DATE: September 12, 2018
TO: All Interested Parties
SUBJECT: 12th Land Development Code Update Workshops

The Code Update Team and Development Services staff are currently working on the 12th Update to the Land Development Code. The following workshops have been scheduled to discuss specific code amendment requests. The code requests are summarized in attached matrix.

When: Wednesday, September 26, 2018
Time: 10:00 AM – 11:30 AM
Topic: Landscaping
Location: 1222 First Ave., San Diego, CA 92101
5th Floor 5B

When: Tuesday, October 23, 2018
Time: 10:00 AM – 12:00 PM
Topic: Civic San Diego
Location: 1222 First Ave., San Diego, CA 92101
4th Floor Training Room

When: Thursday, October 25, 2018
Time: 10:00 AM – 12:00 PM
Topic: General Zoning
Location: 1222 First Ave., San Diego, CA 92101
4th Floor Training Room

When: Tuesday, October 30, 2018
Time: 10:00 AM – 12:00 PM
Topic: General Zoning
Location: 1222 First Ave., San Diego, CA 92101
4th Floor Training Room
Following is a summary of the 102 amendments organized into Permit Process Types, Zoning, Parking, Landscaping and Minor Corrections categories. Within each category the amendments are listed in order of the associated code sections to be amended.

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<th>No.</th>
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<td><strong>Permit Process Amendments:</strong> The following amendments 58 are proposed to improve the permit process, clarify the requirements for various public notice types, address inconsistencies in the regulations, and clarify the regulations applicable to various use types.</td>
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</table>
| 1   | Regulatory Reform | 126.0501 | **Exemption from Site Development Permit** - Anne Jarque/Christine Rothman  
Exclude Concrete-lined channels as development, and therefore exempt from an SDP.  
Request from C. Rothman to remove item. |
| 2   | Regulatory Reform | 126.0111(i)  
125.0124(f) | **Appeal Fees** – Brad Richter, Civic SD  
Increase appeal fees from $100 to $1,000 for Extensions of Time & Map Waiver appeals consistent with approved City Council appeal fees.  
Support the increase in fees for all appeals.  Information presented to council supports the increase for other appeals. |
| 3   | Regulatory Reform | 112.0504(a)(3) | **Appeals** – Brad Richter, Civic SD  
The four grounds of appeal need to be further tightened.  The intent is not to allow an appeal just because a party disagrees with a decision.  
Support/discuss with City Attorney |
| 4   | Regulatory Reform | 112.0603(b) | **Process CIP - Two Appeal Hearing** - PJ FitzGerald  
Change the requirement to file an appeal from 12 business days to 10 business days, consistent with the other appeals recently reduced.  
Support |
| 5   | Regulatory Reform | 113.0234(b)(4)(B) | **Calculating Gross Floor Area** - Mark Bucon  
Propose that Gross Floor Area includes attic space where more than 6’-8” of vertical distance is between attic floor and ceiling in single family homes that are 2,500 square feet or less.  
Discussion item |
| 6   | Regulatory Reform | 123.0203 | **Appeal From Historical Resources Board Decision** - Michelle Sokolowski/Sonnier Francisco/CD7  
Include the following language: The appellant(s) may withdraw an appeal at any time prior to the commencement of the appeal hearing before the City Council and appeal must be filed within 10 days; consistent with Process Two appeals recently modified.  
Support |
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| 7   | Regulatory Reform | 44.0408 | **Apiaries** – Gregory Godwin  
Clarify where apiaries can be located including distance from property line, setbacks, height and openings.  
Discussion Item/look at other similar uses |
| 8   | Regulatory Reform | 113.0273 129.0104 (b)(5) | **Measuring Visibility Areas** – Matthew Boomhower  
Modify visibility areas at the intersection of a street and driveway to a standard measurement of 10’X10’ measured from back side of the curb.  
**Construction Permits** – Dan Wery  
Providing more space and visibility, and shorter crossing distances for pedestrians is much preferred and more effective than unnecessarily and arbitrarily clearing buildings, landscaping, street trees, etc. from a triangle that has nothing to do with actual sight lines.  
Discussion Item/requirement should not be in LDC, should be in Street Design Manual. Consolidated with item 11 |
| 9   | Regulatory Reform | 112.0503 | **Process Two** – David Moty  
Due to streamlining of permits to now require Process 2 decisions, require that Notice of Future Decision must be received no later than 30 calendar days (currently 10 business days) and Decision cannot be made less than 31 calendar days (currently 11 business days) to give community planning groups more time to review and allow sufficient time to get on their agenda.  
Cannot support/defeats streamlining. CPGs have appeal rights if the application does not get a recommendation & can call for special meetings. |
| 10  | Regulatory Reform | 113.0264 113.0267 | **Determining Street Wall & Determining Street Wall Line**– John Ziebarth  
Street wall includes lengths of wall perpendicular to the street rather than parallel to the street which discourages articulation of buildings and affects landscape calculations.  
Discussion Item |
| 11  | Regulatory Reform | 113.0273 | **Measuring Visibility Areas** – Matthew Boomhower  
Modify visibility areas at the intersection of a street and driveway to a standard measurement of 10’X10’ measured from back side of the curb.  
Issue consolidated with item 8 |
| 12  | Regulatory Reform | 141.1105 | **Signs with automatic changing copy for EV Stations**– Courtney Rahn-Warner  
Allow EV stations on private property to be exempt from advertising as it helps with the City’s CAP goal.  
The service would be free to the city and the user.  
Discussion Item/Comprehensive Sign Update not currently in work program. |
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| 13  | Regulatory Reform       | 141.0302       | **Companion Units** – Sheri Carr/C. Neuffer  
  - Add requirement that record owner must reside on the property when the site is within the Parking Impact Overlay Zone.  
  - Confirm compliance with State Regulations  
  - Allow two story structures to encroach in setbacks  
  - Clarify if CUs can encroach into street side yard setbacks  
  - Exemption for ADUs in Coastal  
  Discussion item |
| 14  | Regulatory Reform       | 126.0503       | **When Supplemental Neighborhood Development Permit Regulations Apply for Affordable Housing, In-Fill Projects, and Sustainable Buildings** – Joseph Stanco /Raynard Abalos  
  - Reference NDP findings and SDP findings only for supplemental.  
  - Development that proposes deviations from applicable Land Development Code regulations, provided that the findings in Section 126.0505(a) **126.0404(a)**, the supplemental findings in Section **126.0404(f)** and all applicable the supplemental findings in Section 126.0505(b) through (n) are made.  
  - Clarify language in several sections  
  Support |
| 15  | Regulatory Reform       | 125.0710       | **When a Parcel Shall Be Merged** - Jon Linny (Peninsula Community Planning Board Chair)  
  Allow lot consolidation for lots/parcels that do not conform to the development standards if they have common ownership.  
  Already allowed/training Issue |
| 16  | Regulatory Reform       | 131.0522       | **Recycling Centers (Commercial Use Category) in Industrial Zones** - Linda Greenberg  
  Remove the use permit requirement in industrial zones to facilitate implementation of the City's zero waste (waste management) strategy in accordance with the Climate Action Plan. The Climate Action Plan has a goal of zero waste. However, the City of San Diego Industrial Base Zones do not permit recycling by right in any industrial zone in the City, including areas identified as “Recycling Market Development Zones”. If a recycling business wishes to establish in the City, they need a Conditional Use Permit or Neighborhood Use Permit, which is a substantial disincentive to anyone seeking to establish a business to help City meet its recycling goals.  
  Discussion item |
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| 17  | Regulatory  | 131.0643     | **Facilitate Manufacturing Development in Industrial Zones** - Russ Gibbon  
Amend the setback requirement in industrial zones to clarify that concrete pads, removable equipment, and certain containers (i.e. silos, tanks, generators, chillers, cooling towers, air conditioners, and boilers) may be located within side and rear yard setbacks.  
Cannot support/no changes to original 11th update proposal                                                                                                                                                                                      |
| 18  | Regulatory  | 144.0240     | **Street Light Improvements** - Luis Schultz  
Amend the code to clarify that residential subdivision of three dwelling units or less are exempt from the subdivision requirement to install a new street light. In the past staff has left it up to the decision maker as to whether to keep the condition in for a street light or to remove it based on the applicants pleading. It is an issue of proportionality and seems unreasonable to require an applicant for a two or three unit condo map to pay 100-200k to put in a new street light.  
Per the City Attorney’s office, leave as discussion item                                                                                                                                                                                                                              |
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| 19  | Regulatory Reform| 113.0225(c) Article 2: Division 13: Marijuana Regulations Article 2: Health Regulated Businesses and Activities Division 15: Marijuana Outlets, Marijuana Production Facilities, and Transportation of Marijuana 141.0504 141.1004 | **Marijuana Outlets and Production Facilities** - Councilmember Cate  
Change Marijuana to Cannabis throughout the municipal code. Add regulations for billboard advertising that apply to both licensed and unlicensed businesses, including enforcement regulations that include infractions and misdemeanors.  
Discussion item/ Comprehensive Sign Update not currently in work program. Compliance with state regulations.  

**Modify language** - Gary Geiler  
Change Marijuana outlets and Production Facilities “shall maintain” a 1,000-foot distance to sensitive receptors to “shall be prohibited,” consistent with Alcohol Outlets. Also clarify that distance applied to only City of San Diego Boundaries.  

Clarify - Marijuana production facilities shall maintain the following minimum separation between uses, as measured between property lines: 100 feet from a residential zoned property. **Support**  

**Measuring Distance Between Uses** - Gina Austin  
Change distance requirement to direct physical access between uses. Remove barrier language as staff, hearing officer and commissioners are interpreting differently. **Discussion item**  

**Marijuana Production Facilities** - Marcela Eck-Escobar  
Remove distance requirements as these facilities are in industrial zones and no other use has the same requirement. **Cannot support** |
| 20  | Regulatory Reform| 131.0606                                                                | **Auto Auction (Use Category for Outdoor Storage & Display-Separately Regulated Vehicle) in the International Business and Trade Zones** - Rob Hixson (Otay Mesa Community Planning Group)  
Allow (as a permitted use) auto auctions in the IBT-1-1 zone under the use category for Outdoor Storage & Display.  
Discussion item. Can support if consistent with the Community & General Plan |
| 21  | Regulatory Reform| 132.1402(b) Table 132-14B                                                | **Where the Community Plan Implementation Overlay Zone Applies** - Code Update Team  
In CPIOZ “Type B“ reduce process from SDP Process 3 to a NDP Process 2, not just for Affordable/In-fill/Sustainable. **Support** |
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| 22  | Regulatory Reform | 159.0211 Table 159.02A | **Uses Permitted with a Special Permit (Hotel/Motel/Timeshares)** – Gary Geiler  
Remove Finding (d)(3) to allow hotels/motels within Zones 1-4.  
Support |
| 23  | Regulatory Reform | 143.0126 Table 143-01A | **Procedures for Emergency Authorization to Environmentally Sensitive Lands** – Helene Deisher/Carrie Purcell  
Emergency City capital improvement programs projects that result in permanent impacts to environmentally sensitive lands require a Site Development Permit to be submitted to Development Services Department within 180 days. Modify to apply to all City Projects including maintenance projects.  
Reduce process for the following for City Projects:  
- Projects that meet ESL regulations- Chance from Process 2 to 1 (still require CEQA analysis)  
- ESL deviations- Change from Process 5 to 2  
- Eliminate Process 5 for CIP projects |
| 24  | Regulatory Reform | 131.0446 Table 131-04J | **Maximum Floor Area Ratio in Residential Zone** – Bill Metz  
Modify Floor Area Ratio requirement to 100 SF increments of lot area as opposed to 1,000SF.  
Discussion item. When rounding a unit may be lost |
| 25  | Regulatory Reform | 113.0234(b)(5) | **Calculating Gross Floor Area** – Bill Metz  
Guardrails on roof decks allow 36” and an additional 6” (to account for deck slopes) up to 42” before the FAR is calculated. The CBC now requires a 42” guard. Change requirement to 48” when enclosing a deck.  
Discussion item |
| 26  | Regulatory Reform | 131.0461 | **Architectural Projections and Encroachments in Residential Zones** – Bill Metz  
Modify language to allow building appurtenances, building mass or enclosed spaces within the angled building envelope subject to max width, number of encroachments & space between encroachments.  
Discussion item |
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| 27  | Regulatory Reform | 131.0112(a)(8) 131.0622 | **Descriptions of Use Categories and Subcategories** - Russ Gibbon  
  Modify the Vehicle and Vehicular Equipment Sales and Services Use Category  
  **Use Regulations Table for Industrial Zones**  
  Add Trucking and Transportation Terminals as a Permitted Use in the IL-2-1 zone and amend the Vehicular Use Category  
  Discussion item. Consolidated with item 38 & 92. Look at CPIOZ, consolidating uses, visual impacts, separately regulated uses, is it appropriate in IL-2-1 citywide (Lead Raynard/Russ/Landscape staff) |
| 28  | Regulatory Reform | 131.0531 Table 131-05D Table 131-05E 131.05439(a)(2) 131.0631 Table 131-06C | **Purpose of CC Zones** - John Ziebarth  
  Inconsistency in residential use in CC zones and tables.  
  **Development Regulations Tables for Commercial Zones**  
  Correct table to be consistent with use.  
  Lot coverage should be eliminated. Currently 35% required in CV & CC 2-5. Parking controls lot coverage also discourages patios & gathering space. Setback applies to 70% of street frontage. Not enough room to provide required parking.  
  Discussion item. Consolidate with item 38. |
| 29  | Regulatory Reform | 131.0550(a) & (b) | **Pedestrian Paths** - John Ziebarth  
  The current requirement provides more pedestrian access than required for ADA. Propose that this requirement apply to larger lots.  
  Discussion item |
| 30  | Regulatory Reform | 113.0270(a)(2)(A) Table 1130-02kk | **Measuring Structure Height (Plumb Line)** - CA Marengo  
  Clarify that when a basement has soil on 3 sides that an imaginary plane can be used to not count towards plumb line measurement. Add an alternate section and plan diagram for that scenario including light wells and other similar scenarios.  
  Discussion item/support adding diagram. (Lead CA/Raynard) |
| 31  | Regulatory Reform | 129.0218 | **Expiration of a Building Permit** - CA Marengo  
  Building permits for 1 & 2 residential structures expires in two years. Add language that allows permit extensions for difficult builds.  
  Discussion item/get update from Afsaneh. Suggest adding to Newsletter. |
| 32  | Regulatory Reform | 142.0101 142.0130 | **Archeological Resources Monitoring Requirements** - TAC Process Subcommittee  
  Create Arche significance thresholds and mitigation like the Paleo included in the 11th Update. This item will be included in the CEQA thresholds update |
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| 33  | Regulatory Reform | 142.0540(a) | **Exception to Parking Regulations for Nonresidential Uses** – Gilman Bishop  
Increase the small lot commercial parking exemption from 10,000 to 11,000. There are many commercial lots just over 10,000 that cannot utilize the exception that would be good redevelopment projects.  
Discussion item/need examples. 11K arbitrary, 10.5 makes more sense based on lots sizes.  
Consolidated with item 62. |
| 34  | Regulatory Reform | 144.0211(a) | **Lot Design Requirements for Tentative Maps** – Edd Alberto  
Lots usable by vehicular traffic require a 15’ wide access street. Change to 20’ to service two-way traffic.  
Discussion item/need more information. Concern-change in community character. |
| 35  | Regulatory Reform | 131.0622 All URT’s 141.0803 | **Large Commercial Vehicle Storage** - Russ Gibbon  
Draft regulations to permit the use as a Limited Use, subject to certain regulations, in the Light Industrial, Heavy Industrial, and International Business & Trade industrial base zones. The proposed regulations would mirror those historically included in discretionary permits. These uses are most common in Otay Mesa.  
Consolidated with item 27 |
| 36  | Regulatory Reform | 123.0606 141.0612 | **Expiration of a Mobile Food Truck Permit** – Russ Gibbon  
Propose minor changes (allowing signs/tables/chairs) including extending permit to 5 years and distance requirements. This change will help support the industry and reduce permit processing that burdens small businesses.  
Discussion item/support extending permit. Need to vet impacts to businesses/conduct outreach (Lead Russ/Curtis) |
| 37  | Regulatory Reform | 126.0112 | **Minor Modifications to a Development Permit** – Russ Gibbon  
Sorrento Mesa development permits require minimum parking ratios in conflict with airport safety requirements, limiting development intensity. Propose changing the code to enforce only the current (typically lower) minimum parking requirements within industrial zones, without requiring any amendment to the development permit or requirement to obtain a determination of substantial conformance.  
Discussion item (Lead Raynard/Russ/CA/John Z/Neil) |
| 38  | Regulatory Reform | 131.05439(a)(2) | **Setback Requirements for Commercial Zones** – John Ziebarth  
Setback applies to 70% of street frontage. Not enough room to provide required parking.  
Consolidated with item 28 |
| 39  | Regulatory Reform | 141.0502(a)(2) | **Alcoholic Beverage Outlets** – John Ziebarth  
Change the 15K SF limit as more stores are moving into smaller locations.  
Cannot support |
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<tr>
<td>40</td>
<td>Regulatory Reform</td>
<td>142.0611(c)</td>
<td>Exemptions from Requirement to Provide Public Improvements Incidental to a Building Permit - John Ziebarth. The 100K requirement is in violation of the Nolan &amp; Dolan Supreme Court case. Discussion item/tie to Title 24 index</td>
</tr>
<tr>
<td>41</td>
<td>Regulatory Reform</td>
<td>156.0304</td>
<td>City Facilities/Substantial Conformance - Brad Richter, Civic SD. Exempt City facilities from meeting development standards such as minimum FAR’s, street walls, etc. and eliminate need for development permit except for coastal development permits and site development permits for historical resources. Support. Allow for a small increase in FAR and residential density through a Substantial Conformance review (Bulletin 500 precludes this) for Downtown as density is regulated only by FAR and bonuses are available. Policy issue/Revise bulletin</td>
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<tr>
<td>42</td>
<td>Regulatory Reform</td>
<td>156.0307(a) and (b) Table 156-0308-B</td>
<td>Requirements for Active Commercial Uses – Brad Richter, Civic SD. Reduce land use districts with active commercial use requirements; allow commercial uses on commercial streets (eliminate active commercial use requirement) Support</td>
</tr>
<tr>
<td>43</td>
<td>Regulatory Reform</td>
<td>156.0307(a) Figure B</td>
<td>Centre City Base Zones – Brad Richter, Civic SD. Eliminate Waterfront Marine, Convention Center/Visitor, Public Facilities zones as first two are not within City's jurisdiction and third is not necessary Support</td>
</tr>
<tr>
<td>44</td>
<td>Regulatory Reform</td>
<td>156.0308(b)</td>
<td>Requirements for Previously Conforming Uses – Brad Richter, Civic SD. In Residential Emphasis zone, allow conversion and expansion of existing commercial use to any commercial use permitted in the zone Support</td>
</tr>
<tr>
<td>45</td>
<td>Regulatory Reform</td>
<td>156.0309(a)</td>
<td>Minimum FAR – Brad Richter, Civic SD. Note minimum FARs don't apply in Lindbergh Field Safety Zones Support</td>
</tr>
<tr>
<td>46</td>
<td>Regulatory Reform</td>
<td>156.0309(e)(1); Table 156.0309-B</td>
<td>Affordable Housing FAR Bonus – Brad Richter, Civic SD. Eliminate separate Centre City bonus calculations, clarify density bonus = FAR bonus Downtown Support</td>
</tr>
<tr>
<td>47</td>
<td>Regulatory Reform</td>
<td>156.0309(e)(2)</td>
<td>Public Open Space FAR Bonus – Brad Richter, Civic SD. Revise hours open space must be open to public from 6-10 to 7-8 Support</td>
</tr>
<tr>
<td>48</td>
<td>Regulatory Reform</td>
<td>156.0309(e)(3); Table 156.0309-B</td>
<td>Three-Bedroom FAR Bonus – Brad Richter, Civic SD. Enlarge maximum size from 1,300 to 1,500 SF; increase bonus from max 1.0 to 2.0 FAR Support</td>
</tr>
<tr>
<td>49</td>
<td>Regulatory Reform</td>
<td>156.0309(e)(6)</td>
<td>Public Parking FAR Bonus - Brad Richter, Civic SD. Revise to only allow bonus for below-grade parking (above grade already exempted from FAR calculations) Support</td>
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| 50  | Regulatory Reform | 156.0314(4)          | **Ballpark District Signs** - Brad Richter, Civic SD  
Reduce process level from 5 to 3 for comprehensive sign plans directly north of Petco Park and from 3 to 2 for all others within the district  
**Support** |
| 51  | Regulatory Reform | 156.0315(f)          | **Living Unit Standards** - Brad Richter, Civic SD  
Clarify that certain standards such as guest parking, personal storage, don’t apply to living unit development. Eliminate requirement for living unit projects to be restricted to 80% AMI  
**Support** |
| 52  | Regulatory Reform | 156.0310(1)(F); Table 156.0310-B | **View Corridors** – Brad Richter, Civic SD  
Reduce the extent of view corridor setbacks on certain streets that were extended in 2006 as they do not result in enhanced views due to existing developments  
**Support** |
| 53  | Regulatory Reform | 143.0717             | **Required Replacement of Affordable Units** - Justine Nielsen  
Allow applicants to convert restricted for-rent units to restricted for-sale units when providing on-site affordable units during the 55-year affordability restriction term period. Provides additional flexibility for developers and will incentivize the provision of on-site affordable units.  
**Discussion item/need flexibility with Housing Commission (Lead Renee/Matt A)** |
| 54  | Regulatory Reform | Article 2, Division 14; Table 132-14B | **Community Plan Implementation Overlay Zone** - CD7  
This item was included in the 11th Update.  
• Development projects that include onsite affordable housing are exempt from the CPIOZ regulations.  
• It was not a problem for Uptown/North Park but a problem in other communities if exempt from CPIOZ. Determine what areas should be exempt.  
**Discussion item/have Sarah provide examples** |
| 55  | Regulatory Reform | 129.0710 131.0622    | **How to apply for a Public Right-of-Way Permit** – CD7  
Allow Placemaking in the Light Industrial zone |
| 56  | Regulatory Reform | 123.0203            | **Appeal from Historic Resources Board Decision** - CD7  
Allow appeals of involuntary designations to be appealed de novo, allowing a new trial on the designation to the City Council  
**Planning/Historic processing separately** |
| 57  | Regulatory Reform | 113.0246(a)         | **Determining Property Lines** - Mark Bucon  
The front property line separates a lot from the public right-of-way or private street. On corner lots, the front property line lies along the narrowest street frontage, as shown in Diagram 113-02Z. Should not apply to CUs.  
**This is a CU setback issue. Consolidate with item 13.** |
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<tr>
<td>58</td>
<td>Regulatory Reform</td>
<td>113.0103</td>
<td><strong>When Previously Conforming Advertising Display Sign Procedures Apply</strong> Brad Richter, Civic SD</td>
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<td>127.0302</td>
<td>Add Community Event Advertising definition and allow in the CC, Marina &amp; Gaslamp PDOs with a permit. <strong>Support</strong></td>
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<tr>
<td>Parking:</td>
<td>The following 6 items propose changes to parking requirements.</td>
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<tr>
<td>59</td>
<td>Regulatory Reform</td>
<td>142.0545</td>
<td><strong>Shared Parking Requirements</strong> – John Ziebarth</td>
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<td>142.0545(b)</td>
<td>Existing regulations are too restrictive. Amend regulations to provide more flexibility.</td>
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<td>Parking standard for commercial uses with dining should simplified:</td>
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<td>Less than 10% = 4 spaces per 1,000 SF</td>
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<td>Less than 20% = 4.3 spaces per 1,000 SF</td>
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<td><strong>Discussion item</strong></td>
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<tr>
<td>60</td>
<td>Regulatory Reform</td>
<td>131.0556</td>
<td><strong>Parking Lot Orientation</strong>- John Ziebarth</td>
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<td>In all zones where the parking lot orientation regulation applies, as indicated in Table 131-05D or 131-05E, proposed development with greater than 50,000 100,000 square feet of gross floor area and more than one street frontage shall locate no more than 50 percent of the vehicular use area between the longest street frontage providing public access to the premises and a building or buildings. (Changed as part of North Park CPU) <strong>Discussion item</strong></td>
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<tr>
<td>61</td>
<td>Clarification</td>
<td>142.0530</td>
<td><strong>Nonresidential Uses – Parking</strong> – Russ Gibbon</td>
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<td>The parking regulations do not specify whether an accessory use requires the same parking ratio as its related primary use. The intent of the code change is to clarify that accessory uses require the same parking requirements as the functionally-related primary use, rather than treating the accessory use as a separate Permitted Use. <strong>Discussion item</strong></td>
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<tr>
<td>62</td>
<td>Regulatory Reform</td>
<td>156.0313(d)</td>
<td><strong>Parking Standards</strong> - Brad Richter, Civic SD/Justine Nielsen</td>
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<td>Increase small lot size for 50% reduction from 5 to 10,000 SF</td>
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<td>Consolidated with item 33.</td>
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<tr>
<td>63</td>
<td>Regulatory Reform</td>
<td>142.0545</td>
<td><strong>Student Housing Parking</strong>- CD7</td>
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<td>Adopt a new student housing parking rate as proposed by Marcela in the 11th update. Currently, the standard multiple dwelling unit ratio based on the number of bedrooms is applied. <strong>Cannot support</strong></td>
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| 64  | Clarification | 142.0560(h)(1) | **Development and Design Regulations for Parking Facilities**: ASLA SD (h)(1) All parking spaces, parking areas, loading areas, and driveways shall be surfaced with asphaltic concrete at least 2 inches in depth or its equivalent as determined by the City Manager according to accepted engineering practices, except that vehicles and equipment permitted to be stored in accordance with Chapter 14, Article 2, Division 11 (Outdoor Storage, Display, and Activity Regulations), may be placed on a permeable surface. Surfacing shall be placed on a suitable compacted and prepared base.  
  - Alternate surfaces should be considered.  
  
  Regulation allows for alternate/equivalent as determined by the City Manager. |

### Landscaping:

The following 13 items clarify how various things are defined or measured in the Land Development Code.

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| 65  | Regulatory Reform | 142.0409 | **Street Trees**: David Moty  
  Street tree regulations should include the requirement to have trees near bus stops. |
| 66  | Clarification | 142.0412 | **Brush Management Zone 2**: Doug Logan  
  Underground cistern considered a structure and not allowed in Zone Two (considered ESL). Clarify in code or allow.  .  Discussion item |
| 67  | Regulatory Reform | 142.0402, table 142-04A; 142.0404, Table 142-04C; 142.0405(b) | **When Landscape Regulations Apply**: DSD Landscape Staff  
  Establish landscape area and point requirements for high-density residential development and residential components of mixed-use developments.  .  Discussion item |
| 68  | Clarification | 142.0407(d) | **Additional Vehicular Use Area Requirements**: DSD Landscape Staff  
  Cross-reference to section 142.0560(h)(5) for planting areas adjacent to parking spaces overhanging a raised curb or wheel stop.  .  Discussion item |
| 69  | Clarification | 143.0111(b) | **Limited Exceptions from Environmentally Sensitive Lands Regulations**: DSD Landscape Staff  
  Clarify that Zone Two Brush management is exempt from all steep hillside development regulations; reword text to be consistent with other subsections.  Draft language agreed on at 9/26/18 Landscape Workshop |
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<tr>
<td>70</td>
<td>Clarification</td>
<td>143.0121(a)(3)</td>
<td><strong>Development Regulations for Sensitive Biological Resources</strong> - DSD Landscape Staff &lt;br&gt; Clarify that areas designated for habitat mitigation cannot be used for Zone Two Brush Management, consistent with section IIIB(1)(c), Mitigation Methods, of the Biology Guidelines (pg 40). &lt;br&gt; Draft language agreed on at 9/26/18 Landscape Workshop &lt;br&gt; Staff to provide correct code reference section</td>
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<td></td>
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<td>142.0412(c)</td>
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<td>71</td>
<td>Regulatory Reform</td>
<td>142.0410</td>
<td><strong>Previously Conforming Properties Landscape Requirements</strong> – Russ Gibbon &lt;br&gt; Add a hardship exemption for small improvement projects that are $100K or less, consistent with Public Improvements Incidental to a bld Permit approved in the 11th Update. The intent is to encourage small businesses to invest in older areas of the City by providing a reasonable exemption for costly landscape requirements such as the installation of street trees. &lt;br&gt; Add Section 142.0611 cross reference/ further discussion/ John Z will provide draft language</td>
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<tr>
<td>72</td>
<td>Clarification</td>
<td>142.0403(c)(3)(D)</td>
<td><strong>General Planting &amp; Irrigating Requirements</strong> - ASLA SD &lt;br&gt; (c)(3)(D) An approved rain sensor shutoff device is required for all systems. <strong>and a moisture-sensing device that regulates the irrigation system for all lawn areas is required.</strong> &lt;br&gt;  - Model Water Efficient Landscape Ordinance (MWELO) requires weather based “smart” controller. See §142.0413(h)(5)(A)</td>
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<td>Table 142-04A</td>
<td><strong>Draft language agreed on at 9/26/18 Landscape Workshop</strong></td>
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<tr>
<td>73</td>
<td>Regulatory Reform</td>
<td>142.0405(b)(1)(A)</td>
<td>Additional Yard Planning Area and Point Requirements - ASLA SD 73 a</td>
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<td>142.0405(b)(1)(B)</td>
<td>(b)(1)(A) Additional residential yard requirements: (1) Street Yard (A) A minimum separation of 5 feet shall be maintained between driveway edges located in the street yard. Perhaps better suited for the Streetscape Design Manual.</td>
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<td>142.0405(c)(1) - 142.0405(c)(3) - 142.0405(c)(4) - 142.0405(d)</td>
<td>(b)(1)(B) Up to 10 percent of the required street yard planting area located outside the vehicular use area for multiple dwelling unit residential development may consist of enhanced hardscape or unattached unit pavers.</td>
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<td>Hardscape or attached unit pavers is redundant. Draft language agreed on at 9/26/18 Landscape Workshop</td>
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<td></td>
<td></td>
<td>73 b</td>
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<td>(c) &amp; (d) Extraordinarily convoluted, should be simplified. Draft language agreed on for some sections at 9/26/18 Landscape Workshop and others require further discussion/John Z will provide draft language</td>
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| 74  | Clarification | 142.0407(e) | **Additional Vehicular Use Area Requirement** - ASLA SD 74a  
  (e) Solar mounted shade structures located above parking spaces within vehicular use areas shall cover a minimum of 50 percent of the exposed parking space.  
  In-lieu of required shade trees? And does this only apply to “solar” mounted shade structures?  
  **Discussion item**  
  **Table 142-04F** 74b  
  Less than 4:1 (4 horizontal feet to 1 vertical foot) Automatic, above grade, temporary irrigation system  
  Native or naturalized hydroseed mix 4:1 or greater with a slope height of 15 feet or less Automatic, above grade, temporary irrigation system  
  Native or naturalized ground cover consisting of rooted cuttings or hydroseed mix - The first two items suggest the same thing, perhaps simplify.  
  **Discussion item** |
| 75  | Clarification | 142.0412(g)(1) 142.0412(h)(2) 14.0412(h)(3) 142.0412(h)(5)(C) | **Brush Management** - ASLA SD  
  • (g)(1) The required Zone One width shall be provided between native or naturalized vegetation and any structure and shall be measured from the exterior of the structure to the vegetation.  
  • Overhangs “to the vegetation” is vague. Consider “to the outer edge of Zone 1“.  
  • (h)(2) No structures shall be constructed in Zone Two.  
  • There may be some situations where structures are required or necessary, this is too restrictive.  
  • (h)(3) Within Zone Two, 50 percent of the plants over 24 inches in height shall be cut and cleared to a height of 6 inches.  
  • More clarity on how things are cleared is advisable.  
  • (h)(5)(C) All new Zone Two plantings shall be irrigated temporarily until established to the satisfaction of the City Manager. Only low flow, low-gallonage spray heads may be used in Zone Two. Overspray and runoff from the irrigation shall not drift or flow into adjacent areas of native or naturalized vegetation. Temporary irrigation systems shall be removed upon approved establishment of the plantings. Permanent irrigation is not allowed in Zone Two.  
  • Is drip acceptable?  
  **Discussions item/Include Fire** |
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| 76  | Clarification | 142.0412(g)(2) | **Brush Management** – DSD Landscape Staff  
Zone One shall contain no habitable *structures, structures* that are directly attached to habitable *structures*, or other combustible construction that provides a means for transmitting fire to the habitable *structures*. *Structures* such as *fences*, walls, palapas, play structures, and non-habitable gazebos that are located within brush management Zone One shall be of noncombustible, one hour fire-rated or Type IV or heavy timber construction as defined in the California Building Code.  
*Draft language agreed on at 9/26/18 Landscape Workshop* |
### Water Conservation - ASLA SD

- **(b)(1)** Lawn areas shall not exceed 10 percent of the landscape area on a premises, excluding required common areas, active recreation areas, and areas located within the public right-of-way between the curb and public sidewalk. This restriction does not apply to single dwelling units. **Cannot support**

- Not a part of the State Water Conservation Ordinance but grass should not be used in the public ROW. **Cannot support**

- Remove the “s” in premises. **Cannot support**

- **(b)(2)** Lawn areas bounded by impervious surfaces on two or more sides must have minimum dimensions of 8 feet in all directions unless subsurface or low volume irrigation is used. 10 feet per version 2015 MWELO. **Discussion**

**143.0413(c) Suggest adding per MWELO:** Flow sensors that detect and report high flow conditions due to broken pipes and/or popped sprinkler heads are required for landscape areas greater than 5000 sq. ft. **Update Landscape Standards**

- **(c)** Mulch Requirements. All required planting areas and all exposed soil areas without vegetation shall be covered with mulch to a minimum depth of 3 inches, excluding slopes. City staff is requiring organic mulch, not in favor of this but should be addressed specifically.

- **(c)(1)** All new development with a landscape area of 500 square feet or greater shall be subject to a Maximum Applied Water Allowance (MAWA) Water Budget, except as provided in Section 142.0413(h).

- **(d)(1)** Dedicated landscape irrigation meters shall be required in all new development with a landscape area greater than or equal to 1,000 square feet; except that this requirement shall not apply to single dwelling unit development or to the commercial production of agricultural crops or livestock. **Discussion items**

**MWELO requires meter/submeter for residential landscapes over 5000 SF.**
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| 78  | Clarification | 1513.0307 | **Eaves in Mission Beach** – Debbie Watkins (Mission Beach Community Planning Group)  
Clarify that an eave is part of the roof that projects over the building façade. |
| 79  | Clarification | 113.0103 | **Definitions** – Alyssa Muto  
*Excavation* means the act, process, or result of earthen material or substance being removed, cut into, dug, **trenched**, quarried, uncovered, displaced, or relocated. **No change proposed**  
*Grading* means any earthwork that involves **grubbing**, **excavating**, embanking, or filling. |
| 80  | Clarification | 141.0305 | **Fraternity Houses, Sorority Houses, and Student Dormitories** - Chris Elsey  
Clarify that the facility does not need to be recognized by the educational institution when located on private property.  
**Discussion Item** |
| 81  | Clarification | 129.0710(a) | **How to Apply for a Public Right-of-Way Permit** - Chris Larson  
Clarify that Community Entry Signs are a Process One approval consistent with the separately regulated sign regulations (SDMC 141.1101) **Support** |
| 82  | Clarification | 141.0307(i)(2) | **Guest Quarters or Habitable Accessory Buildings** - Gary Geiler  
Existing language restricts conversion of Companion Units. Before a Building Permit is issued for a guest quarters or habitable accessory building, the record owner shall submit a signed agreement with the City that specifies that the guest quarters or habitable accessory building shall not be used as, or converted to, a companion unit or any other dwelling unit. The agreement shall include stipulation stipulates that neither the primary dwelling unit nor the guest quarters or habitable accessory building shall be sold or conveyed separately. The City will provide the agreement to the County Recorder for recordation. **Support** |

**Minor Corrections:** The following 25 items would fix typos, punctuation and formatting errors, incorrect terms, and incorrect section references.
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| 83  | Clarification | 131.0507(b)(2) | **Purpose of the CC (Commercial–Community) Zones**: Gilman Bishop  
Clarify the Mixed-Use or Multi-Use Requirement. Residential development is permitted only when a commercial structure exists on the premises or is a part of the proposed development. Requested language already exists in section 131.0540(b). |
| 84  | Incorrect Section | 126.0704(i)  | **Exemption from a Coastal Development Permit** – Kelly Eisenstein  
(i) Any improvement to a *single dwelling unit* that constitutes part of a “single-family residential building” as defined in California Administrative Code, Title 14, section 13250(a) and that does not require a coastal development permit pursuant to California Administrative Code of Regulations, Title 24, section 13250(b). | Support |
| 85  | Clarification | 142.0910      | **Mechanical and Utility Equipment Screening Regulations** – John Ziebarth  
(a) Except when located in the RE, RS, RX, and RT zones, the following equipment and appurtenances shall be contained within a completely enclosed structure that is screened to be architecturally integrated with the primary building on the premises:  
(8) Other similar appurtenances  
The top and sides of the enclosing structure may include grillwork, louvers, and lattice work. | Support |
| 86  | Clarification | 129.0504(b)   | **How to apply for a demolition/Removal Permit** – Deanna Walker, Code Enforcement  
(b) The Building Official may waive the Demolition/Removal Permit fees, and bond, public liability, and damage insurance fees for demolition of a *structure*......... | Support |
| 87  | Incorrect Reference | 143.0302 Table 143-03A  | **When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply**: Kristal Feilen  
Remove reference to consolidated lots in Table 126.05A | Support |
| 88  | Clarification | 131.0112(a)(3)(E) | **Description of Use Categories and Subcategories** – David Saborio  
Shopkeeper Unit should be added to residential use.  
*Shopkeeper Unit* - *Shopkeeper Unit* has the same meaning as in San Diego Municipal Code Section 113.0103. | Support |
| 89  | Clarification | 142.1235(a)   | **Roof Signs in Commercial and Industrial Zones** – John Ziebarth  
One roof sign shall be permitted per premises. *A Roof sign may be permitted only in lieu of permissible ground or projecting signs. Roof signs may be located only on premises with accessible street frontage. Roof signs are not permitted on buildings with high-rise building identification wall signs as described in Section 142.1250.* | Support |
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| 90  | Clarification | 143.0740 | **Incentives in Exchange for Affordable Housing Dwelling Units** - DSD Planning Staff  
Clarify that a deviation includes the specific development regulation, such as height. Height can have more than one height requirement, however would only be one deviation.  
Support for height & setbacks. Review Waiver/Incentives report to confirm it makes sense citywide. |
| 91  | Consistent with State Law | 143.0720(j) | **Density Bonus in Exchange for Affordable Housing Units** - Code Update Team  
State mandate, applicant not required to use the density bonus.  
(j) For purposes of this Division density bonus means an increase in density in accordance with Tables 143-07A, 143-07B, and 143-07C beyond the otherwise maximum allowable density; or, if elected by the applicant, a lesser percentage of density or no increase in density.  
Support |
|     | Clarification | 131.0622 Table 131-06B | **Trucking & Transportation Terminals** – Russ Gibbon  
This use was determined to be a permitted use in light industrial and heavy industrial zones. The Zoning Code Update (effective 1/1/2000) erroneously did not show the use as permitted use in the then new IL-2-1 zone which replaced the old M-1B zone. These effectively made several existing Trucking & Transportation Terminals previously conforming in the IL-2-1 zone. This use is currently permitted in all industrial base zones except the Industrial Park zones and the IL-2-1 zone.  
Consolidate with 27 |
|     | Clarification | 143.0110(c)(2)(E)(ii) | **When Environmentally Sensitive Lands Regulations Apply** – Russ Gibbon  
Current language ambiguous on exemption from NDP or SDP for Developed Premises Containing ESL. Clarify that a fence or barrier separating the graded or developed portion of a premises from the ESL only needs to be “existing” prior to the issuance of a Building Permit or Grading Permit, rather than “existing” prior to an application being deemed complete.  
Cannot support |
| 94  | Clarification | 142.0802 | **Outdoor Storage and Display of New, Unregistered Motor Vehicles as a Primary Use** – Russ Gibbon  
Remove new & unregistered to operable. Inclusion of the words “new, unregistered” in this land use subcategory could have the effect of excluding the outdoor storage and display of used and registered motor vehicles which are also operable, resulting in a gap in the code to provide a means of regulating the storage of these vehicles. This code section also lacks clarifying language for those zones where the use is a Permitted Use.  
Support |
| 95  | Clarification | 156.0302 | **Definition of Active Commercial Uses** – Brad Richter, Civic SD  
Clarify definition of Active Commercial uses and reference Table 156.0308-A  
Support |
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| 96  | Clarification | 156.0305 | **Definition of Lot Sizes** – Brad Richter, Civic SD  
Clarify that references to square footages (5,000 etc.) mean typical lots of record in Downtown  
Support/Look at citywide |
| 97  | Clarification | 156.0309(c) | **Development Permit FAR** – Brad Richter, Civic SD  
Clarify when a development permit controls FAR on adjoining properties **Support** |
| 98  | Clarification | Table 156-0308-A | **Non-Bonafide Eating Establishments w/ Alcohol** – Brad Richter, Civic SD  
Table shows Non-bonafide Eating Establishment w/ Alcohol as requiring Conditional Use Permit (C)  
should be Neighborhood Use Permit (N) per Section 156.0315(a)(2) **Support** |
| 99  | Clarification | Table 156-0308-A | **Off-site Alcohol Beverage Sales** – Brad Richter, Civic SD  
Add row for Off-site Alcohol Beverage Sales after Non-Bonafide Eating Establishments w/ Alcohol. Per  
Section §156.0315(b) **Support** |
| 100 | Clarification | 122.0107 | **Specific Plans**– CD7  
This item was included in the 11th Update.  
- Clarify that in case of conflict between the base zone development and use regulations and  
those specified within the specific plan that the specific plan requirements shall apply.  
- It was determined that the proposed language was not appropriate in this section. What section should include this language?  
Clariyng language in section 111.0104 |
| 101 | Clarification | 113.0234 | **Penthouses and Calculation of Gross Floor Area**—CD7  
This item was in proposed in the 11th Update.  
Penthouses are structures on a roof of a multiple story building that enclose mechanical equipment, stairs or an elevator. If they meet certain design parameters they are exempt from gross floor area.  
- Clarify how far a penthouse must be setback from the exterior wall in order to qualify for the floor area exemption.  
Originally requested by Senior DSD staff. Check with staff to determine if issue exists. |
| 102 | Consistent with State & Federal Law | 141.0420 | **Wireless Communication Facilities** – WCF Staff  
Amend regulations in compliance with State and Federal Regulations. **Support** |