commercial and *hotel development* containing over 50,000 square feet of *gross floor area* shall achieve a minimum of 25 points by implementing *TDM* measures contained in Table 156-0313-D.

TABLE 156-0313-D: TRANSPORTATION DEMAND MANAGEMENT (TDM)

[No change in text.]

§156.0315 Separately Regulated Uses

(a) On-Site Alcohol Beverage Sales

The sale of alcoholic beverages for on-site consumption is permitted by right at *bona-fide eating establishments* and *craft beverage producers*. Despite Section 56.54(b), the sale of alcoholic beverages by a City lessee for on-site consumption within *public parks* located in the Downtown Community Plan area is permitted by right. Non *bona-fide eating establishments*, bars, assembly and entertainment uses, *outdoor activities*, and other similar commercial establishments of 5,000 square feet or greater, that provide alcoholic beverages for on-site consumption, shall obtain a Neighborhood Use Permit in accordance with Process Two.

(b) Off-Site Alcohol Beverage Sales

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The sale of alcoholic beverages for off-site consumption shall be permitted as an accessory use subject to the following regulations and permits, in addition to applicable state and local regulations:

- (1) Establishments offering alcoholic beverages for off-site consumption shall be required to obtain a Conditional Use Permit in accordance with Process Three, and shall be subject to the following regulations, except as provided in ~~Sections~~ Section 156.0315(b)(2), (3) and (4) below:
 - (A) through (C) [No change in text.]
 - (D) After conducting a public hearing, the Hearing Officer may approve exceptions to 156.0315(b)(1)(A)-(C) for establishments that are 25,000 square feet or greater, provide onsite security staff during all hours of operation, and dedicate no more than 10 percent of the retail floor area to the display of alcoholic beverages, upon making the following findings:
 - (i) through (ii) [No change in text.]
- (2) ~~Brewpubs~~ Craft beverage producers offering alcoholic beverages manufactured by the ~~business licensee~~ for off-site consumption as ~~an accessory use~~ are permitted, subject to the following regulations:
 - (A) ~~A bona fide eating establishment shall be the primary use on the premises with made-to-order food available during~~

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~~all hours of operation~~ The craft beverage producer shall provide for on-site consumption of the products produced by the licensee.

(B) ~~An accessory-~~ If alcohol manufacturing operation must be operated-occurs on the premises, off-site sales shall be an accessory use to either the alcohol manufacturing operations or to a bona-fide eating establishment with made-to-order food available during all hours of operation.

(C) If alcohol manufacturing does not occur on the premises, the gross floor area of the craft beverage producer shall not exceed 5,000 square feet.

~~(C)~~ (D) No malt beverage, wine, or similar products shall be sold in less than 16.9-ounce quantities. -No distilled spirits shall be sold in less than 750 ml bottles.

~~(D)~~ (E) Off-site sales under this provision shall be limited to between the hours of 10:00 a.m. and 10:00 p.m. -An exception to these hours may be approved through a Conditional Use Permit in accordance with Process Three upon making the findings in Section 156.0315(b)(1)(D)(i)- (ii).

~~(3)~~ Brewpub tasting rooms offering alcoholic beverages manufactured by the business for off-site consumption as an accessory use shall be subject to the following regulations:

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- (A) ~~An alcohol manufacturing operation must be operated on the premises.~~
- (B) ~~No malt beverage, wine, or similar products shall be sold in less than 16.9 ounce quantities. No distilled spirits shall be sold in less than 750 ml bottles.~~
- (C) ~~Off-site sales under this provision shall be limited to between the hours of 10:00 a.m. and 10:00 p.m. An exception to these hours may be approved through a Conditional Use Permit in accordance with Process Three upon making the findings in Section 156.0315(b)(1)(D).~~
- (4) ~~Brewery tasting rooms offering alcoholic beverages manufactured by the business for off-site consumption shall be subject to the following regulations:~~
 - (A) ~~The gross floor area of the establishment shall not exceed 5,000 square feet;~~
 - (B) ~~The establishment shall provide for on-site consumption of the products manufactured by the business;~~
 - (C) ~~No malt beverage shall be sold for off-site consumption in less than 16.9 ounce quantities; and~~
 - (D) ~~Off-site sales under this provision shall be limited to between the hours of 10:00 a.m. and 10:00 p.m. An exception to these hours may be approved through a~~

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Conditional Use Permit in accordance with Process Three,
upon making the *findings* in Section 156.0315(b)(1)(D).

(c) *Live entertainment*

The provision of *live entertainment* shall comply with Chapter 3, Article 3, Division 15 of this Code, as applicable, and shall be subject to the following additional regulations and permits:

(1) ~~Acoustic live entertainment~~ Any establishment may offer non-amplified performances by live musicians or similar performers as an accessory use up to 11:00 p.m., if the performance is not audible outside of the establishment.

(A) ~~Bona fide eating establishments may offer performances by live acoustic musicians, dancers, or similar performers as an accessory use up to 11:00 p.m., if the performance is not audible outside of the establishment.~~

(B) ~~Any other establishment offering performances by live acoustic musicians, dancers, or similar performers shall obtain a Neighborhood Use Permit in accordance with Process Two. The performances shall not be audible outside the establishment.~~

(2) ~~Non-acoustic live entertainment~~ Any establishment offering amplified performances within an enclosed building by live musicians, disc jockeys, or patron dancing, shall obtain a Conditional Use Permit in accordance with Process Three.

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~~(A) Any establishment offering performances within an enclosed building by live non-acoustic musicians, disc jockeys, or patron dancing, shall obtain a Conditional Use Permit in accordance with Process Three.~~

~~(B)~~(A) If located upon or adjacent to a *premises* containing residential land uses, the establishment shall provide a noise impact analysis to the decision maker for consideration before approval of the Conditional Use Permit. -The noise impact analysis shall be prepared by a qualified acoustical engineer and shall evaluate potential noise and vibration impacts to the surrounding neighborhood.

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

(6) The programming of multiple Special Events, as defined in Section 22.4003, including live entertainment, within a promenade in the Centre City Planned District may be permitted with a single annual Special Events Permit, as defined in Section 22.4003.

(d) [No change in text.]

~~(e) *Outdoor activities*~~

~~*Outdoor activities* include a variety of community serving uses and events and may include the use of *structures* and small buildings. *Applicants* proposing the use of any *structures* or small buildings shall obtain all~~

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necessary permits in accordance with state and local regulations. *Outdoor activities* are subject to the following additional regulations and permits:

- (1) *Outdoor activities* shall obtain a Neighborhood Use Permit in accordance with Process Two.
- (2) *Outdoor activities* may offer *live entertainment* for no more than six days per calendar year through the approval of one or more Temporary Use Permits.
- (3) *Outdoor activities* shall be required to obtain a Conditional Use Permit in accordance with Process Three if *live entertainment* is offered more than six days per calendar year

(f) *Alternative Interim Uses* within Neighborhood Mixed Use Centers and along *Main Streets* and *Commercial Streets* are permitted upon approval of a Conditional Use Permit in accordance with Process Three, when the following *findings* are made:

- (1) The applicant has provided a market study or other evidence to demonstrate that *active commercial uses* are not currently economically viable in this location due to the level of development of the surrounding neighborhood.
- (2) The building has been designed to accommodate *active commercial uses* in the future.

The initial term for a Conditional Use Permit permitting *Alternative Interim Uses* shall not exceed a ten-year period. Extensions

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~~may be approved in accordance with Section 126.0114, but shall not exceed an additional ten-year period.~~

~~(g)~~(e) *Living Units:*

Living unit developments are permitted in the zones indicated in Table 156-0308-A subject to the following regulations:

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

(10) Parking shall be provided in accordance with ~~section~~Section 156.0313. All required parking for the *living unit development* shall be available to residents only.

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

~~(h)~~(f) *Historical Resources*

All *development* proposals that may result in the alteration of an *historical resource*, or any site containing a structure over 45 years in age, shall be reviewed as provided in Chapters 11 through 14 of this Code.

(1) Minor Alterations

Minor alterations (as defined in Section 143.0250) to an *historical resource* shall be reviewed in accordance with Chapter 14, Article 3, Division 2 of this Code. New development that steps back a minimum of 15 feet from the building façade of a historical resource and is consistent with the Secretary of the Interior's Standards and Guidelines shall be considered a minor alteration for the purposes of this review.

(2) [No change in text.]

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~~(i)(g)~~ *Historical Buildings Occupied by Uses Not Otherwise Allowed*

Historical buildings occupied by uses not otherwise allowed may be permitted with a Conditional Use Permit in accordance with Process Three subject to the following regulations:

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

~~(j)~~ *Social Services Institutions, Transitional Housing or Homeless Facilities*

~~Applicants for a Conditional Use Permit for a social service institution, transitional housing or a homeless facility may request a modification to the standard development regulations, including separation requirements, found in Chapter 14 of this Code. Any such request may be granted by the decision maker if at least one of the following findings is made:~~

- ~~(1) The proposed institution or facility is relocating from another location within the Centre City Planned District and the owner or permittee of the previous location rescinds any existing Conditional Use Permit or previously conforming use rights pursuant to Section 126.0110(b).~~
- ~~(2) The institution or facility, due to its unique operations or uses, will not adversely impact the surrounding neighborhood, and there is a demonstrated need for the institution or facility that is not being met by existing services or facilities in the Downtown Community Plan area.~~

~~(k)(h)~~ *Reasonable Accommodations*

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The requirements of this Article may be waived, modified, or excepted if necessary to afford *disabled persons* equal housing opportunities in accordance with Section 131.0466.

Figure B: Land Use Districts through Figure N: Little Italy Sun Access Maximum Building Envelope

[No change in text.]

§157.0102 Boundaries

(a) [No change in text.]

(b) Asian Pacific Thematic Historic District Overlay

Several blocks in the Gaslamp Quarter Planned District fall within the boundaries of the Asian Pacific Thematic Historic District, ~~established by the City Council on October 13, 1987, by Resolution No. R-269475, and shown in Figure A. The Asian Pacific Thematic Historic District Master Plan, approved on August 15, 1995, by the Redevelopment Agency by Resolution No. 2544, and on file in the Office of the Secretary of the Agency as Document No. 02238, establishes design guidelines for the Asian Pacific Thematic Historic District.~~ All new construction modifications to contributing resources within the boundaries of the Asian Pacific Thematic Historic District shall be reviewed for consistency with the Secretary of the Interior's Standards and Guidelines and the Asian Pacific Thematic Historic District Master Plan in conjunction with the provisions of this Article and the Gaslamp Quarter Planned District Design Guidelines. ~~A copy of the Gaslamp Quarter Planned District Design Guidelines is on file in the office of the City Clerk as Document~~

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~~No. RR-306002.~~ A list of contributing resources to the Asian Pacific Thematic Historic District can be found in Appendix A of the Gaslamp Quarter Planned District Design Guidelines.

§157.0103 Administration

~~The City Manager is responsible for the planning and zoning functions of the City of San Diego within the Gaslamp Quarter Planned District. The City Manager, or his or her designee, shall administer the Gaslamp Quarter Planned District Ordinance as set forth in this Article and ensure compliance with the regulations and procedures of this Article, the Gaslamp Quarter Planned District Design Guidelines, the Downtown Community Plan, the Centre City Streetscape Manual, and any other policies or guidelines adopted by the City of San Diego to implement the Downtown Community Plan.~~

§157.0105 Gaslamp Quarter Approvals and Permits

- (a) Approvals
 - (1) ~~In accordance with the process set forth in this Article, the~~ The City Manager’s or their designee’s approval, in accordance with Process One, is required prior to the commencement of any of the following activities, unless otherwise specified:
 - (A) through (K) [No change in text.]
 - (2) [No change in text.]
- (b) [No change in text.]

§157.0106 ~~Removal of Damaged Historical Resources~~

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~~If any designated or contributing *historical resource* is damaged by earthquake, fire, or act of God and is determined unsafe by the Building Official, the *record owner* may apply for a *development* permit to demolish the *historical resource*. The permit shall be referred to the Historical Resources Board pursuant to Chapters 11, 12, and 14 of the Land Development Code. Alternatively, the *record owner* may apply for a permit to restore or reconstruct the *historical resource* in accordance with the Secretary of the Interior's Standards and the Land Development Code. In the case of an emergency, the City Manager, in consultation with the Building Official and the staff of the Historical Resources Board, may authorize without a public hearing, the minimum amount of work necessary to protect the public health, safety, and welfare, pursuant to Section 143.0214 of the Land Development Code.~~

~~§157.0107~~**§157.0106 Character of the Area**

[No change in text.]

~~§157.0108~~**§157.0107 General Design-Development Regulations for New Buildings****Non-Contributing Sites**

~~For the purposes of this Division, non-contributing sites means sites that do not contain a contributing building, as identified in Appendix A of the Gaslamp Quarter Planned District Design Guidelines. The City Council has adopted the Gaslamp Quarter Planned District Design Guidelines which contain architectural and design guidelines to be used in evaluating the appropriateness of any *development* for which a permit is applied under this Article. ~~Nothing in this Article shall preclude the use of any affordable housing *density* bonus programs identified in Chapter 14, Article 3, Division 7 of the Land Development Code so~~~~

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~~long as the *development* maintains consistency with the Secretary of Interior's Standards for *historical resources*.~~

(a) Building Height Regulations

~~Building heights in the Gaslamp Quarter Planned District are measured from the average *grade* of the adjoining public sidewalk grades, to the top of the parapet of the highest habitable floor.~~

~~Uninhabited roof *structures* that conceal mechanical equipment or elevator or stair overruns are exempt from this requirement when they are set back from the front *property line* by at least 15 feet, are not visible from the *public right of way*, and do not project above a 45-degree plane inclined inward from the top of the parapet(s) of any street wall adjoining a *public right of way*; up to a maximum height of 30 feet.~~

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

(3) Building height may be increased to a maximum of 101 feet on parcels 20,000 square feet or more or 125 feet on parcels 30,000 square feet or more subject to the following:

~~(A) The site contains no contributing *historical resource*.~~

~~(B)~~(A) The *development* shall not exceed an *FAR* of 6.0.

~~(C)~~(B) Building elements greater than 75 feet in height shall be set back a minimum of 50 feet from the Fifth Avenue *public right-of-way*.

~~(D) Additional stories comply with all applicable massing, architectural style, material use, articulation, setbacks, and~~

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~~fencing standards set forth in the Gaslamp Quarter Planned District Design Guidelines.~~

- (4) ~~Building height may be increased to a maximum of 125 feet on parcels 30,000 square feet or more subject to the following:~~
- (A) ~~The maximum FAR shall not exceed 6.0;~~
 - (B) ~~Building elements greater than 75 feet in height shall be set back a minimum of 50 feet from the Fifth Avenue *public right of way*.~~
 - (C) ~~The site contains no contributing *historic resource*.~~
 - (D) ~~On sites containing any contributing *historic resource*, the *development* shall be approved in accordance with Process 5, provided that the City Council finds the *development* offers significant architectural, aesthetic, and community benefits to the Gaslamp Quarter Planned District.~~

(b) *Street Wall Requirements*

Buildings shall provide a continuous *street wall* plane and strong *street* edge definition at the *property line*.

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

(3) ~~Ground floor~~ floor treatment shall have a traditional storefront character and pedestrian scale in the details.

(4) ~~Façades~~ Building façades located along Fourth, Fifth and Sixth Avenues shall incorporate at least one primary entrance from the *public right-of-way* within that ~~façade~~ building façade. A minimum

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of 60 percent of the ~~street~~street-facing ~~building façades~~building
façades along Fourth, Fifth and Sixth Avenues shall contain
storefronts allowing views of indoor space and direct access from
the ~~street~~street.

(c) ~~Floor-to-Floor~~Floor-to-Floor Heights

- (1) The ground-~~floor~~floor height shall be no less than 12 feet and no greater than 20 feet, measured from finish ~~floor~~floor to finish ~~floor~~floor.
- (2) The exterior façades must respect the ~~floor-to-floor~~floor-to-floor heights typical of adjoining *structures*. A lesser ~~floor~~floor height may be permitted to allow for mezzanines and design expression for other contemporary uses.

(d) ~~Building Façade Design Criteria~~

- (1) ~~All buildings in the Gaslamp Quarter Planned District shall observe the dominant~~ *historical building* ~~pattern which is characterized by a delineation of a building base, middle, and top.~~
- (2) ~~The building base shall be defined by a projecting band and/or articulated recess in a continuous horizontal direction across the~~ *building façade*.
- (3) ~~A kickplate or bulkhead shall be included, which shall be a minimum of 12 inches and a maximum of 30 inches.~~
- (4) ~~Storefronts shall consist of large glass panels with bulkheads below.~~

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- (5) ~~Storefront frames shall be set back from the building surface by 3 inches. Glass panels shall be set back from the storefront frame a minimum of 1 inch.~~
- (6) ~~Above the ground *floor*, the building shall contain the window openings which coincide with the horizontal floor bands and may be capped with a cornice.~~
- (7) ~~All windows above the ground *floor* shall have a longer vertical dimension than horizontal dimension and shall be punched into the wall plane, with the window glass set back a minimum of 4 inches from the outside plane.~~

(e) ~~Architectural Fabric and Materials~~

- (1) ~~The use of plaster shall be limited to 20 percent of the base and 60 percent of the overall *building facade*.~~
- (2) ~~Reflective silver aluminum storefront window systems are not permitted.~~
- (3) ~~Frameless storefront systems are not permitted.~~
- (4) ~~Permanent, temporary or retractable grates, grills or bars are not permitted on windows, doors or alcoves.~~

(f) ~~Additional *Stories* Requirements~~

~~Additional *stories* are not permitted for *development* on sites that contain a contributing *historical resource*. Additional *stories* shall comply with the following criteria:~~

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- (1) The additional *stories* are limited to a flat roofed volume containing a maximum height of 26 feet. The height of the additional *stories* will be measured from the top of the adjacent building roof to the top of the highest additional *stories* parapet.
- (2) The minimum setback for additional *stories* is 15 feet from any *building façade* adjoining a *public right-of-way*.
- (3) At the maximum additional *stories* height of 26 feet, the volume shall be set back 30 feet from any *building façade* adjoining a *public right-of-way*.
- (4) The volume shall be set back a minimum of 50 feet from any *building façade* adjoining Fifth Avenue *public right-of-way*.
- (5) The parapet of all street facing *building facades* shall be solid and a minimum of 24 inches tall.
- (6) Open grill fences and/or solid *screen* walls are allowed in the setback zone provided the following conditions are met:
 - (A) Open grill fences (minimum 60 percent open) shall not exceed a height of 5 feet.
 - (B) Solid *screen* walls shall not exceed a height of 4 feet.
 - (C) No *fences* or *screen* walls are permitted within 8 feet of any *building façade* adjoining a *public right-of-way*.
- (7) Any stair enclosures, mechanical equipment, or other equipment located on the roof of the additional *stories* volume shall be set back a minimum of 25 feet from any street facing additional

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~~stories parapet, which is parallel to a public right-of-way rather than an interior property line.~~

(8) ~~Mechanical equipment and enclosures must not occupy more than 30 percent of the additional stories roof area. The maximum height for any mechanical equipment or enclosures atop the additional stories is 15 feet.~~

(9) ~~All mechanical equipment shall be fully screened from all views including from above, with solid walls or screens with a maximum of 50 percent transparency.~~

~~Refer to the Gaslamp Quarter Design Guidelines for specific guidelines and figures.~~

~~§157.0109~~**§157.0108 General Guidelines for Designated Historical Resources Development Regulations for Sites with Contributing Buildings**

(a) General Considerations

Contributing buildings in the Gaslamp Quarter Planned District are those that have been individually designated or designated by the Historical Resources Board as part of the Gaslamp Quarter Planned District nomination to the National Park Service. Typical alterations of contributing buildings range from the repainting of façades or building elements to the construction of additions to the buildings. The appendix of the Gaslamp Quarter Planned District Design Guidelines provides a comprehensive list of the contributing buildings in the Gaslamp Quarter Planned District. Refer to the San Diego Register of Historical Resources and the National Register of Historic Places for newly listed *historical*

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buildings and ~~resources~~ historical resources in the Gaslamp Quarter Planned District. Any proposed alterations to contributing ~~resources~~ buildings shall follow the appropriate Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historical Buildings.

(b) [No change in text.]

(c) Additional stories on sites that contain a contributing building as identified in Appendix A of the Gaslamp Quarter Planned District Design Guidelines shall comply with the following criteria:

(1) The minimum setback from the outside face of all street-facing building parapets along the Fifth Avenue public right-of-way shall be 50 feet.

(2) The minimum setback from the outside face of all street-facing building parapets along all other streets shall be 15 feet, and always within the ratio of at least 1.15 feet from the building parapet for every 1-foot increase in height.

(3) Additional stories must be contained in one flat-walled building volume. Stepped or terraced stories are prohibited.

(d) Historical Resources Board Review

Substantial alterations (as defined in Section 143.0250) to an historical resource or contributing building, as identified in Appendix A of the Gaslamp Quarter Planned District Design Guidelines, shall be reviewed in accordance with Chapter 14, Article 3, Divisions 2 and 3 of this Code and

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all other relevant provisions of this Code. The substantial alterations shall comply with all applicable *historical resources* mitigation measures listed in Appendix A of the Downtown Community Plan, and shall be reviewed by the Historical Resources Board in accordance with Sections 111.0206(d)(2) and 126.0504(b)(2).

(e) Removal of Damaged *Historical Resources*

If any *designated historical resource* or contributing building, as identified in Appendix A of the Gaslamp Quarter Planned District Design Guidelines, is damaged by earthquake, fire, or act of God and is determined unsafe by the Building Official, the *record owner* may apply for a *development permit* to demolish the *historical resource* or contributing building. The *development permit* shall be referred to the Historical Resources Board in accordance with Chapters 11, 12, and 14 of the Land Development Code. Alternatively, the *record owner* may apply for a permit to restore or reconstruct the *historical resource* or contributing building in accordance with the Secretary of the Interior's Standards and Guidelines and the Land Development Code. In the case of an emergency, the City Manager, in consultation with the Building Official and Historical Resources Board staff, may authorize the minimum amount of work necessary to protect the public health, safety, and welfare without a public hearing in accordance with Section 143.0214.

§157.0109 **General Development Regulations**

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The regulations contained in this Section apply to all *development* in the Gaslamp Quarter Planned District. Nothing in this Article shall preclude the use of any housing *density* bonus programs in Chapter 14 of the Land Development Code or allowed by state law so long as the *development* maintains consistency with the Secretary of Interior’s Standards and Guidelines for *historical resources*.

(a) *Building Façade Design Criteria*

- (1) All buildings in the Gaslamp Quarter Planned District shall observe the dominant *historical building* pattern that is characterized by a delineation of a building base, middle, and top.
- (2) The building base shall be defined by a projecting band, or articulated recess, or both, in a continuous horizontal direction across the *building façade*.
- (3) A kickplate or bulkhead shall be included that is a minimum of 12 inches and a maximum of 30 inches.
- (4) Storefronts shall consist of large glass panels with bulkheads below.
- (5) Storefront frames shall be set back from the building surface by 3 inches. Glass panels shall be set back from the storefront frame a minimum of 1 inch.
- (6) Above the ground-*floor*, the building shall contain window openings that coincide with the horizontal floor bands and may be capped with a cornice.

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- (7) All windows above the ground-floor shall have a longer vertical dimension than horizontal dimension, and be punched into the wall plane with the window glass set back a minimum of 4 inches from the outside plane.
- (b) Architectural Fabric and Materials
- (1) The use of plaster shall be limited to 20 percent of the base and 60 percent of the overall *building façade*.
- (2) Reflective silver aluminum storefront window systems are not permitted.
- (3) Frameless storefront systems are not permitted.
- (4) Permanent, temporary or retractable grates, grills or bars are not permitted on windows, doors or alcoves.
- (c) The parapet of all street-facing *building façades* shall be solid and a minimum of 24 inches tall.
- (d) Open grill *fences*, or solid *screen* walls, or both, are allowed in the stepback zone if all the following are met:
- (1) Open grill *fences* shall be a minimum 60 percent open and not exceed 5 feet in height;
- (2) Solid *screen* walls shall not exceed 4 feet in height; and
- (3) *Fences* or *screen* walls shall not be permitted within 8 feet of any *building façade* adjoining a *public right-of-way*.
- (e) Building heights are measured from the average *grade* of the adjoining public sidewalk *grades* to the top of the parapet of the highest habitable

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floor. Uninhabited roof structures concealing mechanical equipment, elevators, or stair overruns are not included in the measurement of building height if they are set back from the front property line by at least 15 feet, not visible from the public right-of-way, and do not project above a 45-degree plane inclined inward from the top of the parapet(s) of any street wall adjoining a public right-of-way up to a maximum height of 30 feet.

- (f) Mechanical equipment and enclosures shall not occupy more than 30 percent of the roof area.
- (g) Mechanical equipment shall be fully screened from all views including from above, with solid walls or screens with a maximum of 50 percent transparency.
- (h) Development shall comply with applicable massing, architectural style, material use, articulation, set backs, and fencing standards in accordance with the Gaslamp Quarter Planned District Design Guidelines.

§157.0110 Permitted Uses

No building or improvement or portion thereof shall be used except as permitted by this Division. Permitted ground-floor uses in the Gaslamp Quarter Planned District are limited to active commercial uses such as restaurants and retail of consumer goods and services. No single user or business shall occupy more than 10,000 square feet on the ground-floor of a building except as provided in Section 157.0111(d).

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The uses allowed in the Gaslamp Quarter Planned District are shown in Table 157-0110-A, below. The “Additional Regulations” column references additional regulations applicable to certain uses, which are found in this Article or in the Land Development Code.

Table 157-0110-A: GASLAMP QUARTER PLANNED DISTRICT USE REGULATIONS				
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required				
Use Categories/ Subcategories	Any Floor of a Building <u>Gaslamp Quarter Planned District</u>	Only Above or Below the First Floor of a Building	Specialized Uses on Any Floor	Additional Regulations
Antique shops	P	--	--	
Art galleries	P	--	--	
Bakeries including combination retail/wholesale establishments	P	--	--	
Barber shops	P	--	--	
Beauty shops	P	--	--	
Bicycle shops	P	--	--	
Bookstores	P	--	--	
Boutiques	P	--	--	
Camera shops/photographic equipment, supplies and film processing	P	--	--	
Clothing stores	P	--	--	
Computer and copy services stores (including sales, display and copy reproduction) for uses involving printing presses or other large commercial equipment	P	--	--	
Confectionaries (candy stores)	P	--	--	
Condominium sales offices and apartment leasing offices which are utilized primarily for those residential units on the same premises	P	--	--	
Decorator and home accessory shops	P	--	--	
Delicatessens	P	--	--	

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Use Categories/ Subcategories	Any Floor of a Building <u>Gaslamp Quarter Planned District</u>	Only Above or Below the First Floor of a Building	Specialized Uses on Any Floor	Additional Regulations
Drafting and blueprint services	P	--	--	
Drug stores	P	--	--	
Entertainment centers, either freestanding or operating in conjunction with any other permitted use	P	--	--	
Entertainment establishments, as defined in §33.1502 of the San Diego Municipal Code	P	--	--	§157.0111
Financial institutions	P	--	--	
Florists	P	--	--	
Food stores	P	--	--	
Furniture stores	P	--	--	
Hardware stores	P	--	--	
Hobby shops	P	--	--	
Hotel lobbies	P	--	--	
Ice cream parlors	P	--	--	
Import and art objects stores	P	--	--	
Jewelry stores	P	--	--	
Locksmith shops	P	--	--	
Leather goods stores	P	--	--	
Luggage shops	P	--	--	
Medical appliance sales	P	--	--	
Music stores	P	--	--	
Office furniture and equipment sales	P	--	--	
Pawn shops	P	--	--	
Personal services	P	--	--	
Pet shops	P	--	--	
Photographic studios	P	--	--	

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Use Categories/ Subcategories	Any Floor of a Building <u>Gaslamp Quarter Planned District</u>	Only Above or Below the First Floor of a Building	Specialized Uses on Any Floor	Additional Regulations
Post offices	P	--	--	
Radio and television studios	P	--	--	
Restaurants (excluding drive-in and drive-thru restaurants)	P	--	--	§157.0111
Retail produce markets for the sale of fresh fruit, produce, flowers, plants, meat, poultry and groceries	P	--	--	
Shoe stores	P	--	--	
Shoe repair shops	P	--	--	
Shoe shine parlors	P	--	--	
Sporting goods stores	P	--	--	
Stationers and card shops	P	--	--	
Theaters	P	--	--	
Tobacco shops	P	--	--	
Travel agencies	P	--	--	
Variety stores	P	--	--	
Wedding shops	P	--	--	
Addressing, secretarial and telephone answering services	--	P	--	
Business and professional office uses (such as accountants, advertising agencies, architects, attorneys, contractors, doctors, real estate agencies, engineers, insurance brokers, securities brokers, surveyors, and graphic artists)	--	P	--	
<i>Dwelling units</i>	--	P	--	
Electronic data processing, tabulating, and record keeping	--	P	--	
Funeral parlors	--	P	--	
Hotel guest rooms	--	P	--	
Labor unions and trade associations	--	P	--	

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Use Categories/ Subcategories	Any Floor of a Building <u>Gaslamp Quarter Planned District</u>	Only Above or Below the First Floor of a Building	Specialized Uses on Any Floor	Additional Regulations
Lithography shops	—	P	—	
Medical, dental, biological, and x ray laboratories	—	P	—	
Newspaper plants	—	P	—	
Photographic equipment, supplies, and film processing in connection with wholesale uses only	—	P	—	
Private clubs, fraternal organizations, and lodges	—	P	—	
Wholesaling and warehousing	—	P	—	
Charitable organizations (nonprofit or otherwise) and <i>accessory uses</i>	—	—	P	
<i>Churches as an accessory use only</i>	—	—	P	
Museums	—	—	P	
Tourists and historical information centers which are facilities where visitors or residents are given assistance and information about the historical nature of the Gaslamp Quarter Planned District and downtown area of the City of San Diego	—	—	P	
Transitional housing facilities	—	—	L	§141.0313
<i>Permanent supportive housing</i>	—	—	L	§141.0313
<u>Public Park/Plaza/Open Space</u>				
<u>Active Recreation</u>	<u>P</u>			
<u>Passive Recreation</u>	<u>P</u>			
<u>Natural Resources Preservation</u>	=			
<u>Park Maintenance Facilities</u>	<u>P</u>			
<u>Placemaking</u>	<u>P</u>			
<u>Agriculture</u>				
<u>Agricultural Processing</u>	=			
<u>Aquaculture Facilities</u>	=			

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Use Categories/ Subcategories	Any Floor of a Building <u>Gaslamp Quarter Planned District</u>	Only Above or Below the First Floor of a Building	Specialized Uses on Any Floor	Additional Regulations
<u>Dairies</u>	==			
<u>Horticulture Nurseries & Greenhouses</u>	<u>P</u>			
<u>Raising & Harvesting of Crops</u>	<u>P</u>			
<u>Raising, Maintaining & Keeping of Animals</u>	==			
<u>Separately Regulated Agriculture Uses</u>				
<u>Agricultural Equipment Repair Shops</u>	==			
<u>Commercial Stables</u>	==			
<u>Equestrian Show & Exhibition Facilities</u>	==			
<u>Open Air Markets for the Sale of Agriculture-Related Products & Flowers</u>	<u>P</u>			<u>§141.0205</u>
<u>Residential</u>				
<u>Mobilehome Parks</u>	==			
<u>Multiple Dwelling Units</u>	<u>P</u> ¹			
<u>Rooming House</u>	<u>L</u> ¹			<u>§131.0112(a)(3)(A)</u>
<u>Shopkeeper Units</u>	<u>P</u>			
<u>Single Dwelling Units</u>	==			
<u>Separately Regulated Residential Uses</u>				
<u>Accessory Dwelling Units</u>	<u>P</u>			<u>§141.0302</u>
<u>Continuing Care Retirement Communities</u>	<u>L</u> ¹			<u>§141.0303</u>
<u>Employee Housing</u>	==			
<u>Fraternities, Sororities, and Dormitories</u>	<u>N</u> ¹			<u>§141.0305(c)-(e)</u>
<u>Garage, Yard, & Estate Sales</u>	==			
<u>Guest Quarters</u>	==			
<u>Home Occupations</u>	<u>P</u> ¹			<u>§141.0308</u>

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Use Categories/ Subcategories	Any Floor of a Building <u>Gaslamp Quarter Planned District</u>	Only Above or Below the First Floor of a Building	Specialized Uses on Any Floor	Additional Regulations
<u>Interim Ground Floor Residential</u>	<u>N</u>			<u>§141.0309</u>
<u>Junior Accessory Dwelling Units</u>	<u>P</u>			<u>§141.0302</u>
<u>Live/Work Quarters</u>	<u>P¹</u>			<u>§141.0311</u>
<u>Low Barrier Navigation Center</u>	<u>L</u>			<u>§141.0317</u>
<u>Moveable Tiny Houses</u>	<u>=</u>			
<u>Permanent Supportive Housing</u>	<u>L</u>			<u>§141.0315</u>
<u>Residential Care Facilities</u>	<u>L</u>			<u>§141.0312</u>
<u>Student Housing</u>	<u>L¹</u>			<u>§141.0319</u>
<u>Transitional Housing</u>	<u>L</u>			<u>§141.0313</u>
<u>Watchkeeper Quarters</u>	<u>=</u>			
<u>Separately Regulated Institutional Uses</u>				
<u>Airports</u>	<u>=</u>			
<u>Battery Energy Storage Facilities</u>	<u>=</u>			
<u>Botanical Gardens & Arboretums</u>	<u>P</u>			<u>§141.0402</u>
<u>Cemeteries, Mausoleums, Crematories</u>	<u>=</u>			
<u>Correctional Placement Centers</u>	<u>=</u>			
<u>Educational Facilities</u>	<u>P</u>			<u>§141.0407</u>
<u>Electric Vehicle Charging Stations</u>	<u>P</u>			<u>§141.0419</u>
<u>Energy Generation and Distribution Stations</u>	<u>=</u>			
<u>Exhibit Halls & Convention Facilities</u>	<u>P</u>			<u>§141.0409</u>
<u>Flood Control Facilities</u>	<u>=</u>			
<u>Historical Buildings Used for Purposes Not Otherwise Allowed</u>	<u>=</u>			<u>§141.0411</u>
<u>Homeless Facilities</u>	<u>L¹</u>			<u>§141.0412</u>
<u>Hospitals</u>	<u>=</u>			
<u>Intermediate Care Facilities and Nursing Facilities</u>	<u>L¹</u>			<u>§141.0423</u>

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Use Categories/ Subcategories	Any Floor of a Building <u>Gaslamp Quarter Planned District</u>	Only Above or Below the First Floor of a Building	Specialized Uses on Any Floor	Additional Regulations
<u>Interpretive Centers</u>	<u>P</u>			<u>§141.0414</u>
<u>Museums</u>	<u>P</u>			<u>§141.0415</u>
<u>Major Transmission, Relay, or Communications Switching Stations</u>	<u>--</u>			<u>§141.0416</u>
<u>Placemaking on Private Property</u>	<u>P</u>			
<u>Satellite Antennas</u>	<u>L</u>			<u>§157.0118</u> <u>§141.0405</u>
<u>Social Service Institutions</u>	<u>L</u>			<u>§141.0417</u>
<u>Solar Energy Systems</u>	<u>P</u>			<u>§141.0418</u>
<u>Wireless Communication Facilities</u>	<u>See §§141.0420 and 157.0118</u>			
<u>Retail Sales</u>				
<u>Building Supplies & Equipment</u>	<u>P</u>			
<u>Food, Beverages, and Groceries</u>	<u>P</u>			
<u>Consumer Goods, Furniture, Appliances, Equipment</u>	<u>P</u>			
<u>Pets & Pet Supplies</u>	<u>P</u>			
<u>Sundries, Pharmaceuticals, & Convenience Sales</u>	<u>P</u>			
<u>Wearing Apparel & Accessories</u>	<u>P</u>			
<u>Separately Regulated Retail Sales Uses</u>				
<u>Agriculture Related Supplies & Equipment</u>	<u>--</u>			
<u>Alcoholic Beverage Outlets</u>	<u>C</u>			<u>§157.0111(b)</u>
<u>Cannabis Outlets</u>	<u>C</u>			<u>§141.0504</u>
<u>Farmers' Markets</u>	<u>P</u>			<u>§141.0503</u>
<u>Off-Site Alcoholic Beverage Sales</u>	<u>C</u>			<u>§157.0111(b)</u>
<u>Plant Nurseries</u>	<u>P</u>			<u>§141.0505</u>
<u>Retail Farms</u>	<u>P</u>			<u>§141.0506</u>
<u>Retail Tasting Stores</u>	<u>P</u>			<u>§141.0508</u>
<u>Swap Meets & Other Large Outdoor Retail Facilities</u>	<u>P</u>			<u>§141.0507</u>

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Use Categories/ Subcategories	Any Floor of a Building <u>Gaslamp Quarter Planned District</u>	Only Above or Below the First Floor of a Building	Specialized Uses on Any Floor	Additional Regulations
<u>Commercial Services</u>				
<u>Animal Grooming & Veterinary Offices</u>	<u>P</u>			
<u>Assembly & Entertainment</u>	<u>P</u>			<u>§157.0111(a)(2)</u>
<u>With Live Entertainment</u>	<u>L</u>			<u>§157.0111(c)</u>
<u>With Outdoor Use Area</u>	<u>L</u>			<u>§156.0302</u> <u>§156.0315(d)</u>
<u>Building Services</u>	<u>P</u>			
<u>Business Support</u>	<u>P</u>			
<u>Eating & Drinking Establishments</u>	<u>P</u>			<u>§157.0111(a)-(b)</u>
<u>With Live Entertainment</u>	<u>L</u>			<u>§157.0111(c)</u>
<u>With Outdoor Use Area</u>	<u>L</u>			<u>§156.0302</u> <u>§156.0315(d)</u>
<u>Financial Institutions</u>	<u>P</u>			
<u>Funeral & Mortuary Services</u>	<u>P¹</u>			
<u>Instructional Studios</u>	<u>P</u>			
<u>Maintenance & Repair</u>	<u>P¹</u>			
<u>Off-Site Services</u>	<u>P¹</u>			
<u>Personal Services</u>	<u>P</u>			
<u>Radio & Television Studios</u>	<u>P</u>			
<u>Tasting Rooms</u>	<u>P</u>			<u>§157.0111</u>
<u>Visitor Accommodations</u>	<u>P¹</u>			
<u>Separately Regulated Commercial Service Uses</u>				
<u>Adult Day Care Facility</u>	<u>P¹</u>			
<u>Adult Entertainment Establishments</u>	<u>--</u>			
<u>Assembly Uses, including Places of Religious Assembly</u>	<u>P</u>			<u>§141.0602</u>
<u>Bed & Breakfast Establishments</u>	<u>P¹</u>			
<u>Boarding Kennels/Pet Day Care Facilities</u>	<u>P</u>			<u>§141.0604</u>

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Use Categories/ Subcategories	Any Floor of a Building <u>Gaslamp Quarter Planned District</u>	Only Above or Below the First Floor of a Building	Specialized Uses on Any Floor	Additional Regulations
<u>Camping Parks</u>	==			
<u>Child Care Facilities</u>	<u>P</u>			<u>§141.0606</u>
<u>Eating and Drinking Establishments with a Drive-in or Drive-through Component</u>	==			
<u>Fairgrounds</u>	==			
<u>Golf Courses, Driving Ranges, and Pitch & Putt Courses</u>	==			
<u>Helicopter Landing Facilities</u>	==			
<u>Massage Establishments, Specialized Practice</u>	<u>L¹</u>			<u>§141.0613</u>
<u>Mobile Food Trucks</u>	==			
<u>Parking Facilities (structure or surface)</u>	==			
<u>Private Clubs, Lodges and Fraternal Organizations</u>	<u>P¹</u>			<u>§141.0617</u>
<u>Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size</u>	==			
<u>Pushcarts on Private Property</u>	<u>L</u>			<u>§141.0619</u>
<u>Recycling Facilities</u>	==			
<u>Sidewalk Cafés, Streetaries, and Active Sidewalks</u>	<u>P</u>			<u>§141.0621</u> <u>§157.0115</u>
<u>Sports Arenas & Stadiums</u>	==			
<u>SRO Hotels</u>	<u>P¹</u>			<u>§143.0510-</u> <u>§143.0590</u>
<u>Theaters That Are Outdoor or over 5,000 Square Feet in Size</u>	<u>P</u>			<u>§141.0623</u>
<u>Urgent Care Facilities</u>	<u>P</u>			<u>§141.0624</u>
<u>Veterinary Clinics & Animal Hospitals</u>	<u>P</u>			<u>§141.0625</u>
<u>Zoological Parks</u>	==			
Offices				
<u>Business & Professional</u>	<u>P¹</u>			

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Table 157-0110-A: GASLAMP QUARTER PLANNED DISTRICT USE REGULATIONS				
<p>LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required</p>				
Use Categories/ Subcategories	Any Floor of a Building <u>Gaslamp Quarter Planned District</u>	Only Above or Below the First Floor of a Building	Specialized Uses on Any Floor	Additional Regulations
<u>Government</u>	P ¹			
<u>Medical, Dental, & Health Practitioner</u>	P ¹			
<u>Regional & Corporate Headquarters</u>	P ¹			
<u>Separately Regulated Office Uses</u>				
<u>Real Estate Sales Offices & Model Homes</u>	--			
<u>Sex Offender Treatment & Counseling</u>	--			
<u>Vehicle & Vehicular Equipment Sales & Service</u>				
<u>Commercial Vehicle Repair & Maintenance</u>	--			
<u>Commercial Vehicle Sales & Rentals</u>	--			
<u>Personal Vehicle Repair & Maintenance</u>	--			
<u>Personal Vehicle Sales & Rentals</u>	--			
<u>Vehicle Equipment & Supplies Sales & Rentals</u>	--			
<u>Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses</u>				
<u>Automobile Service Stations</u>	--			
<u>Outdoor Storage & Display of New, Unregistered Motor Vehicles as a Primary Use</u>	--			
<u>Vehicle Storage Facilities as a Primary Use</u>	--			
<u>Distribution and Storage</u>				
<u>Equipment and Materials Storage Yards</u>	--			
<u>Moving and Storage Facilities</u>	--			
<u>Distribution Facilities</u>	--			
<u>Separately Regulated Distribution and Storage Uses</u>				
<u>Impound Storage Yards</u>	--			

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Table 157-0110-A: GASLAMP QUARTER PLANNED DISTRICT USE REGULATIONS				
<p>LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required</p>				
Use Categories/ Subcategories	Any Floor of a Building <u>Gaslamp Quarter Planned District</u>	Only Above or Below the First Floor of a Building	Specialized Uses on Any Floor	Additional Regulations
<u>Junk Yards</u>	==			
<u>Temporary Construction Storage Yards Located Off-Site</u>	==			
<u>Industrial</u>				
<u>Heavy Manufacturing</u>	==			
<u>Light Manufacturing</u>	==			
<u>Marine Industry</u>	==			
<u>Research & Development</u>	<u>P</u>			
<u>Testing Labs</u>	==			
<u>Trucking & Transportation Terminals</u>	==			
<u>Separately Regulated Industrial Uses</u>				
<u>Artisan Food and Beverage Producer</u>	<u>L</u>			<u>§141.1001</u>
<u>Cannabis Production Facilities</u>	==			<u>§141.1004</u>
<u>Hazardous Waste Research Facility</u>	==			<u>§141.1002</u>
<u>Hazardous Waste Treatment Facility</u>	==			<u>§141.1003</u>
<u>Marine Related Uses Within the Coastal Overlay Zone</u>	==			
<u>Mining and Extractive Industries</u>	==			<u>§141.1006</u>
<u>Newspaper Publishing Plants</u>	<u>P¹</u>			<u>§141.1007</u>
<u>Processing & Packaging of Plant Products & Animal By-products Grown Off-premises</u>	==			<u>§141.1008</u>
<u>Very Heavy Industrial Uses</u>	==			<u>§141.1009</u>
<u>Wrecking & Dismantling of Motor Vehicles</u>	==			<u>§141.1010</u>
<u>Signs</u>				
<u>Allowable Signs</u>	<u>P</u>			<u>§157.0113</u> <u>§142.1292</u>
<u>Separately Regulated Signs Uses</u>				
<u>Community Entry Signs</u>	<u>L</u>			<u>§157.0113</u> <u>§141.1101</u>

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Table 157-0110-A: GASLAMP QUARTER PLANNED DISTRICT USE REGULATIONS				
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Use Categories/ Subcategories	Any Floor of a Building <u>Gaslamp Quarter Planned District</u>	Only Above or Below the First Floor of a Building	Specialized Uses on Any Floor	Additional Regulations
<u>Comprehensive Sign Program</u>	<u>N</u>			<u>§157.0113</u> <u>§141.1103</u>
<u>Neighborhood Identification Signs</u>	<u>N</u>			<u>§157.0113</u> <u>§141.1102</u>
<u>Revolving Projecting Signs</u>	==			<u>§157.0113</u> <u>§141.1104</u>
<u>Signs with Automatic Changing Copy</u>	==			<u>§157.0113</u> <u>§141.1105</u>
<u>Theater Marquees</u>	<u>N</u>			<u>§157.0113</u> <u>§141.1106</u>

Footnotes for Table 157-0110-A

¹ Only permitted above or below the first floor, excluding entrance lobbies.

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

(c) Specialized Uses in the *Public Right-of-Way*

~~Specialized uses in the public right-of-way which are consistent with the 1873-1930 era may be considered on all streets with the exception of Broadway. Specialized uses to be considered include sidewalk cafes and moveable encroachments such as flower stalls, newsstands, and shoe shine stands. Prior to the use of the public right-of-way for a specialized use, an encroachment permit shall be obtained in accordance with Chapter 12, Article 9, Division 7 of the San Diego Municipal Code. A clear separation of the encroachment area and the remainder of the sidewalk shall be provided. Encroachments shall not be allowed to extend out into the public~~

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~~right-of-way for more than half the width of the sidewalk from property line to curb.~~

- (1) Subsurface utility equipment located under the sidewalk shall utilize fill-type lids covered with matching sidewalk materials. As an alternative to fill-type lids, for covers that are less than 31 inches by 49 inches in size, an applicant may propose ductile-iron, traffic-rated and slip-resistant vault lids that are painted or stained to match the color of the surrounding sidewalk materials, to the satisfaction of the City Engineer.
- (2) The programming of multiple Special Events, as defined in Section 22.4003, within a promenade in the Gaslamp Quarter Planned District may be permitted with a single annual Special Events Permit, as defined in Section 22.4003.

§157.0111 Separately Regulated Uses

- (a) Alcoholic Beverage Sales for On-Site Consumption
 - (1) ~~Restaurants which~~ Eating and drinking establishments that offer made-to-order food products during all business hours shall not be required to obtain a Conditional Use Permit for the sale of alcoholic beverages for on-site consumption may provide alcoholic beverages for consumption on the premises by right.
 - (2) ~~A Neighborhood Use Permit shall be required for the restaurants, including brew pubs or micro-breweries, engaged in the sale of alcoholic beverages for on-site consumption during business hours~~

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~~when made-to-order food products are not available~~Eating and drinking establishments, bars, and assembly and entertainment uses that provide alcoholic beverages for consumption on the premises and do not offer made-to-order food products during all business hours shall obtain a Conditional Use Permit in accordance with Process Three.

(3) Craft beverage producers may provide alcoholic beverages for consumption on the premises by right. For the purposes of this Division, the term craft beverage producer has the same meaning as in Section 156.0302.

(b) Alcoholic Beverage Sales for Off-Site Consumption

Establishments offering alcoholic beverages for off-site consumption shall obtain a Conditional Use Permit in accordance with Process Three, and be subject to the following regulations, in addition to applicable state and local regulations, except as provided in Section 157.0111(b)(7):

~~(1) Stores greater than 10,000 square feet in floor area where the shelving allocated to alcoholic beverages does not exceed 10 percent of the total shelving within the store, shall not be required to obtain a Conditional Use Permit.~~

~~(2)~~(1) Establishments engaged in the sale of alcoholic beverages for off-site consumption shall be required to obtain a Conditional Use Permit and shall be an accessory use to the following primary uses:

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- (A) ~~Delicatessens~~Retail; or
 - (B) ~~Drug stores/convenience stores~~Eating & Drinking Establishments;
 - (C) ~~Food and retail stores~~;
 - (D) ~~Restaurants~~; or
 - (E) ~~Micro breweries or brew pub.~~
- ~~(3)~~(2) No wine or distilled spirits shall be sold in containers of less than seven-hundred-fifty (750) milliliters.
- ~~(4)~~(3) No malt beverage products shall be sold in ~~less than six pack quantities per sale~~quantities of less than a six-pack of 12-ounce bottles or other containers totaling a minimum of 64 ounces.
- ~~(5)~~ ~~Quarterly gross sales of alcoholic beverages shall not exceed 25 percent of the quarterly gross sales of the~~ *primary use.*
- ~~(6)~~(4) No alcoholic beverages shall be sold except between the hours of 10:00 a.m. and 10:00 p.m. of each day of the week.
- (5) No more than 25 percent of the retail floor area shall be dedicated to the display of alcoholic beverages.
- ~~(7)~~(6) After considering ~~the facts presented in the application~~, a Hearing Officer may grant a Conditional Use Permit at the hearing if it is concluded that all of the applicable criteria set forth in this Division ~~have been met. The~~ an application for the Conditional Use Permit during a public hearing, the Hearing Officer may grant exceptions to sections 157.0111(b)(5) and (6) above if notice of the

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~~proposed exception is included in the public notice of the hearing and if the Hearing Officer finds that the proposed use and operations are compatible with existing and planned surrounding land uses. In granting the Conditional Use Permit, the Hearing Officer may impose additional conditions as deemed necessary and desirable to protect the public health, safety, and welfare which address the following issues to ensure compliance with the provisions of this Division~~Section 157.0111(b)(2)-(4) for establishments that are over 10,000 square feet, provide onsite security staff during all hours of operation, and dedicate no more than 10 percent of the retail floor area to the display of alcoholic beverages, upon making the following findings:

- (A) ~~Entertainment uses or activities or amusement devices on the premises~~The request for the exception was provided in the public notice for the hearing; and
- (B) ~~Hours of operation for sales of alcoholic beverages;~~The proposed use and operations are compatible with existing and planned surrounding land uses.
- (C) ~~Security measures;~~
- (D) ~~Potential noise impacts to residential occupants; and~~
- (E) ~~Lighting, litter and nuisance abatement or any other special requirements for the premises.~~

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(7) Craft beverage producers offering alcoholic beverages manufactured by the licensee for off-site consumption shall be subject to Section 156.0315(b)(2).

(c) Live entertainment

Live entertainment means live performances by musicians, singers, dancers, disc jockeys, or similar entertainers, and may include dancing by customers of an establishment. The provision of live entertainment shall comply with Chapter 3, Article 3, Division 15 of this Code, as applicable, and shall be subject to the following additional regulations and permits:

(1) ~~Acoustic live entertainment~~Any establishment may offer non-amplified performances by live musicians or similar performers as an accessory use up to 11:00 p.m., if the performance is not audible outside of the establishment.

~~(A) Restaurants which offer made-to-order food products during all business hours may offer performances by live acoustic musicians, dancers, or similar performers as an accessory use up to 11:00 p.m., if the entertainment is not audible outside of the establishment.~~

~~(B) Any other establishment offering performances by live acoustic musicians, dancers, or similar performers shall obtain a Neighborhood Use Permit in accordance with Process Two. The performances shall not be audible outside the establishment.~~

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(2) ~~Non-acoustic live entertainment~~Any establishment offering amplified performances within an enclosed building by live musicians, disc jockeys, or patron dancing, shall obtain a Conditional Use Permit in accordance with Process Three.

(A) ~~Any establishment offering performances within an enclosed building by live non-acoustic musicians, disc jockeys, or patron dancing, shall obtain~~ In lieu of a Conditional Use Permit, amplified live entertainment that is located entirely below the ground floor may be permitted with a Neighborhood Use Permit in accordance with Process ~~Three~~Two.

(B) In lieu of a Conditional Use Permit, amplified live entertainment may be permitted with a Neighborhood Use Permit in accordance with Process Two if the premises also includes an active commercial use, such as a restaurant or retail of consumer goods, along the entire ground-floor building façade for a depth of at least 50 feet.

~~(B)~~(C) If located upon or adjacent to a *premises* containing residential land uses the establishment shall provide a noise impact analysis for consideration before approval of the Conditional Use Permit. The noise impact analysis shall be prepared by a qualified acoustical engineer and shall

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evaluate potential noise and vibration impacts to the surrounding neighborhood.

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

(d) [No change in text.]

§157.0115 Sidewalk Cafes Cafés and Streetaries

(a) Sidewalk Cafés

~~Sidewalk cafes shall comply with~~ In addition to the requirements under Sections 141.0621(a) and 157.0111(c) of the Land Development Code and the Gaslamp Quarter Planned District Design Guidelines and the Spaces as Places Design Manual, the following regulations apply to sidewalk cafés within the Gaslamp Quarter Planned District:

(1) A sidewalk café shall only be allowed in conjunction with and adjacent to a street-level eating and drinking establishment or craft beverage producer.

(2) The sidewalk café shall only be used for dining, drinking, and circulation.

(3) A railing 42 inches in height or less must delineate the sidewalk café area. Fences and solid walls are not permitted to delineate the sidewalk café area. The railing may be permanently affixed to the sidewalk or moveable. If the railing is moveable, it shall be affixed to the sidewalk while the sidewalk café is open for business.

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- (A) Railings shall be painted black and constructed of wrought or cast iron. Pickets shall be no more than $\frac{3}{4}$ of an inch wide and spaced at least 3 inches apart.
 - (B) Railing designs shall not contain any company branding or product logos.
 - (C) The railing cap may be a maximum of 4 inches wide and constructed out of unpainted stone, painted wrought iron, or wood with a natural finish or stain.
 - (D) The top rail shall be level, and all vertical posts shall be plumb.
 - (E) Large precast concrete or clay planters, or both, may be placed perpendicular to the *building façade* in lieu of a railing to separate sidewalk café spaces from adjacent establishments. Neither the plantings nor the planters are permitted to rise above 42 inches in height.
- (4) A clear path of at least 8 feet shall be maintained in the *public right-of-way* at all times. The clear path shall be measured from the outermost part of the sidewalk café to the curb or the nearest obstruction. Obstructions include traffic signals or *signs*, light standards, parking meters, phone booths, bus stops, trash receptacles, benches, trees, and similar obstructions. Recesses in the *building façade* may not be used to meet the clear path requirement. Sidewalk cafés shall not extend into the *public right-*

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of-way for more than half the sidewalk width as measured from the building property line to the curb.

(5) Swinging gates, cantilevered objects, or any other obstructions that create an unsafe environment for the blind or physically disabled, as determined by the City Engineer, shall not be permitted.

(6) All furniture and appurtenances, including those identified in Sections 157.0113 and 157.0114, shall comply with the following to the satisfaction of the City Manager, and maintain ongoing compliance with the Gaslamp Quarter Planned District Design Guidelines under the oversight of the Gaslamp Quarter

Association:

(A) Furnishings shall be limited to moveable chairs, tables, umbrellas, and heaters that are consistent with the architectural style and colors used on the building facade.

(B) Chairs and tables shall be made of high-quality wood or metal consistent with the style of the Gaslamp Quarter Historical District.

(C) Umbrellas that do not encroach into the public right-of-way and have a minimum of 7 feet in height clearance are permitted. Umbrellas shall not be permitted in sidewalk cafés covered by awnings or canopies. Product or business advertising on umbrellas is prohibited.

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- (D) Plant material may be placed in moveable planting boxes or planted in the ground inside of the sidewalk café area adjacent to the railing or large precast planters.
- (E) Moderately sized lighting fixtures may be permanently affixed to the front of the adjacent *street*-level eating and drinking establishment or craft beverage producer.
- (F) Signs, including A-frame signs, furniture, equipment, or other items furnished by businesses or building owners shall not be permitted in the sidewalk area outside of the sidewalk café barrier.
- (G) Food preparation stations, such as espresso carts, hot dog stands or outdoor grills, and moveable or fixed outdoor decorative displays that consume space in the sidewalk café, such as fountains, shall not be permitted.
- (H) Sidewalk cafés shall not be used as storage. Stacking of heaters, umbrellas, or furniture shall not be permitted while the sidewalk café is not in use. Non-fixed furniture and amenities shall be removed outside of business hours.
- (7) The floor surface inside the sidewalk café area shall not be modified or elevated. The finish height of the sidewalk inside the sidewalk café area shall remain consistent with the sidewalk outside of the sidewalk café area.

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(8) All components of a sidewalk café shall be removed if the adjacent street-level eating and drinking establishment or craft beverage producer has been closed for a continuous period of six months.

(9) A Process Two Neighborhood Use Permit may be requested to deviate from the requirements in Sections 141.0621(a) and 157.0115(a).

(b) Streetaries

In addition to the requirements under Section 141.0621(b) and the Spaces as Places Design Manual, the following regulations apply to streetaries within the Gaslamp Quarter Planned District:

(1) Non-fixed furniture and amenities, including chairs, tables, heaters, and umbrellas, shall be removed from the streetary outside of business hours.

(2) Streetaries shall not be used as storage. Stacking of heaters, umbrellas or furniture is not permitted while the streetary is not in use.

(3) The deck of the streetary shall be constructed of natural wood or composite plank decking in natural brown or red wood colors compatible with the historic brick used throughout the Gaslamp Quarter Planned District.

(4) A railing shall be provided along the perimeter of the streetary that shall be painted or stained black. The railing shall be constructed of horizontal wooden boards spaced 4 inches apart with vertical

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wood posts that are 4 inches by 4 inches or 6 inches by 4 inches.

Solid backing for the railing shall not be permitted.

(5) Wood or metal planters that are stained or painted black or natural wood color may be placed within the perimeter of the streetary.

Planters shall not exceed 36 inches in height, with real plant material not exceeding 42 inches in height at the time of planting.

(6) All furniture, including chairs, tables, heaters, and umbrellas shall comply with the following to the satisfaction of the City Manager:

(A) Chairs and tables shall be made of high-quality wood or metal consistent with the style of the Gaslamp Quarter *Historical District*.

(B) All furnishings shall be moveable.

(C) Colors shall be consistent with the historic preservation palette described in the Gaslamp Quarter Design Guidelines.

(D) Umbrellas shall be in a freestanding base and shall not impede the pedestrian path of travel.

(E) Branding or *signs* shall not be allowed on any furniture, including umbrellas.

(F) Overhead *structures, signs, banners, television screens, artificial plants, bamboo materials, speakers, food preparation stations, grills and bars* shall not be permitted.

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- (7) Streetaries along Fifth Avenue between L Street and E Street shall be allowed along all white, yellow, green, and unpainted curbs.
- (8) A Process Two Neighborhood Use Permit may be requested to deviate from the requirements in Sections 141.0621(b) and 157.0115(b).