

§112.0302 Notice by Mail

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

(c) Alternative to Mailed Notice. If the number of tenants and owners to whom notice would be mailed in accordance with Section 112.0302(b) is greater than 1,000, notice may be given by placing a display advertisement of at least one-eighth page in a newspaper of general ~~daily~~ circulation within the City in lieu of mailing, unless the noticing is required for a Coastal Development Permit.

(d) [No change in text.]

§112.0303 Published Notice

When the Land Development Code requires a Notice of Public Hearing to be published, the City shall submit the Notice of Public Hearing for publication in at least one newspaper of general ~~daily~~ circulation within the City. A published notice is effective on the date of publication.

§112.0304 Posted Notice

When the division requires a Notice of Application or a Notice of Future Decision to be posted, the *applicant* shall post the notice in the following manner.

(a) Placement of Notice. The *applicant* shall post copies of the Notice of Application or Notice of Future Decision along the *street frontage* of the property that is the subject of the application. The notices shall not be spaced more than 200 feet apart. No more than three notices are required for any property. If the *street frontage* is less than 200 feet, only one notice is required.

(1) The notice shall be printed in black ink on ~~foam-core board~~ on material which is durable to withstand the elements to ensure that the text is legible for the duration of the posting requirement and located in a conspicuous place on the property abutting a street. ~~not more than 10 feet inside the property line but not closer than five feet to a property line.~~

(2) The notice shall be ~~12~~ six feet square in *sign* area, measuring ~~three~~ two feet by ~~four~~ three feet.

(3) *Signs* may be placed in commercial display windows, attached to perimeter fencing, or supported on ~~four-inch by four-inch~~

~~wood~~ posts not exceeding six feet in height from the ground level. If the property is surrounded by *fences*, walls, or hedges at or near the *street property line*, additional height may be provided as necessary to ensure visibility of the sign from the *public right-of-way*.

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

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

§113.0103 Definitions

Abutting property through *Internally illuminated sign* [No change in text.]

Junior Accessory Dwelling Unit (JADU) means a *dwelling unit* that is not less than 150 square feet and not more than 500 square feet ~~or less in size~~ and is contained entirely within an existing or proposed *single dwelling unit*, an attached or detached garage or an ADU, ~~on a residential single dwelling unit lot~~. A JADU may include separate sanitation facilities or may share sanitation facilities with the *single dwelling unit*.

Kitchen through *MSCP Subarea Plan* [No change in text.]

Multiple dwelling unit means two or more *dwelling units* on a single *lot*. The term does not include *Accessory Dwelling Units*, *Junior Accessory Dwelling Units*, ~~companion units, junior units,~~ or employee housing.

Net building area through *Parking standards transit priority area* [No change in text.]

Parkway through *Public Park* [No change in text.]

Public project means any *development* located on a *premises* owned, leased or maintained by the City; where the City is the *applicant* or where a private party is the *applicant* acting on behalf of the City.

Public right-of-way 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~~ and an area within a x-minute walking distance on a pedestrian path of travel at an average of three miles per hour that extends no more than one-half mile ~~of~~ from 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 deduction through Yard [No change in text.]

§125.0940 Decision Process for a Public Right-of-Way Vacation

A decision on an application to vacate a *public right-of-way* shall be made in accordance with Process Five with the following exceptions to Process Five procedures:

- (a) The Notice of Public Hearing required by Section 112.0301(c) shall be distributed 14 calendar days before the date of the public hearing, and shall be published in a newspaper of general ~~daily~~ circulation for at least two successive weeks prior to the hearing in accordance with California Streets and Highways Code Section 8322. The Notice of Public Hearing shall be posted in accordance with California Streets and Highways Code Section 8323. Where the vacation of a public *right-of-way* occurs in conjunction with an application for a *tentative map*, notice in accordance with this section shall not be required
- (b) [No change in text.]

§126.0108 Utilization of a Development Permit

- (a) A *development permit* grants the *permit holder* 36 months to initiate utilization of the *development permit*. If utilization does not occur in accordance with this Section with 36 months after the due date on which all rights of appeal have expired, and an application for an extension of time was not timely filed, the *development permit* shall be void. *Development permits issued for projects utilizing Type 1 construction as defined in Chapter 6 of the California Building Code shall be granted an additional 12 months to initiate utilization of the development permit.*
- (b) through (d) [No change in text.]

§126.0303 When a Conditional Use Permit is Required

An application for the following types of uses in certain zones may require a Conditional Use Permit. To determine whether a Conditional Use Permit is required in a particular zone, refer to the applicable Use Regulations Table in Chapter 13. The decision process is described in Section 126.0304.

- (a) Conditional Use Permits Decided by Process Two

Battery energy storage facilities (under circumstances described in Section 141.0422)

Cannabis outlet (under circumstances described in Section 141.0504)

Cannabis production facilities (under circumstances described in Section 141.1004) [No change in text.]

(b) Conditional use Permits Decided by Process Three

Agriculture equipment repair shops through Automobile service stations [No change in text.]

Battery energy storage facilities (under circumstances described in Section 141.0422)

Cannabis outlet through *Wireless communication facilities* (under circumstances described in Section 141.0420) [No change in text.]

(c) Conditional Use Permits Decided by Process Four

Battery energy storage facilities (under circumstances described in Section 141.0422)

Botanical gardens and arboretums through Wrecking and dismantling of motor vehicles [No change in text.]

(d) [No change in text.]

§126.0502 When a Site Development Permit is Required

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

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

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

(4) *Development* within the Airport Land Use Compatibility Overlay Zone proposing deviations from the overlay zone requirements; ~~or *development* that includes a rezone or *land use plan approval*.~~

(5) [No change in text.]

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

§126.0704 Exemptions from a Coastal Development Permit

The following *coastal development* is exempt from the requirement to obtain a

Coastal Development Permit:

- (a) Improvements to existing *structures*, including the construction of attached *Accessory Dwelling Units* and *Junior Accessory Dwelling Units* in accordance with Section 141.0302 are exempt, except if the improvements involve any of the following:
 - (1) Improvements to any *structure* if the *structure* or improvements are located on a beach; in a wetland, stream, lake; ~~or seaward of the mean high tide line; where the *structure* or proposed improvements would~~ or encroach within 50 feet of a *coastal bluff edge*.
 - (2) through (8) [No change in text.]
- (b) through (j) [No change in text.]

§126.0707 Decision Process for a Coastal Development Permit

- (a) [No change in text.]
- (b) A decision on an application for a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Three, except that a decision on a *capital improvement program project* or *public project* in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Section 126.0707(c) and a decision on ~~a companion unit~~ an *Accessory Dwelling Unit* shall be made in accordance with Section 126.0707(a). The decision may be appealed to the Planning Commission in accordance with Section 112.0506.
- (c) A decision on an application for a City-issued Coastal Development Permit for a *capital improvement program project* or *public project* shall be made as follows:
 - (1) [No change in text.]
 - (2) In the *appealable area* of the Coastal Overlay Zone, the decision shall be made in accordance with Process CIP/Public Project – ~~Five-Three~~.
- (d) through (f) [No change in text.]

§126.0709 Notice of Final City Action on a Coastal Development Permit

- (a) Notice of Final City Action by Mail. No later than *5 business days*

after the date on which all right of appeal have expired for a Coastal Development Permit or any amendment or extension of a Coastal Development Permit, the City Manager shall ~~mail~~ provide a Notice of Final City Action to the Coastal Commission and to any other person who has requested this notice. Notice may be provided by electronic mail.

(b) [No change in text.]

§128.0305 Public Notice of Draft Environmental Documents

(a) Notice of Availability of a Draft Environmental Document. When a draft environmental document has been prepared and is available for public review and comment, the City Manager shall prepare and distribute a Notice of Availability.

(1) [No change in text.]

(2) Distribution. The City Manager shall distribute the notice as follows:

(A) By publishing the Notice of Availability one time in a newspaper of general ~~daily~~ circulation;

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

(3) [No change in text.]

(b) [No change in text.]

§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 (4) [No change in text.]

(5) The *encroachment* is permitted under Section 141.0621
(Sidewalk Cafes, Streetaries, and Active Sidewalks)

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

(10) The *encroachment* is permitted under Section 141.0629
(Promenade)

(b) through (d) [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 131.02-B.

Legend for Table 131-02B

[No change in text.]

Table 131-02B Use Regulations Table for Open Space Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-		OR ⁽¹⁾ -	
	3rd >>	1-	2-	1-	1-	1-	1-
	4th >>	1	1	1	1	2	1
Open Space through Separately Regulated Residential Uses		[No change in text.]					
Institutional							
Separately Regulated Institutional Uses							
Airports		[No change in text.]					
<u>Battery Energy Storage Facilities</u>							
<u>Small Scale (< 0.25 acre)</u>		<u>C</u>	<u>C</u>	<u>=</u>	<u>C</u>	<u>=</u>	
<u>Medium Scale (0.25 acre < 1 acre)</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Large Scale (>1 acre)</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	
Botanical Gardens through <i>Wireless Communication Facilities</i>		[No change in text.]					
Retail Sales through <i>Signs</i>		[No change in text.]					

Footnotes for Table 131-02B

1 through 11 [No change in text.]

§131.0322 Use Regulations Table for Agricultural Zones

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

Legend for Table 131-03B

[No change in text.]

Table 131-03B
Use Regulations Table for Agriculture 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 Separately Regulated Residential Uses		[No change in text.]			
Institutional					
Separately Regulated Institutional Uses					
Airports		[No change in text.]			
Battery Energy Storage Facilities					
Small Scale (≤ 0.25 acre)		=		C	
Medium Scale (0.25 acre < 1 acre)		=		=	
Large Scale (>1 acre)		=		=	
Botanical Gardens through Wireless Communication Facilities		[No change in text.]			
Retail Sales through Signs		[No change in text.]			

Footnotes for Table 131-03B

1 through 12 [No change in text.]

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the 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>>	RE-	RS-														RX-		RT-								
	3rd >>	1-	1-														1-		1-								
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5		
Open Space through Separately Regulated Residential Uses		[No change in text.]																									
Institutional																											
Separately Regulated Institutional Uses																											
Airports		[No change in text.]																									
Battery Energy Storage Facilities		[No change in text.]																									
Small Scale (< 0.25 acre)		L		L														L		L							
Medium Scale (0.25 acre < 1 acre)		C		C														C		C							
Large Scale (>1 acre)		C		C														C		C							
Botanical Gardens through <i>Wireless Communication Facilities</i>		[No change in text.]																									
Retail Sales through <i>Signs</i>		[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 Separately Regulated Residential Uses		[No change in text.]											
Institutional													

Separately Regulated Institutional Uses					
Airports	[No change in text.]				
<u>Battery Energy Storage Facilities</u>					
<u>Small Scale (≤ 0.25 acre)</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Medium Scale ($0.25 \text{ acre} < 1 \text{ acre}$)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Large Scale (>1 acre)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Botanical Gardens through <i>Wireless Communication Facilities</i>	[No change in text.]				
Retail Sales through <i>Signs</i>	[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 131-04C, 131-04D, 131-04E, 131-04F, and 131-04G.

(a) RE Zones

**Table 131-04C
Development
Regulations for
RE Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones		
	1st & 2nd >>	RE-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
Max permitted <i>density</i> (DU per <i>lot</i>) through Min lot dimensions		[No change in text.]		
Setback requirements				

Min Front <i>setback</i> (ft) [See Section 131.0443(a)(1) and (2)]	[No change in text.]		
Min Side <i>setback</i> (ft) [See Section 131.0443(a)(3)(4)] [Multiply number in table by actual <i>lot</i> width to calculate <i>setback</i>]	20.08	20.08	20.08
Min <i>Street</i> side <i>setback</i> (ft) [See Section 131.0443(a)(4)] [Multiply number in table by the actual <i>lot</i> width to calculate <i>setback</i>]	20.10	20.10	20.10
Min Rear <i>setback</i> (ft) [See Section 131.0443(a)(4)(2)]	[No change in text.]		
<i>Setback requirements for resubdivided corner lots</i> [See Section 113.0246(f)] through <i>Dwelling Unit Protection Regulations</i> [See Chapter 14, Article 3, Division 12]	[No change in text.]		

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

(e) 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 Max lot coverage	[No change in text.]						
Max floor area ratio	0.75	0.90	1.05	1.20 ⁽²⁹⁾	1.35	1.50	
<u>1 to 2 dwelling units</u>	<u>0.75</u>	<u>0.90</u>	<u>1.05</u>	<u>1.20⁽²⁹⁾</u>	1.35	1.50	
<u>3 to 7 dwelling units</u>	<u>1.0</u>	1.0	<u>1.05</u>	<u>1.20⁽³⁸⁾</u>	1.35	1.50	
<u>8 or more dwelling units</u>	<u>1.25</u>	<u>1.25</u>	<u>1.25</u>	<u>1.25</u>	1.35	1.50	
Accessory uses and structures [See Section 131.0448] through <i>Dwelling Unit Protection Regulations</i> [See Chapter 14, Article 3, Division 12]	[No change in text.]						

Development Regulations [See Section 131.0430 for Development Regulations of Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM					
	3rd	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12
Maximum permitted density ^{(1),(2)} (sf per DU) through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12]		[No change in text.]					

Footnotes for Table 131-04G

¹ through ³⁷ [No change in text.]

³⁸ With the Peninsula and Ocean Beach community plan areas, the maximum floor area ratio is 1.0.

§131.0443 Setback Requirements in Residential Zones

(a) *Setbacks* in RE and RS Zones

(1) [No change in text.]

(2) Rear *Setback* in all RE Zones and the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, RS-1-7 Zones

(A) The required rear *setback* is at least the dimension shown in Tables 131-04C and 131-04D, except as follows:

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

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

(3) [No change in text.]

(4) Side and *Street Side Setbacks* in RE and RS Zones

For lots greater than 50 feet in width, the required side *setbacks* may be reallocated where the combined dimension of each side *setback* would meet or exceed the combined total required in Tables 131-04C and 131-04D, in which

case side setbacks shall not be reduced to less than 4 feet, and street side setbacks shall not be reduced to less than 10 feet. Once a side setback is reallocated and established at a dimension less than the percentage indicated in Tables 131-04C and 131-04D, all additions to the primary structure thereafter shall maintain the established side setback.

§131.0522 Use Regulations Table for Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

Legend for Table 131-05B

[No change in text.]

Table 131-05B
Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																	
	1st & 2nd >>	CN ⁽¹⁾ -						CR-		CO-						CV-		CP-	
	3rd >>	1-						1-	2-	1-	2-	3-	1-	2-	3-	1-	2-	1-	2-
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Open Space through Separately Regulated Residential Uses		[No change in text.]																	
Institutional																			
Separately Regulated Institutional Uses																			
Airports		[No change in text.]																	
<u>Battery Energy Storage Facilities</u>																			
<u>Small Scale (< 0.25 acre)</u>		=						<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Medium Scale (0.25 acre < 1 acre)</u>		=						<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Large Scale (>1 acre)</u>		=						<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Botanical Gardens through <i>Wireless Communication Facilities</i>		[No change in text.]																	
Retail Sales through <i>Signs</i>		[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	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5

Open Space through Separately Regulated Residential Uses	[No change in text.]				
Institutional					
Separately Regulated Institutional Uses					
Airports	[No change in text.]				
<u>Battery Energy Storage Facilities</u>					
<u>Small Scale (< 0.25 acre)</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Medium Scale (0.25 acre < 1 acre)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Large Scale (>1 acre)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Botanical Gardens through <i>Wireless Communication Facilities</i>	[No change in text.]				
Retail Sales through Signs	[No change in text.]				

Footnotes for Table 131-05B

¹ through ¹⁹ [No change in text.]

§131.0620 Use Regulations of Industrial Zones

The regulations of Section 131.0622 apply in the industrial zones where indicated in Table 131-06B.

- (a) The uses permitted in any industrial zones may be further limited by the following:

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

- (3) Use limitations applicable to Prime Industrial Land identified in Table 131-06B, in an Adopted land use plan, may further reduce the allowed uses.

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

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

§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	Zone Designator	Zones
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explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd> >	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Separately Regulated Residential Uses	[No change in text.]										
Intuitional Uses											
Separately Regulated Institutional Uses											
Airports	[No change in text.]										
Battery Energy Storage Facilities											
Small Scale (≤ 0.25 acre)	<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>	
Medium Scale (0.25 acre < 1 acre)	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>L</u>	<u>L</u>	<u>C</u>	
Large Scale (>1 acre)	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Botanical Gardens through <i>Wireless Communication Facilities</i>	[No change in text.]										
Retail Sales											
Building Supplies & Equipment	[No change in text.]										
Food, Beverages and Groceries	[No change in text.]										
Consumer Goods, Furniture, Appliances, Equipment	-	-	-	-	P ^(2,13)	P ⁽¹³⁾		-	-	P ^(3,13)	<u>P⁽²²⁾</u>
Pets & Pet Supplies through Wearing Apparel & Accessories	[No change in text.]										
Separately Regulated Retail Sales Uses through Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses	[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> >	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Distribution and Storage											
Equipment & Materials Storage Yards	[No change in text.]										
Moving & Storage Facilities	-	-	-		P ⁽²³⁾	P ⁽²³⁾	P ⁽²³⁾	P ⁽²³⁾	P ⁽²³⁾	P ⁽²³⁾	-
Distribution Facilities	[No change in text.]										
Separately Regulated Distribution and Storage Uses through Separately Regulated Signs Uses	[No change in text.]										

Footnotes for Table 131-06B

^{1 through 21} [No change in text.]²² A maximum of 10 percent of the gross floor area on the premises may be used for retail sales.

²³ Moving and Storage Facilities are prohibited where the applicable *land use plan* identifies the *premises* as Prime Industrial Lands.

§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 07A

[No change in text.]

Table 131-07A
Use Regulations Table for Mixed-Use 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 >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Open Space through Separately Regulated Residential Uses	[No change in text.]						
Institutional							
Separately Regulated Institutional Uses							
Airports	[No change in text.]						
<u>Battery Energy Storage Facilities</u>							
<u>Small Scale (< 0.25 acre)</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	
<u>Medium Scale (0.25 acre < 1 acre)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Large Scale (>1 acre)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Botanical Gardens through <i>Wireless Communication Facilities</i>	[No change in text.]						
Retail Sales through Separately Regulated Retail Sales	[No change in text.]						
Commercial Services							
Building Services through Radio & Television Studios	[No change in text.]						
Tasting Rooms	p ⁽⁵⁾	p ⁽⁵⁾	p ⁽⁵⁾	p ⁽⁵⁾	p ⁽⁵⁾	p ⁽⁵⁾	
Visitor Accommodations	[No change in text.]						
Separately Regulated Commercial Services Uses through Separately Regulated Office Uses	[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 >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Vehicle & Vehicular Equipment Sales & Service		[No change in text.]					
Commercial Vehicle Repair & Maintenance		-	-	-	P -	P -	P -
Commercial Vehicle Sales & Rentals		-	-	-	P -	P -	P -
Personal Vehicle Repair & Maintenance		-	-	-	P -	P -	P -
Personal Vehicle Sales & Rentals		-	-	-	P -	P -	P -
Vehicle Equipment & Supplies Sales & Rentals		[No change in text.]					
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses		[No change in text.]					
Distribution and Storage							
Equipment & Materials Storage Yards		[No change in text.]					
Moving & Storage Facilities		P -	P -	P -	P -	P -	P -
Distribution Facilities		-	-	-	P C	P C	P C
Separately Regulated Distribution and Storage Uses through Separately Regulated Signs Uses		[No change in text.]					

Footnotes for Table 131-07A

1 through 4 [No change in text.]

⁵ ~~Tasting rooms are only permitted as an accessory use to a beverage manufacturing plant or an artisan beverage producer.~~

6 through 7 [No change in text.]

§131.0718 Supplemental Regulations for Premises Greater Than Five Acres

The purpose and intent of these regulations is to break down sites larger than 5 acres into approximately two-acre segments to enhance a sense of place; facilitate pedestrian circulation; reduce walking distances; improve connections to the *public right-of-way* or private drives, transit, and adjoining neighborhoods; and promote the livability and vitality of such *development*. These requirements shall apply even in the event of the approval of a Lot Line Adjustment which reduces the size of the *premises* to less than 5 acres.

- (a) Connectivity. A minimum of one *paseo* and one bicycle access way into the *development* shall be provided for approximately every two acres of

developable area, as shown in Diagram 131-07B. Two *paseos* are required on corner sites.

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

§132.0402 Where the Coastal Overlay Zone Applies

(a) [No change in text.]

(b) Table 132-04A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone. Coastal Development Permit procedures are provided in Chapter 12, Article 6, Division 7.

**Table 132-04A
Coastal Overlay Zone Applicability**

Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Coastal development that is categorically excluded pursuant to order of the Coastal commission or that is exempted by Section 126.0704 through (4) Coastal development, except a capital improvement program project or public project, in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations Coastal Development Permit/Process CIP/Public Project -Two	[No change in text.]	[No change in text.]
(5) <i>Coastal development</i> for a <i>capital improvement program project</i> in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table and is in the <i>appealable area</i> of this overlay zone	[No change in text.]	Coastal Development Permit/Process CIP- Five <u>Three</u>

**Diagram 132-04A
Coastal Overlay Zone**
[No change in text.]

§132.0404 Supplemental Regulations within Areas of Future Sea Level Rise

- (a) Within the Coastal Overlay Zone, the following regulations apply to *dwelling units* constructed outside of *Special Flood Hazard Areas* and within an area of future sea level rise (within a 75-year horizon) as determined by the City Manager based on the most current sea level rise vulnerability maps:
- (1) The *dwelling units* shall comply with the regulations in Section 143.0146(c) and if applicable, Section 143.0146(g). The *base flood elevation* utilized, and the applicability of Section 143.0146(g), shall be based on the *FIRM Zone* of the *Special Flood Hazard Area* in closest proximity to the *premises* on which the *dwelling unit* is proposed. The permit requirements of 143.0110(b) and other regulations of Chapter 14, Article 3, Division 1 do not apply.
- (A) Hard shoreline armoring shall not be constructed to protect *dwelling units* from the effects of sea level rise.
- (B) The *record owner* of the *dwelling unit* shall, in a form that is approved by the City, acknowledge the following: (1) that the *dwelling unit* is located in an area of future sea level rise that may become hazardous in the future; (2) that sea level rise could render it difficult or impossible to provide services to the *premises*; (3) that the boundary between public land (tidelands) and private land may shift with rising seas and the *development* approval does not permit encroachment onto public trust land; (4) that additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified *Local Coastal Program*; and (5) that the *dwelling unit* may be required to be removed or relocated and the site restored if it becomes unsafe; and further the *record owner* shall waive any rights under Public Resources Code Section 30235 and related *Local Coastal Program* policies to any hard shoreline armoring to protect the *dwelling unit*.
- (C) The *record owner* of the *dwelling unit* shall provide written notice to all occupants of the *dwelling unit* of the provisions in Section 132.0404(a)(1)(B), upon occupancy.

§141.0302 *Accessory Dwelling Units and Junior Accessory Dwelling Units*

Section 141.0302 provides for the construction of *Accessory Dwelling Units (ADUs)* and *Junior Accessory Dwelling Units (JADUs)*, consistent with the requirements of state law, and is intended to encourage the construction of *ADUs* and *JADUs* through several local regulatory provisions, including eliminating parking requirements for *ADUs* and *JADUs*, and providing an affordable housing bonus of one additional *ADU* for every deed-restricted affordable *ADU* constructed on the *premises*, as specified in the regulations below. *ADUs* are permitted in all zones allowing residential uses and *JADUs* are permitted in all Single Dwelling Unit Zones by-right 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) [No change in text.]

(b) The following regulations are applicable to both *ADUs* and *JADUs*:

(1) [No change in text.]

(2) *Development Regulations*

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

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

(I) *ADUs and JADUs constructed within Areas of Future Sea Level Rise must comply with the regulations in Section 132.0404.*

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

(c) In addition to the requirements in Section 141.0302(a), the following additional regulations are applicable to *ADUs*.

(1) [No change in text.]

(2) *Development Regulations for ADUs*

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

(F) The minimum *gross floor area* of an *ADU* shall not be less

than 150 square feet. The maximum *gross floor area* of an *ADU* shall not exceed 1,200 square feet. An *ADU* constructed within an existing *dwelling unit* or *accessory structure* does not have a maximum gross floor area and may construct an additional 150 square feet for ingress and egress only.

(G) [No change in text.]

(d) [No change in text.]

§141.0318 Movable Tiny Houses

Moveable tiny houses are permitted as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and Chapter 15, Article 1, Division 4 (General and Supplemental Regulations), subject to the following regulations.

(a) *Development Regulations*

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

(12) *Moveable tiny homes* constructed within Areas of Future Sea Level Rise must comply with the regulations in Section 132.0404.

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

(g) *Park Site Installations*

The following additional design requirements apply to *wireless communication facilities* in parks within the City of San Diego:

(1)[No change in text.]

(2) If the proposed *wireless communication facility* would be located on

dedicated parkland subject to San Diego Charter section 55, equipment enclosures shall be placed underground unless the Parks and Recreation Department Director, or their designee, determines that an above-ground equipment enclosure would not violate Charter section 55, and a Neighborhood Development Permit is granted in accordance with Section 126.0402.

§141.0421 *Placemaking on Private Property*

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

(h) ~~Placemaking on private property in Commercial Base Zones shall also be subject to the following regulations:~~

(1) ~~A placemaking project on premises that are currently vacant shall not include retail or commercial services uses except as accessory uses to serve the placemaking use, and shall not operate except between the hours of 7:00 a.m. and 10:00 p.m., unless a separate Temporary Use Permit is obtained.~~

(2) ~~A placemaking project on a premises within a transit priority area that was previously a parking lot of a permitted eating and drinking establishment shall not include retail or commercial services uses except outdoor dining operations associated with the permitted eating and drinking establishment. The hours of operation of the outdoor operations shall be limited to the hours that the kitchen facilities of the associated eating and drinking establishment are open for meal ordering. Alcohol, food, or beverages shall not be served or permitted within the placemaking area after 10:00 p.m. Sunday through Thursday, and after 11:00 p.m. Friday through Saturday.~~

(A) ~~The area for eating and drinking shall be delineated by a barrier consisting of railings, fences, or a combination of railings and fences, and planter boxes that are 3 feet in height or less. Solid walls are not permitted.~~

(i) ~~The barrier may be either permanently installed or moveable. If it is moveable, it shall be affixed to a sidewalk while the eating and drinking establishment is open for business.~~

(ii) ~~A clear, transparent shatterproof glass or similar material may be used on top of the 3-foot barrier to enclose the eating and drinking area to minimize windy or cold climatic conditions. The height of the barrier plus the clear enclosure shall not exceed 5 feet. Barriers~~

~~adjacent to parking stalls shall include reflective materials.~~

~~(iii) — Awnings or umbrellas may be used in conjunction with an area for eating and drinking but shall not be used as a permanent roof or shelter over the area for eating and drinking.~~

~~(B) — A placemaking area shall be designed and operated so that unsafe conditions are not created for the physically disabled, blind or partially sighted.~~

~~(i) — The surface of the placemaking area shall be level and have a running slope and a cross slope that do not exceed 2 percent (1 unit vertical in 50 units horizontal).~~

~~(ii) — The placemaking area shall not be located on a raised platform or in a sunken area, unless an accessible ramp is provided in accordance with the California Building Code, or the Americans with Disabilities Act, whichever provides greater accessibility.~~

~~(iii) — At least one wheelchair accessible seating space shall be provided for every 20 seats, or portion thereof.~~

~~(iv) — When multiple wheelchair accessible seating spaces are provided, they shall be reasonably distributed and integrated within the placemaking area.~~

~~(v) — Wheelchair accessible seating spaces shall have a minimum unobstructed maneuverability dimension of 30 inches in width by 48 inches in depth.~~

~~(vi) — Access to designated wheelchair seating spaces shall be provided through an accessible path with not less than 36 inches unobstructed width.~~

~~(3) — Commercial Base Zone regulations for setbacks and minimum lot coverage shall not apply.~~

~~(h) A placemaking project on a premises within a transit priority area that was previously a parking lot of a permitted eating and drinking establishment shall not include retail or commercial services uses except for outdoor dining operating in association with the permitted eating and drinking establishment, in accordance with Section 141.0628.~~

This section regulates utility-serving battery energy storage facilities. The primary purpose of these battery energy storage facilities is to store energy within enclosed buildings or modular containers and then release the energy directly back to the electrical grid. Battery energy storage facilities do not include behind the meter battery installations that provide energy back to the same *premises* on which they are located.

This section distinguishes between small-scale battery energy storage facilities with a *development* footprint of one-quarter acre or less, medium-scale battery energy storage facilities with a *development* footprint of more than one-quarter acre but less than one acre, and large-scale battery energy storage facilities with a *development* footprint of one acre or more. Battery energy storage facilities shall comply with the approval process set forth in Section 141.0422(a) through (c) as applicable to the *development*. All battery energy storage facilities are subject to the general regulations in Section 141.0422(d) and the general design requirements in Section 141.0422(e).

(a) Small-scale battery energy storage facilities

The following regulations apply to battery energy storage facilities with a *development* footprint of one-quarter acre or less.

(1) Limited Use Regulations

Small-scale battery energy storage facilities are permitted as a limited use decided in accordance with Process One in zones indicated by a “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following:

(A) In residential, commercial, and mixed-use base zones that permit residential *development*, battery energy storage facilities shall be limited to no more than 25 percent of the allowable *development* area and allowable *gross floor area*, unless the *premises* cannot be developed with residential uses due to site constraints beyond the *applicant’s* control, such as the presence of utilities and easements and except for *environmentally sensitive lands*, in which case the 25 percent limitation shall not apply.

(B) In the IL (Industrial – Light) and IS (Industrial – Small Scale) Zones, battery energy storage facilities shall be limited to no more than 25 percent of the allowable *development* area and *gross floor area*, unless the *premises* cannot be developed with industrial uses due to site constraints beyond the *applicant’s* control, such as the presence of utilities and easements, in which case the 25 percent limitation shall not apply.

(2) Conditional Use Permit Regulations

Small-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following:

- (A) In the OP (Open Space – Park) Zone, battery energy storage facilities may be permitted only if they do not use any publicly accessible active or passive recreation area.
- (B) In the OR (Open Space – Residential) Zones, battery energy storage facilities may be permitted only in previously disturbed areas with utility easements.

(b) Medium-scale battery energy storage facilities

The following regulations apply to battery energy storage facilities with a *development* footprint of more than one-quarter acre but less than one acre.

(1) Limited Use Regulations

Medium-scale battery energy storage facilities are permitted as a limited use decided in accordance with Process One in zones indicated by a “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones).

(2) Conditional Use Permit Regulations

- (A) Medium-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Two in industrial zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1, Division 6.
- (B) Medium-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), as follows:
 - (i) In commercial base zones that do not permit residential *development*.
 - (ii) In residential, commercial, and mixed-use base zones that permit residential *development* if the *premises* cannot be developed with residential uses due to site constraints beyond the applicant’s control, such as the presence of utilities and easements.

(c) Large-scale battery energy storage facilities

The following regulations apply to battery energy storage facilities with a *development* footprint of one acre or more.

(1) Conditional Use Permit Regulations

(A) Large-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in industrial zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1, Division 6.

(B) Large-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Four in zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), as follows:

(i) In commercial base zones that do not permit residential *development*.

(ii) In residential, commercial, and mixed-use base zones that permit residential *development* if the *premises* cannot be developed with residential uses due to site constraints beyond the applicant’s control, such as the presence of utilities and easements.

(d) General Regulations

The following regulations apply to all battery energy storage facilities, regardless of their size.

(1) Use Regulations

(A) The *premises* shall not contain a *child care facility* or *school*.

(B) Activities involving aerial transmissions are not permitted.

(2) Operational, Safety and Decommissioning Regulations

(A) Every application shall include documentation to the satisfaction of the Chief Building Official as follows:

(i) Demonstrating that the battery energy storage facility complies with all applicable requirements imposed by state or federal regulatory agencies; and

(ii) Identifying the facility type/application, total rated battery power capacity in kilowatts or megawatts, energy capacity in kilowatt-hours or megawatt-hours,

storage duration, cycle life/lifetime, and type of battery chemistry.

- (B) The *applicant* shall submit and implement an emergency response plan for battery storage fire events and other emergency events consistent with state and national standards and regulations to the satisfaction of the Fire Marshal.
- (C) The *applicant* shall obtain all necessary construction permits to comply with applicable building, fire, mechanical, electrical, and plumbing codes, and state and federal laws.
- (D) The *applicant* shall comply with all applicable state and national standards and requirements for the design, construction, installation, commissioning, operation, maintenance, and decommissioning of the battery energy storage facility.
- (E) Battery energy storage facilities shall be maintained in good working order, free from trash, debris, and graffiti, and designed to discourage vandalism. The *permit holder* or *record owner* shall repair or replace any damaged walls, fencing, landscaping, buildings, structures, and equipment within 30 calendar days of receipt of a written notification from the City Manager.
- (F) The *permit holder* or *record owner* shall remove and decommission the battery energy storage facility from the *premises* and restore the *premises* to the condition preceding the construction and installation of the battery energy storage facility, at the sole cost and expense of the *permit holder* or *record owner*, if any of the following circumstances exists:

 - (i) The permit authorizing the battery energy storage facility is expired and a new permit has not been obtained;
 - (ii) The City Manager determines that the battery energy storage facility or components of the battery energy storage facility are non-operational or no longer in use; or
 - (iii) The City Manager determines that the battery energy storage facility is a public nuisance.
- (3) Noise Regulations. Noise generated from battery energy storage facilities shall not exceed the noise limits for the zone as established in

the Noise Abatement and Control Regulations (Chapter 5, Article 9.5, Division 4: Limits).

(e) General Design Requirements

The following design requirements apply to all battery energy storage facilities, regardless of their size.

- (1) Overhead wires connecting the battery energy storage facility to an energy generation station or substation are not permitted, unless the premises containing the energy generation station or substation immediately abuts the premises on which the battery energy storage facility is proposed, and existing overhead connections are present on the premises containing the energy generation station or substation. Overhead wires shall not be permitted to cross other private property, public property, or public right-of-way to connect with an energy generation station or substation.
- (2) Access to a battery energy storage facility shall be as direct as possible from primary arterials and major streets and shall avoid residential streets unless no other feasible options exist. Shared access with an adjacent energy generation station or substation is permitted.
- (3) The development shall comply with the Street Tree and Public Right-of-Way Requirements in Section 142.0409.
- (4) All mechanical equipment and storage areas shall be located within an enclosed building or modular container, as follows:
 - (A) The buildings and/or modular containers shall be located on the premises so that visibility from adjacent public rights-of-way or adjacent development that is not of a similar nature is minimized.
 - (B) Battery energy storage facilities located on the same premises as residential uses shall be located within an enclosed building that is designed to be architecturally consistent with the primary structure.
 - (C) Mechanical equipment that supports the battery energy storage facility, such as HVAC equipment, may be located outside of a building or modular container, provided that the mechanical equipment is completely screened on all sides with a solid wall or fence that is painted or texturized to match the primary building on the premises, if one is present.

(5) Battery energy storage facilities that are not located within a building shall be enclosed and screened from the *public right-of-way* and adjacent properties by walls or *fences* with a minimum height of 6 feet that incorporate finishes and architectural detailing that are consistent with any buildings on the *premises* or any applicable design standards. The walls or *fences* shall be screened by landscaping as follows:

(A) Along the *street frontage*, the walls or *fences* shall be screened from the *public right-of-way* with plant material that includes 24-inch box evergreen canopy form trees separated by a maximum distance of 30 feet; and

(B) Along the side and rear yards, the walls or *fences* shall be screened from adjacent properties by 10-foot wide landscape strips that include 24-inch box evergreen species separated by a maximum distance of 30 feet along the side and rear yards. For *premises* less than 10,000 square feet, the landscape strips may be reduced to 5-feet in width.

§142.0151 Paleontological Resources Requirements for Grading Activities

(a) Paleontological resources monitoring shall be required in accordance with the General Grading Guidelines for Paleontological Resources in the Land Development Manual for any of the following:

(1) [No change in text.]

(2) *Grading* that involves 2,000 cubic yard or greater, and 10 feet or greater in depth, in Moderate Resource Potential Geological Deposit/Formation/Rock Unit;~~or~~

~~(3) *Grading on a fossil recovery site or within 100 feet of the mapped location of a fossil recovery site.*~~

(b) [No change in text.]

§142.0305 When Fence Regulations Apply

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

Table 142-03A Fence Regulations Applicability

TYPE OF DEVELOPMENT PROPOSAL	APPLICABLE REGULATIONS	REQUIRED PERMIT TYPE/ DECISION PROCESS
Any <i>fence</i> with a height less than <u>6</u> 7 feet	[No change in text.]	[No change in text.]
Any <i>fence</i> with a height of <u>6</u> 7 feet or greater	[No change in text.]	[No change in text.]
Any <i>retaining wall</i> with a height less than 3 feet through Any <i>fence</i> or <i>retaining wall</i> located on <i>premises</i> that lies between the shoreline and the first public roadway, as designated on Map Drawing No. C-731.	[No change in text.]	[No change in text.]

§142.0402 When Landscape Regulations Apply

- (a) [No change in text.]
- (b) Table 142-04A provides the applicable regulations required by this division for the landscaping required in conjunction with the specific types of *development* proposals. Any project that proposes more than one of the types of *development* shown is subject to all of the regulations for each type of *development*.

Table 142-04A
Landscape Regulations Applicability

Type of <i>Development</i> Proposal			Applicable Regulations
Column A	Column B	Column C ⁽¹⁾	

1. New <i>structures</i> that equal or exceed the <i>gross floor area</i> shown (Column B), and are proposing the type of <i>development</i> shown (Column C) through 4. New temporary parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a single lot in <i>single dwelling unit</i> zones	[No change in text.]	[No change in text.]	[No change in text.]
5. Additions or modifications to existing permanent or temporary parking and <i>vehicular use area</i> that increase the number of parking spaces by four or more			[No change in text.]
6. <i>Single dwelling unit</i> residential use projects proposing new private or <i>public rights-of-way</i>			[No change in text.]
7. Projects proposing slopes with gradients steeper than 4:1 (4 horizontal feet to 1 vertical foot) that are 5 feet or greater in height through 14. Small <i>Lot Subdivision</i>			[No change in text.]

Footnote to Table 142-04A

¹ [No change in Text].

§142.0403 General Planting and Irrigation Requirements

(a) [No change in text.]

**Table 142-04B
Plant Point Schedule**
[No change in text.]

(b) Plant Material Requirements
(1) through (16) [No change in text.]

(17) Plant material shall be selected to meet a Maximum Applied Water Allowance (MAWA) as determined by the water budget formula and specifications in Section 142.0413(d)(c).

(c) [No change in text.]

(d) Planting Area Requirements

(1) Planting areas required by this division shall consist of the following:

- (A) Low-growing woody or herbaceous groundcover, turf, shrubs, or trees;
- (B) Unattached unit pavers, loose organic or inorganic materials;
or
~~hardscape; or~~
- ~~(C) Built improvements including water features, overhead structures (such as gazebos, trellis structures, etc.), or fixed seating.~~
- (C) Hardscape as limited by 142.0405(b)(1) or 142.0405(c)(1).

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

§142.0404 Street Yard and Remaining Yard/Common Open Space Planting Area and Point Requirements

When new *structures* or additions to *structures* are subject to this section in accordance with Table 142-04A, the planting area required and the plants necessary to achieve the number of plant points required in Table 142-04C shall be provided. The required planting area is determined by multiplying the total square footage of the *street yard* or *remaining yard*/common open space area on the *premises*, by the percentage shown in Table 142-04C, unless stated otherwise in the table. The required planting points are determined by multiplying the total square footage of the *street yard* or *remaining yard*/common open space area on the *premises*, by the points shown in the table. The required planting area and plant points for the *street yard* shall be located within the *street yard*. The required planting area and plant points for the *remaining yard*/common open space shall be located within the *remaining yard*/common open space.

**Table 142-04C
Street Yard and Remaining Yard/Common Open Space Planting
Requirements**

Type of Development Proposal ⁽⁶⁾	Type of Yard	Planting Area Required (Percentage of total yard area unless otherwise noted below) ⁽¹⁾	Plant Points Required ⁽¹⁾
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<i>Multiple Dwelling Unit Residential Development, or Residential Components of Mixed-Use Development through Condominium Conversion</i>	[No change in text.]	[No change in text.]	[No change in text.]
<i>Small Lot Subdivision</i>	<i>Street Yard</i>	50% ⁽⁵⁾	0.05 points per square foot of total <i>street yard</i> area
	<i>Remaining Yard/Common Open Space</i>	N/A	<u>N/A</u>
Commercial <i>Development</i> , Industrial <i>Development</i> in Commercial Zones, or Commercial Component of Mixed- Use <i>Development</i> through <i>Large retail establishments</i> in any Industrial Zone	[No change in text.]	[No change in text.]	[No change in text.]

Footnote to Table 142-04C

^{1 through 6} [No change in Text].

§142.0405 Additional Yard Planting Area and Point Requirements

(a) [No change in text]

(b) Additional residential *yard* requirements:

(1) [No change in text.]

(2) *Remaining Yard/Common Open Space*

(A) [No change in text.]

(B) Residential *development* with five *dwelling units* or more shall be subject to one or more of the following:

(i) A minimum of 30 percent of the ~~total~~ area within a 10-foot offset from the *structural envelope* of each residential *structure* shall be planting area and shall be planted at a rate of 0.05 points per square foot of ~~total~~

area within ~~the~~ each offset.

- (ii) Where common open space areas are provided in the form of plazas, paseos, or courtyard, 20 percent of ~~the total~~ each common open space area shall be planting area and shall be planted at a rate of 0.05 points per square foot of the total of each area.

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

§142.0407 Additional Vehicular Use Area Requirements

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

- (c) Trees used in a *vehicular use area* shall be canopy form, standard trunk, evergreen species at a minimum 24-inch box size.

(d) [No change in text.]

- (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.~~ Shade structures or photovoltaic solar canopies used in lieu of the *vehicular use area* tree distribution requirement shall meet the following criteria:

- (1) Shade structures or photovoltaic solar canopies shall:

- (A) Cover a minimum of 50 percent of each individual parking stall, or

- (B) Cover a minimum of 50 percent of each *vehicular use area* with no *structure* more than 15 feet from any parking stall.

- (2) For a *vehicular use area* located on the rooftop of parking structures or on structural podium, shade structures with a maximum of 50 percent transparency or photovoltaic solar canopies may be provided.

- (3) For *vehicular use areas* at-grade, photovoltaic solar canopies may be provided.

(4) Retrofits to existing at-grade *vehicular use areas* with photovoltaic solar canopies shall avoid, translocate, or replace existing trees to the satisfaction of the Development Services Department Director.

(5) Photovoltaic solar canopies installed at-grade shall be visually softened with the planting of shrubs, and small trees or tall shrubs at each end.

(6) Placement of foundations and columns for shade structures or photovoltaic solar canopies may not reduce the minimum required depth of a parking stall

(f) Noncontiguous parking areas on a *premises* shall be calculated separately.

§142.0412 Brush Management

Brush management is required in all base zones on publicly or privately owned *premises* that are within 100 feet of a *structure* and contain native or naturalized vegetation.

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

(i) An *applicant* may request approval of alternative compliance for brush management ~~in accordance with Process One~~ with a *development permit application* if all of the following conditions exist:

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

(j) through (o) [no change in text.]

§142.0413 Water Conservation

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

~~(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.~~

~~(d) — Water Budget.~~

~~(1) — All new *development* with a landscape area of 500 square feet or greater and landscape rehabilitation projects with a landscape area of 2,500 square feet or greater shall be subject to a Maximum~~

~~Applied Water Allowance (MAWA) Water Budget, except as provided in Section 142.0413(h).~~

- (2) ~~The MAWA Water Budget is calculated using the following formula (see Landscape Standards of the Land Development Manual for additional information):~~

$$\text{MAWA Water Budget} = (\text{ETo})(0.62) [(\text{ETAF})(\text{LA}) + (1 - \text{ETAF})(\text{SLA})]$$

$$\text{For residential landscape areas} = (\text{ETo})(0.62) [(0.55)(\text{LA}) + (0.45)(\text{SLA})]$$

$$\text{For non-residential landscape areas} = (\text{ETo})(0.62) [(0.45)(\text{LA}) + (0.55)(\text{SLA})]$$

Legend for MAWA Water Budget Calculation Formula

Symbol	Meaning of Symbol
ETo	Evapotranspiration measured in inches per year ⁽¹⁾ ; see Table 6 ETo Table
0.62	Conversion factor to gallons
ETAF 0.55 for Residential <u>landscape areas</u> ; 0.45 for Non-residential <u>landscape areas</u>	Evapotranspiration Adjustment Factor
LA	Landscape Area measured in square feet
1-ETAF 0.45 for Residential <u>landscape areas</u> ; 0.55 for Non-residential <u>landscape areas</u>	Additional Evapotranspiration Adjustment Factor for Special Landscape Areas and Reclaimed Water
SLA	Special Landscape Area measured in square feet

Footnotes

⁽¹⁾ Refer to Appendix E of the Landscape Standards of the Land Development Manual for ETo Map and ETo Table by Community Planning Area.

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

- (e) ~~Water Meters.~~

All new *development* with a landscape area equal to 500 square feet or greater and landscape rehabilitation projects with a landscape area of 2,500 square feet or greater shall be subject to irrigation meter requirements as follows:

(1) — Residential:

- (a) — Dedicated water meters private submeters shall not be required for residential landscapes less than 5,000 square feet.
- (b) — Dedicated water meters or private submeters shall be required for irrigated landscapes of 5,000 square feet or greater.

————— (2) — Non Residential:

- (a) — Dedicated water meters or private submeters shall be required for irrigated landscapes between 1,000 and 5,000 square feet.
- (b) — Dedicated water meters shall be required for irrigated landscapes greater than 5,000 square feet.

(f) — Irrigation Audit. An *applicant* subject to the requirement for a MAWA Water Budget is required to conduct and submit to the City an irrigation audit consistent with Section 2.7 of the Landscape Standards of the Land Development Manual.

- (1) — All irrigation audits shall be conducted by a professional authorized by the State to perform this work.
- (2) — The irrigation audit shall certify that all plant material, irrigation systems, and landscape features have been installed and operate as approved by the City; and shall be submitted to the City prior to occupancy and use.

(g) — [No change in text.] Reclaimed water. *Development* in areas where reclaimed water is available and suitable for irrigation shall provide for a dual water distribution system for all landscaped areas. Only reclaimed water shall be used for irrigation purposes where it is available.

(h) — Pursuant to state law (California Code of Regulations section 490.1), an *applicant* with a project with an aggregate landscape area of 2,500 square feet or less may alternatively comply, if the *applicant* demonstrates, to the satisfaction of the Development Services Director, that the landscape area for the *development* will comply with all of the following instead of Section 142.0413(a) through (g):

- (1) — Incorporates compost at a rate of at least 4 cubic yards per 1,000 square feet to a total depth of 6 inches (unless contraindicated by a soil test).

- (2) — Includes climate-adapted plants that meet the following:
 - (A) — All plant species are identified on the Water Use Classification of Landscape Species (WUCOLS) list as requiring little or no summer water and have an average plant factor of 0.3; and
 - (B) — The minimum plant area for the climate-adapted plants is at least 75 percent of the total plant area for residential *development* or 100 percent for non-residential *development*. Plant areas used for edibles or areas where recycled water is used for irrigation may be excluded from the calculation of total plant area.
- (3) — Incorporates a minimum 3-inch layer of mulch on all exposed soil surfaces of planting areas, except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
- (4) — Minimizes the use of turf as follows:
 - (A) — Turf is not permitted for non-residential *development* or in parkways less than 10 feet wide, unless the *parkway* is adjacent to a parking strip and used to enter and exit vehicles and is irrigated by subsurface irrigation (or equivalent system that creates no overspray or runoff).
 - (B) — Turf for residential *development* landscape areas shall not exceed 25 percent of the landscape area and shall not be planted on sloped areas that exceed a slope of 1-foot vertical elevation change for every 4 feet horizontal length.
- (5) — Provides an irrigation system that meets all of the following requirements:
 - (A) — Includes an automatic irrigation controller that utilizes a rain sensor and evapotranspiration or soil moisture sensor data, and that does not lose programming data if in the event a primary power source is interrupted;
 - (B) — Includes a pressure regulator to ensure the dynamic pressure of the system is within the manufacturer's recommended pressure range;
 - (C) — Includes manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) installed as close as possible to the point of connection to the water supply;
 - (D) — Includes irrigation sprinkler and emission devices that meet the State of California Landscape Irrigation Sprinkler and Emitter Standards;

(E) ~~Includes subsurface irrigation (or equivalent system that produces no overspray or runoff) in any landscape areas less than 10 feet in width in any direction; and~~

(F) ~~Includes a private submeter for any non-residential development landscape areas that are 1,000 square feet or more in size.~~

(6) ~~Incorporates the following statement on the approved landscape plan set:~~

~~The applicant agrees to comply with the requirements of the prescriptive compliance option to the Model Water Efficient Landscape Ordinance (MWELO) in accordance with state law and Land Development Code Section 142.0413(h), and will provide the record owner at the time of final inspection with a certificate of completion, certificate of installation, irrigation schedule, and schedule of landscape and irrigation maintenance.~~

(c) ~~Reclaimed water. Development in areas where reclaimed water is available and suitable for irrigation shall provide for a dual water distribution system for all landscaped areas. Only reclaimed water shall be used for irrigation purposes where it is available.~~

(c) Model Water Efficient Landscape Regulations (MWELO)

Development with a landscape area of 500 square feet or greater and landscape rehabilitation projects with a landscape area of 2,500 square feet or greater shall be subject to the following pursuant to California Code of Regulations section 490.1:

(1) Water Budget

(A) Maximum Applied Water Allowance (MAWA) water budget shall be calculated using the following formula (see Section 2.6 of the Landscape Standards of the Land Development Manual for additional information):

MAWA Water Budget = (ETo)(0.62)[(ETAF)(LA) + (1-ETAF)(SLA)]

For residential landscape = (ETo)(0.62)[(0.55)(LA) + (0.45)(SLA)]

For non-residential landscape = (ETo)(0.62)[(0.45)(LA) + (0.55)(SLA)]

Legend for MAWA Water Budget Calculation Formula

<u>Symbol</u>	<u>Meaning of Symbol</u>
<u>ETo</u>	<u>Evapotranspiration (inches per year)⁽¹⁾</u>
<u>0.62</u>	<u>Conversion factor to gallons</u>
<u>ETAF</u> <u>0.55 for Residential landscape areas</u> <u>0.45 for Non-residential landscape areas</u>	<u>Evapotranspiration Adjustment Factor</u>
<u>LA</u>	<u>Landscape Area (square feet)</u>
<u>1-ETAF</u> <u>0.45 for Residential landscape areas</u> <u>0.55 for Non Residential landscape areas</u>	<u>Additional Evapotranspiration Adjustment Factor for Special Landscape Areas and Reclaimed Water</u>
<u>SLA</u>	<u>Special Landscape Area (square feet)</u>

Footnote for Table 142-04J

¹ Refer to Appendix E of the Landscape Standards of the Land Development Manual for ETo Map and ETo Table by Community Planning Area.

(B) Estimated Total Water Use (ETWU), as calculated in Section 2.6 of the Landscape Standards of the Land Development Manual, shall not exceed the MAWA water budget.

(C) The irrigation system is required to be operated within the approved MAWA Water Budget.

(2) Water Meters

(A) Residential

(i) Dedicated water meters or private submeters shall not be required for residential landscapes less than 5,000 square feet.

(ii) Dedicated water meters or private submeters shall be required for irrigated landscapes of 5,000 square feet or greater.

(B) Non-Residential

(i) Dedicated water meters or private submeters shall be required for irrigated landscapes between 1,000 and 5,000 square feet.

(ii) Dedicated water meters shall be required for irrigated landscapes greater than 5,000 square feet.

(3) Soil Preparation, Mulch and Analysis

(A) An applicant subject to the MWELo per 142.0413(c) shall submit to the City a Soil Management Report.

(B) Soil amendments shall be incorporated according to the recommendations of a soil management report.

(C) Compost at a minimum of 4 cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of 6 inches into the soil. Soils with greater than 6 percent organic matter in the top 6 inches of soil are exempt.

(D) 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.

(E) Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by fuel modification plan guidelines or ordinances.

(4) Irrigation Audit

(A) An applicant subject to the MWELo pursuant to 142.0413(c) shall conduct and submit to the City an irrigation audit consistent with Section 2.7 of the Landscape Standards of the Land Development Manual.

(B) All irrigation audits shall be conducted by a professional authorized by the State to perform this work.

(C) The irrigation audit shall certify that all plant material, irrigation systems, and landscape features have been installed and operate in accordance with City standards; and shall be submitted to the City prior to occupancy and use.

(5) Prescriptive Compliance

Pursuant to state law (CCR §490.1), an *applicant* with an aggregate landscape area of 2,500 square feet or less may alternatively comply, if the *applicant* demonstrates to the satisfaction of the Development Services Director that the landscape area for the *development* will comply with all of the following:

- (A) Incorporates compost at a rate of at least 4 cubic yards per 1,000 square feet to a total depth of 6 inches (unless contraindicated by a soil test).
- (B) Includes climate adapted plants that meet the following:
 - (i) All plant species are identified on the Water Use Classification of Landscape Species (WUCOLS) list as requiring little or no summer water and have an average plant factor of 0.3; and
 - (ii) The minimum plant area for the climate adapted plants is at least 75 percent of the total plant area for residential *development* or 100 percent for non-residential *development*. Plant areas used for edibles or areas where recycled water is used for irrigation may be excluded from the calculation of total plant area.
- (C) Incorporates a minimum 3-inch layer of mulch on all exposed soil surfaces of planting areas, except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
- (D) Minimizes the use of turf as follows:
 - (i) Turf is not permitted for non-residential *development* or in *parkways* less than 10 feet wide, unless the *parkway* is adjacent to a parking strip and used to enter and exit vehicles and is irrigated by subsurface irrigation (or equivalent system that creates no overspray or runoff).
 - (ii) Turf for residential *development* landscape areas shall not exceed 25 percent of the landscape area and shall not be planted on sloped areas that exceed a slope of 1-foot vertical elevation change for every 4 feet horizontal length.

(E) Provides an irrigation system that meets all of the following requirements:

- (i) Includes an automatic irrigation controller that utilizes a rain sensor and evapotranspiration or soil moisture sensor data, and that does not lose programming data if in the event a primary power source is interrupted;
- (ii) Includes a pressure regulator to ensure the dynamic pressure of the system is within the manufacturer's recommended pressure range;
- (iii) Includes manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) installed as close as possible to the point of connection to the water supply;
- (iv) Includes irrigation sprinkler and emission devices that meet the State of California Landscape Irrigation Sprinkler and Emitter Standards;
- (v) Includes subsurface irrigation (or equivalent system that produces no overspray or runoff) in any landscape areas less than 10 feet in width in any direction; and
- (vi) Includes a private submeter for any non-residential development landscape areas that are 1,000 square feet or more in size.

(F) Incorporates the following statement on the approved landscape plan set:

The applicant agrees to comply with the requirements of the prescriptive compliance option to the Model Water Efficient Landscape Ordinance (MWELO) in accordance with state law and Land Development Code Section 142.0413, and will provide the record owner at the time of final inspection with a certificate of completion, certificate of installation, irrigation schedule, and schedule of landscape and irrigation maintenance.

§142.0560 Development and Design Regulations for Parking Facilities

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

- (c) Minimum Dimensions for Automobile Parking Aisles. The minimum dimensions for automobile parking aisles at permitted

angles for one-way and two-way circulation are shown in Table 142-05L and illustrated in Diagram 142-05B, except as provided in Section 142.0560(e) for certain pre-existing parking facilities.

Table 142-05L Aisle Dimensions

Angle Between Parking Space and Aisle	Minimum Required Aisle Width (feet)	
	One Way	Two Way
90° (perpendicular)	24 ¹	24 ¹
75°	23	24
60°	18	22
45°	12	20
0° (parallel)	12	20

Footnote for Table 142-05L

¹ For narrow *lots* ~~50~~100 feet or less in width, the minimum drive aisle may be reduced to 22 feet.

Diagram 142-05B

Minimum Dimensions for Automobile Parking Spaces and Aisles

[No change in text.]

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

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

§142.0640 Development Impact Fees for Public Facilities and Spaces

(a) [No change in text.]

(b) Develop Impact Fees (as defined in California Government Code Section 66000) for applicable *development* shall be paid prior to requesting a final inspection. A final inspection shall not occur until the applicable DIFs are paid in areas where DIFs have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require the payment of DIFs for *development* that would increase demand for public facilities and/or result in the need for new public facilities. DIFs 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 amount due shall be based upon the DIF schedule in effect when the *development application* was submitted or the DIF schedule in effect when the fees are paid, whichever amount is lower, plus an automatic increase consistent with Section 142.0640(c), if applicable.

(1) *Accessory Dwelling Units, Junior Accessory Dwelling Units, moveable tiny homes*, and guest quarters are exempt from DIF exempt as follows:

(A) [No change in text.]

(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 ~~Resolution No. R-313688, adopting the Citywide Park Development Impact Fee and~~ 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) [No change in text.]

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

(8) The first two *dwelling units* constructed in accordance with Chapter 14, Article 3, Division 13 shall be exempt from the requirement to pay DIF. The ~~second~~ third and ~~third~~ fourth *dwelling units* constructed in accordance with Chapter 14, Article 3, Division 13 shall be required to pay DIF, which shall be scaled in accordance with ~~Resolution No. R-313688, adopting the Citywide Park Development Impact Fee and~~ Table 142-06A, based upon the *dwelling unit* size.

Table 142-06A

Scaled Development Impact Fee Rate for Specific Residential Development [No change in text.]

(9) *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, where the requirements set forth in San Diego 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 for the Citywide Park DIF where the requirements set forth in San Diego 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 ~~issuance~~ final inspection of the first ~~Building Permit for any~~ *dwelling units* in the *development*, and 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; and

(F) [No change in text.]

(10) [No changes in text.]

(c) through (g) [No change in text]

§142.1250 Permanent Secondary Signs in Commercial and Industrial Zones

(a) [No change in text]

Table 142-12I Permanent Secondary Signs [No change in text.]

(b) High-Rise Building Identification *Wall Signs*

(1) In *Sign Category A* only, building in excess of 100 feet in height shall be permitted additional *wall sign copy area* for building identification purposes subject to the following regulations.

(A) The high-rise building identification *wall sign* shall be placed on a building at a minimum height of 100 feet, above the uppermost row of windows, and not within 5 2 feet of the top of a parapet wall.

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

(2) [No change in text.]

Table 142-12J High-Rise Building Identification Wall Sign Calculations

[No change in text.]

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

§143.0212 Need for Site-Specific Survey and Determination of Location of Historical Resources

- (a) The City Manager shall determine the need for a site-specific survey for the purposes of obtaining a *construction permit* or *development permit* for *development* proposed for any parcel containing a *structure* that is 45 or more years old and not located within any area identified as exempt in the Historical Resources Guidelines of the Land Development Manual or for any parcel identified as sensitive on the Historical Resource Sensitivity Maps. The following *development* shall be exempt from the requirements of Section 143.0212:

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

- (4) Construction or demolition of a swimming pool in a rear yard, except on a property that requires a survey in accordance with Section 143.0212(b).

(b) through (d) [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 California Tax Credit Allocation Committee Areas in accordance with Process One on a *premises* located within a non-residential base zone that does not otherwise allow *multiple dwelling unit development*, subject to all of the following:

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

- (4) Residential *development* shall comply with the *development* regulations of the RM-2-5 zone with the exemption of *density, floor area ratio, lot area, and lot dimensions*, ~~which shall comply with the base zone.~~

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

(5) Residential *development* shall comply with the *development* regulations of the RM-2-5 zone which the exemption of *density, floor area ratio, lot area, and lot dimensions*. ~~which shall comply with the base zone.~~

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

§143.1001 Purpose, Intent, and Definition

(a) [No change in text.]

(b) Definitions. For the purposes of this Division, the following definitions shall apply:

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

(5) Community of Concern means a census tract that has been identified as having very low, ~~or low~~ or moderate access to opportunity as identified in the San Diego Climate Equity Index.

§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 *Transit Priority 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 greater 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 ~~units~~ *dwelling units* permitted under this Division, if all of the following requirements are met:

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

(A) though (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) through (3) [No change in text.]

(b) through (f) [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 on-site 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 rental *dwelling units* in the *development*, excluding any additional *dwelling units* allowed under a *floor area ratio* bonus, for rent by very low income households at a cost, including an allowance for utilities, that does not exceed 30 percent of 50 percent of the area *median income*, as adjusted for household size.
- (2) through (3) [No change in text.]
- (4) As an alternative to the requirements in 143.1015(a) (1)-(3), an *applicant* may provide at least 40 percent of rental *dwelling units* in the *development*, excluding any additional *dwelling units* allowed under a *floor area ratio* bonus, for rent by very low income households at a cost, including an allowance for utilities, that does not exceed 30 percent of 50 percent of the area *median income*, as adjusted for household size.
- (5) through (6) [No change in text.]
- (b) Nothing in this Division shall preclude an *applicant* from using on-site affordable *dwelling units* constructed 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. ~~pursuant to the standards set forth in the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual on file with the San Diego Housing Commission.~~

(c) [No change in text.]

§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(h) to deviate from the requirements in Section 143.1025.

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

(1) [No change in text]

(2) Street trees. At least one, 24-inch box canopy form tree is required for each 20 feet of *street frontage*. The *street frontage* excludes curb cuts and required clearances for designated bus stops. ~~The trees shall be placed on each side of the sidewalk where feasible.~~ The installed tree spacing and location may be varied to accommodate site conditions or design considerations.

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

(b) [No change in text.]

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

(1) For a *development* that includes one or more *structures* over 95 feet in height, or *development* which exceeds the height limit of the base zone, whichever is greater, a Neighborhood Development Permit decided in accordance with Process Two is required.

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

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

~~(f) Climate Action Plan (CAP) Consistency Checklist Requirements. To ensure consistency with the City's CAP, all *development* shall comply with each of the measures identified in Step 1 of the CAP Consistency Checklist.~~

§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 a RS, RE, RX, RT and Planned District Zones that permits *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 section.

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

- (5) Supplemental Regulations within Areas of Future Sea Level
— Rise

(A) — Within the Coastal Overlay Zone, the following regulations apply to *dwelling units* constructed outside of *Special Flood Hazard Areas* and within an area of future sea level rise (within a 75-year horizon) as determined by the City Manager based on the most current sea level rise vulnerability maps:

(i) — The *dwelling units* shall comply with the regulations in Section 143.0146(c) and if applicable, Section 143.0146(g). The *base flood elevation* utilized, and the applicability of Section 143.0146(g), shall be based on the *FIRM Zone* of the *Special Flood Hazard Area* in closest proximity to the *premises* on which the *dwelling unit* is proposed. The permit requirements of 143.0110(b) and other regulations of Chapter 14, Article 3, Division 1 do not apply.

(ii) — Hard shoreline armoring shall not be constructed to protect *dwelling units* from the effects of sea level rise.

(iii) — The *record owner* of the *dwelling unit* shall, in a form that is approved by the City, acknowledge the following: (1) that the *dwelling unit* is located in an area of future sea level rise that may become hazardous in the future; (2) that sea level rise could

~~render it difficult or impossible to provide services to the premises; (3) that the boundary between public land (tidelands) and private land may shift with rising seas and the development approval does not permit encroachment onto public trust land; (4) that additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified Local Coastal Program; and (5) that the dwelling unit may be required to be removed or relocated and the site restored if it becomes unsafe; and further the record owner shall waive any rights under Coastal Act Section 30235 and related Local Coastal Program policies to any hard shoreline armoring to protect the dwelling unit.~~

- ~~(iv) The record owner of the dwelling unit shall provide notice to all occupants, upon occupancy, of the dwelling unit of the provisions in Section 143.1310(a)(5)(A)(iii).~~

(5) Dwelling Units constructed within Areas of Future Sea Level Rise must comply with the regulations in Section 132.0404.

(6) [No change in text.]

(b) [No change in text.]

§151.0103 Applicable Regulations

(a) [No change in text.]

(b) The following regulations apply in all planned districts:

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

(4) Solar energy systems regulations contained in Land Development Code Section 141.0418, and electric vehicle charging station regulations contained in Land Development Code Section 141.0418 and Section 141.0419, and battery energy storage facilities regulations contained in Land Development Code Section 141.0422.

(5) through (13) [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 Zone**

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1 ⁻⁽¹⁾		2-			3-				
	4th >>	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7	8	
Open Space through Industrial		[No change in text.]									
Separately Regulated Industrial Uses											
<u>Artisan Food and Beverage Producer</u>		-		<u>L</u>			<u>L</u>				
Cannabis Production Facilities through Wrecking & Dismantling of Motor Vehicles											
Open Space through Separately Regulated Signs Uses		[No change in text.]									

Footnotes for Table 155-02C¹ through ¹³ [No change in text.]