

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 112.0302, 112.0303, AND 112.0304; BY AMENDING CHAPTER 11, ARTICLE 2, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 112.0501; BY AMENDING CHAPTER 11, ARTICLE 2, DIVISION 6 BY AMENDING SECTIONS 112.0601 AND 112.0604; BY AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; BY AMENDING CHAPTER 12, ARTICLE 5, DIVISION 9 BY AMENDING SECTION 125.0940; BY AMENDING CHAPTER 12, ARTICLE 6, DIVISION 1 BY AMENDING SECTION 126.0108; BY AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; BY AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0502; BY AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTIONS 126.0704, 126.0707, AND 126.0709; BY AMENDING CHAPTER 12, ARTICLE 8, DIVISION 3 BY AMENDING SECTION 128.0305; BY AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTION 129.0710; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 131.0422, 131.0431, AND 131.0443; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 131.0620 AND 131.0622; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 7 BY AMENDING SECTIONS 131.0701, 131.0707, AND 131.0718; BY AMENDING CHAPTER 13, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 132.0402 AND ADDING SECTION 132.0404; BY AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 141.0302 AND 141.0318; BY AMENDING CHAPTER 14, ARTICLE 1,

DIVISION 4 BY AMENDING SECTIONS 141.0407, 141.0420, AND 141.0421, AND BY ADDING NEW SECTION 141.0422; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 3 BY AMENDING SECTION 142.0305; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 142.0402, 142.0403, 142.0404, 142.0405, 142.0407, 142.0412, AND 142.0413; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 142.0560; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTION 142.0640; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12 BY AMENDING SECTION 142.1250; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 13 BY AMENDING SECTIONS 142.1305 AND 142.1307; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 2 BY AMENDING SECTION 143.0212; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 7 BY AMENDING SECTIONS 143.0720, 143.0740, 143.0742, 143.0744, 143.0745, AND 143.0746; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 9 BY AMENDING SECTION 143.0915; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 10 BY AMENDING SECTIONS 143.1001 AND 143.1002, RETITLING SECTION 143.1010, AND AMENDING SECTIONS 143.1015, 143.1020, AND 143.1025; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 11 BY AMENDING SECTIONS 143.1102 AND 143.1103; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 13 BY AMENDING SECTION 143.1310; BY AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103; BY AMENDING CHAPTER 15, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 153.0311; BY AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTIONS 155.0231, 155.0238, AND 155.0242; BY AMENDING CHAPTER 15, ARTICLE 13, DIVISION 3 BY AMENDING SECTION 1513.0304; AND BY AMENDING CHAPTER 15, ARTICLE 16, DIVISION 1 BY AMENDING SECTIONS 1516.0114 AND 1516.0119, RELATING TO THE 2022 LAND DEVELOPMENT CODE UPDATE.

§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 this 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~~ 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~~

~~street not more than 10 feet inside the property line but no 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.]

§112.0501 Overview of Decision Process

Application for permits, maps, or other matters shall be acted upon in accordance with one of the five decision processes established in this division and depicted on Diagram 112-05A, except that applications for *capital improvement program projects* shall be acted upon in accordance with Chapter 11, Article 2, Division 6 and Sections 112.0505 and 112.0506. The subject matter of the *development* application determines the process that shall be followed for each application. The provisions of Chapter 12 that pertain to each permit, map, or other matter describe the decision process in more detail. Diagram 112-05A is provided for convenience of reference only and does not define, describe, or limit the scope,

meaning, or intent of any provision of the Land Development Code. This diagram describes the City of San Diego's processes only and does not describe other decision processes that may be required by other agencies, such as the State Coastal Commission.

Diagram 112-05A

Decision Process with Notices

[No change in text.]

112.0601 Overview of Decision Process

Applications for *capital improvement program projects* or *public projects* requiring a Site Development Permit in accordance with the Environmentally Sensitive Lands Regulations and Historical Resources Regulations ~~or a City-issued Coastal Development Permit~~ shall be acted upon in accordance with one of the two decision processes established in this division and depicted on Diagram 112-06A. Applications for *capital improvement program projects* requiring a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Three, as set forth in Sections 112.0505 and 112.0506. The subject matter of the *development* application determines the process that shall be followed for each application. The provisions of Chapter 12 that pertain to each permit, map, or other matter describe the decision process in more detail. Diagram 112-06A is provided for convenience of reference only and does not define, describe, or limit the scope, meaning, or intent of any provision of the Land Development Code. This diagram

does not describe the decision processes that may be required by other agencies, such as the State Coastal Commission.

Diagram 112-06A

Decision Processes for Capital Improvement Program Projects and Public Projects

[No change in text.]

§112.0604 Process CIP/Public Project - Five

An application for a Site Development Permit for a *capital improvement program project* or a *public project* that deviates from the Historical Resources Regulations ~~or a City-issued Coastal Development Permit in the appealable area of the Coastal Overlay Zone,~~ shall be acted upon in accordance with Process CIP/Public Project-Five. An application for a Process CIP/Public Project-Five decision may be approved, conditionally approved, or denied by the City Council. A Process CIP/Public Project-Five decision shall be made in the following manner.

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

§113.0103 Definitions

Abutting property 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 ~~companion units, junior units,~~ *Accessory Dwelling Units, Junior Accessory Dwelling Units,* or employee housing.

Net building area through *Surface mining* [No change in text.]

Sustainable Development Area means the area within a defined walking distance along a pedestrian path of travel from a *major transit stop* that is existing or

planned, if the planned *major transit stop* is included in a transportation improvement program or applicable regional transportation plan, as follows:

- (a) Within Mobility Zones 1 and 3, as defined in Section 143.1103, the defined walking distance is 1.0 mile.
- (b) Within Mobility Zone 4, as defined in Section 143.1103, the defined walking distance is .75 mile.
- (c) For *parcels* located in Mobility Zone 4, in an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, the defined walking distance is 1.0 mile.

In addition, an adopted specific plan prepared in accordance with section 122.0107(a), shall be within the *Sustainable Development Area* if the *Sustainable Development Area* is within a portion of the adopted specific plan.

Target population through Wetland buffer [No change in text.]

Wetlands are defined as areas which are characterized by any of the following conditions:

- ~~1.~~(a) [No change in text.]
- ~~2.~~(b) [No change in text.]
- ~~3.~~(c) [No change in text.]
- ~~4.~~(d) [No change in text.]

It is intended for this definition to differentiate for the purposes of delineating *wetlands*, between naturally occurring *wetlands* and *wetlands* intentionally created by human actions, from areas with *wetlands* characteristics unintentionally resulting from human activities in historically non-wetland areas.

With the exception of *wetlands* created for the purpose of providing *wetland* habitat or resulting from human actions to create open waters or from the alteration of natural stream courses, areas demonstrating *wetland* characteristics, which are artificially created are not considered *wetlands* by this definition.

Taking into account regional precipitation cycles, all adopted scientific, regulator, and technological information available from the State and Federal resource agencies shall be used for guidance on the identification of hydrophytic vegetation, hydric soils and *wetland* hydrology.

Wireless communication facility 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~~ 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)
- (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 outlets 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 encroach or~~ 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(e)~~ as set forth in Sections 112.0505 and 112.0506 and a decision on ~~a *companion unit*~~ *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~~ a Process Three as set forth in with Sections 112.0505 and 112.0506.

- (d) through (g) [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 rights 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:

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(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 131-02B.

Legend for Table 131-02B

[No change in text.]

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

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

Footnotes for Table 131-02B¹ 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 >> 3rd >> 4th >> | AG | | AR | |
| | | 1- | | 1- | |
| | | 1 | 2 | 1 | 2 |
| Open Space through Institutional, Separately Regulated Institutional Uses, Airports [No change in text.] | | | | | |
| Institutional | | | | | |
| <u>Battery Energy Storage Facilities</u> | | | | | |
| <u>Small Scale (< 0.25 acre)</u> | | = | | C | |
| <u>Medium Scale (0.25 acre < 1 acre)</u> | | = | | = | |
| <u>Large Scale (>1 acre)</u> | | = | | = | |
| Botanical Gardens & Arboretums through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.] | | | | | |

Footnotes for Table 131-03B¹ 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 Institutional, Separately Regulated Institutional Uses, Airports [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>> | 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 |
| <u>Battery Energy Storage Facilities</u> | | [No change in text.] | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Small Scale (< 0.25 acre)</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>Large Scale (>1 acre)</u> | | <u>C</u> | | | <u>C</u> | | | | | | | | | | | | | | <u>C</u> | | <u>C</u> | | | | |
| Botanical Gardens & Arboretums through Signs, Separately Regulated Signs Uses, Theater <i>Marquees</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 >> 3rd >> 4th >> | RM- | | | | | | | | | | | |
| | | 1- | | | 2- | | | 3- | | | 4- | | 5- |
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Open Space through Institutional, Separately Regulated Institutional Uses, Airports [No change in text.] | | | | | | | | | | | | | |
| Battery Energy Storage Facilities | | | | | | | | | | | | | |
| Small Scale (≤ 0.25 acre) | | L | | | L | | | L | | | L | | L |
| Medium Scale (0.25 acre < 1 acre) | | C | | | C | | | C | | | C | | C |
| Large Scale (≥1 acre) | | C | | | C | | | C | | | C | | C |
| Botanical Gardens & Arboretums through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.] | | | | | | | | | | | | | |

Footnotes for Table 131-04B¹ 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 density (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>] | | <u>20.08</u> | <u>20.08</u> | <u>20.08</u> |
| Min <i>Street</i> side <i>setback</i> (ft) [See Section 131.0443(a) (3) (4)] [Multiply number in table by the actual <i>lot</i> width to calculate <i>setback</i>] | | <u>20.10</u> | <u>20.10</u> | <u>20.10</u> |
| Min Rear <i>setback</i> (ft) [See Section 131.0443(a)(4) (2)] | | [No change in text.] | | |
| Setback requirements for resubdivided corner lots [See Section 113.0246(f)] through Dwelling Unit Protection Regulations [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> | <u>1.35</u> | <u>1.50</u> |
| <u>3 to 7 dwelling units</u> | | <u>1.0⁽³⁹⁾</u> | <u>1.0</u> | <u>1.05</u> | <u>1.20⁽³⁸⁾</u> | <u>1.35</u> | <u>1.50</u> |
| <u>8 or more dwelling units</u> | | <u>1.25⁽³⁹⁾</u> | <u>1.25</u> | <u>1.25⁽³⁹⁾</u> | <u>1.25⁽³⁹⁾</u> | <u>1.35</u> | <u>1.50</u> |
| Accessory uses and structures [See Section 131.0448] through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] | | [No change in text.] | | | | | |

| Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones] | Zone Designat | 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 131-04G¹ through ³⁷ [No change in text.]³⁸ With the Peninsula and Ocean Beach community plan areas, the maximum floor area ratio is 1.0.

³⁹ For *development* within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated as a *historical resource* consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum *floor area ratio* shall not increase.

§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*.

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

§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 >> 3rd >> 4th >> | CN ⁽¹⁾ - | | | | | | CR- | | CO- | | | | | | CV- | | CP- | |
| | | 1- | | | | | | 1- | 2- | 1- | | 2- | | 3- | | 1- | 1- | | |
| | | 1 | 2 | 3 | 4 | 5 | 6 | 1 | 1 | 1 | 2 | 1 | 2 | 1 | 2 | 3 | 1 | 2 | 1 |
| Open Space through 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>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>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> | - | |
| Botanical Gardens & Arboretums through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.] | | [No change in text.] | | | | | | | | | | | | | | | | | |

| Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | Zone Designator | Zones | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|-----------------|-------|---|---|----|---|---|----|---|---|----|---|---|----|---|---|---|---|---|---|---|---|---|---|---|---|---|--|--|--|--|
| | 1st & 2nd >> | CC- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 3rd >> | 1- | | | 2- | | | 3- | | | 4- | | | 5- | | | | | | | | | | | | | | | | | |
| | 4th >> | 1 | 2 | 3 | 1 | 2 | 3 | 4 | 5 | 4 | 5 | 6 | 7 | 8 | 9 | 1 | 2 | 3 | 4 | 5 | 6 | 1 | 2 | 3 | 4 | 5 | 6 | | | | |
| Open Space through Institutional, Separately Regulated Institutional Uses, Airports [No change in text.] | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Battery Energy Storage Facilities | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Small Scale (< 0.25 acre) | | L | | | L | | | L | | | L | | | L | | | | | | | | | | | | | | | | | |
| Medium Scale (0.25 acre < 1 acre) | | C | | | C | | | C | | | C | | | C | | | | | | | | | | | | | | | | | |
| Large Scale (>1 acre) | | C | | | C | | | C | | | C | | | C | | | | | | | | | | | | | | | | | |
| Botanical Gardens & Arboretums through Separately Regulated Signs Uses, Theater Marquees [No change in text.] | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Footnotes for Table 131-05B¹ 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 ~~an~~ Table 131-06B. An adopted *land use plan*; may identify further use limitations.

(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 explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | Zone Designator | Zones | | | | | | | | | |
|---|-----------------|----------------------|----------|----------|----------|----------|----------|----------|----------|----------|------|
| | 1st & 2nd> > | IP- | | | IL- | | | IH- | | IS- | IBT- |
| | 3rd >> | 1- | 2- | 3- | 1- | 2- | 3- | 1- | 2- | 1- | 1- |
| | 4th >> | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Open Space through Institutional, Separately Regulated Institutional Uses, Airports [No change in text.] | | [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>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>L</u> | <u>L</u> | <u>C</u> | |

| 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 |
| <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> | |
| Botanical Gardens & Arboretums through Retail Sales, 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 Distribution and Storage, Equipment & Materials Storage Yards [No change in text.] | | [No change in text.] | | | | | | | | | |
| Moving & Storage Facilities | | - | - | - | P ⁽²³⁾ | <u>P⁽²³⁾</u> | <u>P⁽²³⁾</u> | <u>P⁽²³⁾</u> | <u>P⁽²³⁾</u> | <u>P⁽²³⁾</u> | - |
| Distribution Facilities through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.] | | [No change in text.] | | | | | | | | | |

Footnotes for Table 131-06B¹through 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. This is not applicable to premises located in the Marine Corps Air Station Miramar Airport Land Use Compatibility Plan Accident Potential Zone 1.**§131.0701 Purpose and Intent**

The purpose of the mixed-use zones is to provide housing and jobs near commercial centers and corridors to reduce dependency on the automobile, to promote access to transit and multi-modal transportation systems, and to provide for a walkable, pedestrian-oriented setting, including infill of existing *development*. The intent of these regulations is to create a mix of uses and provide distinct regulations for *density*, activation, and articulation that encourages pedestrian activity within ~~transit priority areas~~ Sustainable Development Areas.

These zones are intended to accommodate small to large-scale horizontal or vertical mixed-use *development*, while maintaining connectivity to transit and promoting the livability and vitality of the *development*.

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§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 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 & Arboretums through <i>Wireless Communication Facility: Wireless communication facility</i> outside the <i>public right-of-way</i> [No change in text.] | | [No change in text.] | | | | | |
| Retail Sales | | | | | | | |
| Building Supplies & Equipment | | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} |
| Food, Beverages and Groceries | | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} |
| Consumer Goods, Furniture, Appliances, Equipment | | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} |
| Pets & Pet Supplies | | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} |
| Sundries, Pharmaceutical, & Convenience Sales | | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} |
| Wearing Apparel & Accessories | | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} | P ^{(§)(7)} |
| Separately Regulated Retail Sales Uses through Commercial Services, Radio & Television Studios [No change in text.] | | [No change in text.] | | | | | |
| Tasting Rooms | | P ^(§) | P ^(§) | P ^(§) | P ^(§) | P ^(§) | P ^(§) |
| Visitor Accommodations through Separately Regulated Commercial Services Uses, Private Clubs, Lodges and Fraternal Organizations [No change in text.] | | [No change in text.] | | | | | |

| Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | Zone Designator | Zones | | | | | |
|--|-----------------|----------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| | 1st >> | RMX | | | EMX | | |
| | 2nd >> | 1 | 2 | 3 | 1 | 2 | 3 |
| Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size | | C ⁽⁶⁾⁽⁵⁾ | C ⁽⁶⁾⁽⁵⁾ | C ⁽⁶⁾⁽⁵⁾ | C ⁽⁶⁾⁽⁵⁾ | C ⁽⁶⁾⁽⁵⁾ | C ⁽⁶⁾⁽⁵⁾ |
| Pushcarts through Distribution and Storage, Equipment & Materials Storage Yards [No change in text.] | | [No change in text.] | | | | | |
| Moving & Storage Facilities | | P ⁽⁸⁾⁽⁹⁾ | P ⁽⁸⁾⁽⁹⁾ | P ⁽⁸⁾⁽⁹⁾ | P ⁽⁸⁾⁽⁹⁾ | P ⁽⁸⁾⁽⁹⁾ | P ⁽⁸⁾⁽⁹⁾ |
| Distribution Facilities | | - | - | - | P ⁽⁸⁾⁽⁹⁾ | P ⁽⁸⁾⁽⁹⁾ | P ⁽⁸⁾⁽⁹⁾ |
| Separately Regulated Distribution and Storage Uses through <i>Signs</i> [No change in text.] | | [No change in text.] | | | | | |
| Allowable Signs | | P ⁽⁷⁾⁽⁶⁾ | P ⁽⁷⁾⁽⁶⁾ | P ⁽⁷⁾⁽⁶⁾ | P ⁽⁷⁾⁽⁶⁾ | P ⁽⁷⁾⁽⁶⁾ | P ⁽⁷⁾⁽⁶⁾ |
| Separately Regulated Signs Uses through Theater <i>Marquees</i> [No change in text.] | | [No change in text.] | | | | | |

Footnotes for Table 131-047¹ 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. The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.~~⁶ ~~The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas. All mixed-use zones shall use Category A within Section 142.1220.~~⁷ ~~All mixed-use zones shall use Category A within Section 142.1220. Development of a large retail establishment is subject to Section 143.0302.~~⁸ ~~Development of a large retail establishment is subject to Section 143.0302. Prohibited on sites designated as Prime Industrial Land in a land use plan.~~⁹ ~~Not allowed on sites designated as Prime Industrial land – Flex in a land use plan.~~**§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) <i>Coastal development</i> that is categorically excluded pursuant to order of the Coastal commission or that is exempted by Section 126.0704 through (4) <i>Coastal development</i> , except a <i>capital improvement program project</i> or <i>public 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 [No change in text.] | [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.] | [No change in text.] | Coastal Development Permit/ Process CIP-Five <u>Process-Three as set forth in Sections 112.0505 and 112.0506.</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 unless the *premises* contains *Environmentally Sensitive Lands*.
- (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 Manager, acknowledge the following:

- (i) The *dwelling unit* is located in an area of future sea level rise that may become hazardous in the future;
- (ii) Sea level rise could render it difficult or impossible to provide public services to the *premises*;
- (iii) 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;
- (iv) 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
- (v) The *dwelling unit* may be required to be removed or relocated and the *premises* restored to City standards if it becomes unsafe; and
- (vi) 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.]
 - (I) *ADUs and JADUs constructed within Areas of Future Sea Level Rise must comply with the regulations in Section 132.0404.*

~~Within the Coastal Overlay Zone, the following regulations apply to *ADUs* and *JADUs* constructed outside of Special Flood Hazard Areas and within an area of future sea level~~

rise (with a 75-year horizon) as determined by the City Manager based on the Sea Level Rise Policy Guidance adopted by the California Coastal Commission, as it applies to residential *development*:

- (i) The *ADU* or *JADU* 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 *ADU* or *JADU* 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 an *ADU* or *JADU* from the effects of coastal hazards, including, but not limited to, sea level rise.
- (iii) The *record owner* of the *ADU* or *JADU* shall enter into an acknowledgement agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following acknowledgements and provisions: (1) that the *ADU* or *JADU* 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 site; (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*; (5) that the owner waives any rights under Coastal Action Section 30235 and related *Local Coastal Program* policies to hard shoreline armoring to protect the *ADU* or *JADU*; and (6) that the *structure* may be required to be removed or relocated and the site restored if it becomes unsafe.

- (iv) The record owner of the *ADU* or *JADU* shall provide notice to all occupants of the *ADU* or *JADU* of the acknowledgements and provisions specified in Section 141.0302(b)(2)(I)(ii) and (iii). *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) *ADU Bonus for Affordable ADUs*. One additional *ADU* shall be permitted for every *ADU* on the *premises* that is set aside as affordable to *very low income* and *low income* households for a period of not less than 10 years, or as affordable to moderate income households for a period of not less than 15 years, guaranteed through a written agreement and a deed of trust securing the agreement, entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission.

- (i) There is no limit on the number of bonus *ADUs* within a ~~*transit priority area*~~ *Sustainable Development Area*.
- (ii) One bonus *ADU* is permitted outside a ~~*transit priority area*~~ *Sustainable Development Area*.
- (iii) [No change in text]

Table 141-03A

Qualifying Criteria for Affordable *ADU* Bonus

[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 houses* constructed within Areas of Future Sea Level Rise must comply with the regulations in Section 132.0404.
- (b) through (c) [No change in text.]

§141.0407 Educational Facilities--Schools for Kindergarten to Grade 12, Colleges/Universities, and Vocational/Trade Schools

Educational facilities are facilities that are designed or used to provide specialized training or education. This section distinguishes between kindergarten to grade 12

schools, colleges and universities, and vocational schools and trade schools. Educational facilities are permitted by right in zones indicated with a “P”, as a limited use in the zones indicated with an “L”, and may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) [No change in text.]
- (b) Schools for Kindergarten to Grade 12
 - (1) through (2) [No change in text.]
 - (3) Limited use regulations. Schools for kindergarten to grade 12 are permitted as limited uses in zones indicated by an “L” subject to the following:
 - (A) Outside of a ~~Transit Priority Area~~ Sustainable Development Area, the facility design shall not accommodate more than 300 students, except that a new school may replace an existing school with current enrollment over 300 students if the result is no increase in the number of students.
 - (B) Within a ~~Transit Priority Area~~ Sustainable Development Area, the facility design shall not accommodate more than 600 students, except that a new school may replace an existing school with current enrollment over 600 students if the result is no increase in the number of students.
 - (C) through (D) [No change in text.]

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

(c) through (e) [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*

Placemaking on private property is permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations:

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

(h) ~~*Placemaking on private property in Commercial Base Zones shall also be subject to the following regulations:*~~ *A placemaking project on a premises within a transit priority area that was 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.*

(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.~~

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

§141.0422 Battery Energy Storage Facilities

This section regulates utility-serving battery energy storage facilities. The purpose of 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 an “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* – other than the presence of *environmentally sensitive lands* – such as the presence of utilities, easements, 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 – other than the presence of *environmentally*

sensitive lands – 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 result in loss of 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 electrical 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 an “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 – other than the presence of *environmentally sensitive lands* – 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 – other than the presence of environmentally sensitive lands – 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 pursuant to title 24, part 9, of the California Fire Code and be 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, fences, 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 revoked or 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.
- (iv) The Fire Code Official determines that the facility constitutes a distinct hazard to life or property.

(G) The applicant shall submit a Hazard Mitigation Analysis when technologies are not specifically identified in title 24, part 9, of the California Fire Code or when more than one

technology is provided in a room or enclosed area where there is a potential for adverse reactions between technologies.

- (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 conform to title 24, part 9, of the California Fire Code and 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 building or modular container, or both, 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.

(6) Brush Management Regulations

- (A) Battery energy storage facilities in High or Very High Fire Hazard Severity Zones shall meet the City's defensible space brush management regulations and landscape standards.
 - (i) If unable to meet the brush management regulations and landscape standards, the agent or owner shall be required to provide a technical report

from a qualified engineer, specialist, laboratory, or
fire safety organization acceptable to the Fire Code
Official. The Fire Code Official is authorized to
require design submittals to be prepared by and bear
the stamp of a registered design professional as
defined in title 24, part 9, Chapter 2 of the
California Fire Code. The technical report shall be
reviewed by the Fire Code Official.

§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 6 7 feet | [No change in text.] | [No change in text.] |
| Any <i>fence</i> with a height of 6 7 feet or greater | [No change in text.] | [No change in text.] |
| Any <i>retaining wall</i> with a height less than 3 feet | [No change in text.] | [No change in text.] |
| Any <i>retaining wall</i> with a height of 3 feet or greater 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.] | [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.] | [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. Single <i>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.] | | | [No change in text.] |

Footnote to Table 142-04A¹ [No change in text.]**§142.0403 General Planting and Irrigation Requirements**

All planting, irrigation, brush management, and landscape-related improvements required by this division must comply with the regulations in Section 142.0403 and with the landscape Standards in the Land Development Manual.

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

(d) Planting Area Requirements

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

- (A) [No change in text.]
- (B) Unattached unit pavers, or 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.~~ Hardscape as limited by Sections 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 <i>yard</i> area unless otherwise noted below) ⁽¹⁾ | Plant Points Required⁽¹⁾ |
|---|---|---|--|
| <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.] | [No change in text.] |
| Small <i>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, Industrial 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.] | [No change in text.] |

Footnotes to Table 142-04C¹ 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 (b) [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:

- (I) 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 shade *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* podiums, 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) 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~~ 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~~ 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.

(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 |

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

- (4) ~~The 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 as calculated in Section 142.0413(d)(2).~~

Model Water Efficient Landscape Regulations (MWELo).

Development with a landscape area of 500 square feet or greater and rehabilitated landscape projects, as defined in California Code of Regulations section 491, with a landscape area of 2,500 square feet or greater shall be subject to the following pursuant to title 23, section 490.1 of the California Code of Regulations:

(1) Water Budget

- (A) Maximum Applied Water Allowance (MAWA) water budget shall be calculated using the following formula:

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

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

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

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>Evapotranspiration Adjustment Factor</u> |

| <u>Symbol</u> | <u>Meaning of Symbol</u> |
|---|--|
| <u>0.55 for Residential Landscape Areas</u> <u>0.45 for Non-Residential Landscape Areas</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 of 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 of greater than 1,000 square feet and less than 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 MWEL0 per Section 142.0413(d) shall submit a Soil Management Report to the Development Services Department.
- (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.
 - (i) Soils with greater than 6 percent organic matter in the top 6 inches of soil are exempt from this requirement.

- (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 be required over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available within a 500 mile radius. 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 Section 142.0413(d) 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 as reviewed by the City to be consistent with any applicable design guidelines; and shall be submitted to the City prior to Certificate of Occupancy or final inspection.

(5) Prescriptive Compliance

Pursuant to title 23, section 490.1 of the California Code of Regulations, an *applicant* with an aggregate landscape area of 2,500 square feet or less may alternatively comply with the MWELo Regulation calculations, 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 Results of Soil Management Report.

(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:

This landscape plan meets the requirements of the Model Water Efficient Landscape Ordinance (MWELO) in accordance with state law and Land Development Code

Section 142.0413. Adherence to the MWEL0 is required, including compliance with the schedule of landscape and irrigation maintenance.

(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) 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.~~

§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) | [No change in text.] | |
| 75° through 0° (parallel) [No change in text.] | [No change in text.] | |

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) Development 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 ~~Building Permit was issued~~ 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.

Exemptions:

- (1) *Accessory Dwelling Units, Junior Accessory Dwelling Units, moveable tiny houses, and guest quarters* are exempt from DIF except 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~~ ~~with~~ Table 142-06A based upon the *Accessory Dwelling Unit* size, or shall be proportionate in relation to the square footage of the *primary dwelling unit* on the *premises* at the *multiple dwelling unit rate*, whichever results in the lower

DIF. The DIF for the *Accessory Dwelling Unit* shall not exceed the DIF for the primary *dwelling unit*.

(C) [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) [No change in text.]
- (B) The park shall be designed and constructed in accordance with the City's Park Development Standard Terms and Conditions and Consultant's Guide to Park Design and Development to the satisfaction of the Parks and Recreation Director, or their designee;
- (C) The park shall be publicly accessible in perpetuity to the Parks and Recreation Director, or their designee;
- (D) If the *development* is receiving park credit for long-term maintenance in accordance with the Parks Master Plan, a maintenance agreement to maintain the park to the satisfaction of the Parks and Recreation Director, or their designee, shall be recorded with the County Recorder prior to final inspection of the first Building Permit;
- (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, or their designee; 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.]

§142.1305 Methods of Compliance

- (a) The requirement to provide inclusionary *dwelling units* may be met in any of the following ways:

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

- (3) On different *premises* from the *development* that does not meet the locational criteria in Section 142.1305(a)(2) but lie within the City of San Diego, if the receiver site is within a ~~*transit priority area*~~ *Sustainable Development Area* and in an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, and the community planning area has less than five percent of its existing *dwelling units* as covenant-restricted *very low income*, *low income*, or *moderate income dwelling units*;

Editor's Note: The above language, added by Ordinance O-21432

(Feb. 23, 2022), was certified by the California Coastal Commission on August 10, 2022 and is effective in the Coastal Overlay Zone until the following language in Section 142.1305(a)(3) is certified by the California Coastal Commission.

- (2) On different *premises* from the *development* that does not meet the locational criteria in Section 142.1305(a)(2) but within the City of San Diego, if the receiver site is within a ~~*transit priority area*~~ *Sustainable Development Area*, in an area identified as a High or Highest Resource California Tax Credit Allocation Committee

Opportunity Area according to the most recent California State Treasurer TCAC/HCD Opportunity Area Maps, and less than five percent of the existing *dwelling units* in that community planning area are covenant-restricted to *very low income*, *low income*, or *moderate income* households.

Editor's Note: The above language, added by Ordinance O-21439 (March 11, 2022), is effective outside the Coastal Overlay Zone and is pending review and certification by the California Coastal Commission. If this language is certified by the California Coastal Commission, it will supersede the language above, added by Ordinance O-21432, and will be effective Citywide.

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

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

§142.1307 Rehabilitation of Existing Dwelling Units, SRO Hotel Rooms, or Conversion of Guest Rooms

(a) The requirements of this Division may be satisfied by the rehabilitation of existing *dwelling units* for conversion to inclusionary *dwelling units* affordable to *very low income* households or *low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 60 percent of *median income*, if the City Manager determines all of the following:

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

- (3) The rehabilitated *dwelling units* are located in an appropriate residential zone that can accommodate at least the number of rehabilitated *dwelling units* required by this Division, and if those rehabilitated *dwelling units* are located within a ~~*Transit Priority Area*~~ *Sustainable Development Area*, the number of *dwelling units* on the *premises* is at least 60 percent of the base *floor area ratio* or *density* designated by the zone in which the *premises* is located;

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

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

- (d) The requirements of this Division may be satisfied by the conversion of existing *guest rooms* in a *motel* or *hotel* located outside of the Coastal Overlay Zone to inclusionary *dwelling units* affordable to *very low income* households or *low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 60 percent of *median income*, if the City Manager determines all of the following:

(1) [No change in text.]

- (2) The *motel* or *hotel* is located in an appropriate residential zone that can accommodate at least the number of converted *guest rooms* required by this Division, and if the *motel* or *hotel* is located within a ~~*Transit Priority Area*~~ *Sustainable Development Area*, the number of *guest rooms* in the *motel* or *hotel* is at least 60 percent of the base *floor area ratio* or *density* designated by the zone in which the *motel* or *hotel* is located;

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

(e) through (g) [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.]

§143.0720 Density Bonus in Exchange for Affordable Housing Units

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

(i) A *density* bonus agreement for a *development* within a ~~*transit-priority area*~~ *Sustainable Development Area* providing 100 percent of the total pre-*density* bonus and post-*density* bonus *dwelling units* as affordable to *very low income, low income, and moderate income* households shall utilize the following qualifying criteria:

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

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

(l) A *development* proposal requesting an affordable housing *density* bonus is subject to the following:

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

(7) For *development* providing at least 100 percent of the pre-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(h); or *development* within a ~~*transit priority area*~~ *Sustainable Development Area* providing at least 100 percent of the total pre-*density* and post-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(i), the *density* bonus shall be as follows:

(A) For *development* located outside of a ~~*transit priority area*~~ *Sustainable Development Area*, the *density* bonus shall be 80 percent of the number of pre-*density* bonus *dwelling units* provided for *low income* or *very low income* households. This bonus does not apply to *development* consistent with Section 143.0720(i).

(B) For *development* located within a ~~*transit priority area*~~ *Sustainable Development Area*, there shall be no limit on the number of *dwelling units* permitted.

(8) [No change in text.]

(9) For micro-unit *development* that provides five or more *dwelling units*; meets the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(d)(1), 143.0720(d)(2), 143.0720(d)(3), 143.0720(e), or 143.0720(f); provides an average of no more than 600 square feet per *dwelling unit* with no *dwelling unit* exceeding 800 square feet; with a portion of the *lot* located within a ~~*Transit Priority Area*~~ *Sustainable Development Area*; and where the *premises* can be serviced by all required utilities, a *density* bonus of up to 100 percent of the pre-*density* bonus *dwelling units* shall be granted. The post-*density* bonus *dwelling units* shall be micro-units as described above. For *development* meeting the same criteria within the Centre City Planned District Ordinance, the *development* must comply with Section 156.0309(~~ed~~)(1)(C).

(10) through (15) [No change in text.]

(m) through (n) [No change in text.]

§143.0740 Incentives in Exchange for Affordable Housing Dwelling Units

An *applicant* proposing *density* bonus shall be entitled to incentives as described in this Division for any *development* for which a written agreement and a deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission. The City shall process an incentive requested by an *applicant* as set forth in this section.

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

- (e) For a *development* providing 100 percent of the pre-*density* bonus *dwelling units* as affordable to *very low income*, *low income*,² and *moderate income* households in accordance with Section 143.0720(h); or *development* within a ~~*transit priority area*~~ *Sustainable Development Area* providing 100 percent of the total pre-*density* and post-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(i), five incentives shall be available. If the *development* is located within a ~~*transit priority area*~~ *Sustainable Development Area*, the applicant shall also receive a *structure height* increase of up to 3 additional *stories* or 33 feet.
- (f) [No change in text.]

Table 143-07A
Very Low Income Density Bonus Households

[No change in text.]

Footnotes for Table 143-07A

- ¹ For *development* containing 50 pre-*density dwelling units* or less, once this maximum is reached, an additional 25 percent *density* bonus and three incentives are allowed if an additional 10 percent of the pre-*density* bonus units are restricted in accordance with the provisions of this Division for households earning less than or equal to 120 percent of the area ~~*median income*~~ *median income*, as adjusted for household size, and the *development* is within a ~~*transit priority area*~~ *Sustainable Development Area*.
- ² Once this maximum is reached, an additional 25 percent *density* bonus and three incentives are allowed if an additional 10 percent of the pre-*density* bonus units are restricted in accordance with the provisions of this Division for households earning less than or equal to 120 percent of the area ~~*median income*~~ *median income*, as adjusted for household size, and the *development* is within a ~~*transit priority area*~~ *Sustainable Development Area*.

Table 143-07B
Low Income Density Bonus Households

[No change in text.]

Footnotes for Table 143-07B

- ¹ For *development* containing 50 pre-*density dwelling units* or less, once this maximum is reached, an additional 25 percent *density* bonus and three incentives are allowed if an additional 10 percent of the pre-*density* bonus units are restricted in accordance with the

provisions of this Division for households earning less than or equal to 120 percent of the area ~~median income~~ median income, as adjusted for household size, and the *development* is within a ~~transit priority area~~ Sustainable Development Area.

- ² Once this maximum is reached, an additional 25 percent *density* bonus and three incentives are allowed if an additional 10 percent of the pre-*density* bonus units are restricted in accordance with the provisions of this Division for households earning less than or equal to 120 percent of the area ~~median income~~ median income, as adjusted for household size, and the *development* is within a ~~transit priority area~~ Sustainable Development Area.

Table 143-07C
Moderate Income Density Bonus Households

[No change in text.]

§143.0742 Incentives for Non-Residential Development

The Employee Housing Incentive Program shall be implemented in accordance with this section. An *applicant* for non-residential *development* as defined in this section that contributes to the construction of affordable housing through the payment of the Employee Housing Incentive Program Fee, as adopted by City Council Resolution, shall be entitled to receive incentives, as set forth below.

(a) Eligible Non-residential *Development*.

- (1) The non-residential *development* shall be located within a ~~transit priority area~~ Sustainable Development Area.

(2) [No change in text.]

(b) [No change in text.]

§143.0744 Parking Ratios for Affordable Housing

Upon the request of an *applicant* for a *development* meeting the criteria in Sections 143.0720(c), 143.0720(d), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(j), the vehicular parking ratios in Table 143-07D, as may be applicable, or those set forth in Chapter 14, Article 2, Division 5, inclusive of disabled and guest parking, whichever is lower, shall

apply. For purposes of this Division, a ~~development~~ development may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking or parking within a required front ~~yard setback~~ yard setback.

Table 143-07D
Parking Reduction for Proximity to Transit

| Type of Development | Percent Affordable | Transit Requirement³ | Parking Ratio for Development¹ |
|---|---------------------------|---|--|
| Rental or for-sale <i>development</i> containing market rate and very low income, low income, and/or moderate income dwelling units <ul style="list-style-type: none"> • Very low income • Low income • Moderate income | [No change in text.] | The <i>development</i> is located within a transit priority area <u>Sustainable Development Area</u> . | [No change in text.] |
| Rental housing <ul style="list-style-type: none"> • Very low income, low income and <u>and</u> moderate income | [No change in text.] | | [No change in text.] |
| Rental housing with an affordable housing cost to lower income senior citizens in accordance with California Civil Code Sections 51.3 and 51.12 | [No change in text.] | [No change in text.] | [No change in text.] |
| Rental housing affordable to very low income and low income households that is either a special needs housing <i>development</i> as defined in California Health and Safety Code (CHSC) Section 51312 or a supportive housing <i>development</i> as defined | [No change in text.] | [No change in text.] | [No change in text.] |

| Type of Development | Percent Affordable | Transit Requirement³ | Parking Ratio for Development¹ |
|----------------------------|---------------------------|--|--|
| in CHSC Section 50675.14 | | | |

Footnotes for Table 143-07D¹ through ³ [No change in text.]**§143.0745 Locating Required Affordable Dwelling Units Off-site**

A *development* that complies with the Affordable Housing Regulations may provide all or a portion of the required affordable *dwelling units* off-site in accordance with the following:

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

(c) Off-site affordable *dwelling units* that do not meet the locational criteria in Section 143.0745(a) may be located in an area where the receiver site is within a ~~transit priority area~~ Sustainable Development Area, an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, and less than five percent of the existing *dwelling units* in that community planning area are covenant-restricted to *very low income*, *low income*, or *moderate income* households.

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

§143.0746 Affordable Housing in All Communities

(a) Affordable housing uses not otherwise allowed in High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Areas. Affordable housing may be permitted in High or Highest Resource ~~California Tax Credit Allocation Committee~~ CTCAC Areas in accordance

with Process One on a *premises* located within a non-residential base zone that does not otherwise allow *multiple dwelling unit development*, subject to all of the following:

- (1) [No change in text.]
- (2) The *premises* is located within all of the following:
 - (A) A ~~transit priority area~~ Sustainable Development Area;
 - (B) through (D) [no change in text.]
- (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.]

§143.0915 When Supplemental Neighborhood Development Permit Regulations Apply for Affordable Housing, In-Fill Projects, and Sustainable Buildings

These regulations apply to the following types of *development*:

- (a) [No change in text.]
- (b) In-fill projects, which is any of the following:
 - (1) [No change in text.]
 - (2) Residential or mixed-use *development*, ~~where all or a portion of the premises is located within a Transit Priority Area~~ Sustainable Development Area.
- (c) [No change in text.]

§143.1001 Purpose, Intent, and Definition

- (a) Purpose. The purpose of these regulations is to provide a *floor area ratio*-based *density* bonus incentive program for *development* within ~~Transit Priority Areas~~ Sustainable Development Areas that provides housing for *very low income*, *low income*, or *moderate income* households and provides neighborhood-serving infrastructure amenities. These regulations are intended to materially assist in providing adequate housing for all economic segments of the community; to provide a balance of housing opportunities within the City of San Diego with an emphasis on housing near transit; and to encourage use of mobility alternatives through the construction of neighborhood-serving infrastructure amenities.
- Investment in neighborhood-serving infrastructure that creates destinations and encourages walking, biking and use of transit, particularly within

~~*Transit Priority Areas*~~ *Sustainable Development Areas*, is critical to the City's Climate Action Plan goal to reduce greenhouse gas emissions.

These regulations do not implement California Government Code Section 65915 (State Density Bonus Law), which is implemented through San Diego Municipal Code Chapter 14, Article 3, Division 7.

- (b) Definitions. For the purposes of this Division, the following definitions shall apply:
- (1) [No change in text.]
 - (2) FAR Tier 2 means any *premises* where any portion of the *premises* is located in a regional or subregional employment area, as identified in the General Plan Economic Prosperity Element, or within a one-mile radius of any university campus that includes a medical center and is within a ~~*Transit Priority Area*~~ *Sustainable Development Area* that is located in a community planning area within Mobility Zone 3 as defined in Section 143.1103(a)(3).
 - (3) FAR Tier 3 means any *premises* where any portion of the *premises* is located in an area located within a ~~*Transit Priority Area*~~ *Sustainable Development Area* that is located in a community planning area within Mobility Zone 3 as defined in Section 143.1103(a)(3).

- (4) FAR Tier 4 means any *premises* where any portion of the *premises* is located in an area located within a *Transit Priority Area* *Sustainable Development Area* that is located in a community planning area within Mobility Zone 4 as defined in Section 143.1103(a)(4).
- (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* *Sustainable Development Area* where any portion of the *premises* contains zoning that is commercial, residential, or mixed-use and the *premises* is zoned to allow 20 dwelling units per acre or greater or has a ~~land use plan~~ 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.]

§143.1010 Incentives in Exchange for ~~Transit Priority Area~~ Sustainable Development Area Affordable Housing and Infrastructure Amenities

[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 Sections 143.1015(a)-(1)-(3) or 143.1015(a)(4), 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.]

§143.1020 Required Provision of Infrastructure Amenities

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

(a) [No change in text.]

- (b) Public promenade alternative. In lieu of the fee described in Section 143.1020(a), *development* on a *premises* of at least 25,000 square feet in ~~area or larger~~ with at least 200 linear feet of *street frontage* or on a separately-owned parcel within a ~~*Transit Priority Area*~~ *Sustainable Development Area* where the *development* is located and with an equivalent-sized *premises* of the *development* or larger with at least 200 linear feet of *street frontage*, may construct public amenities in the form of a public promenade.

(1) through (8) [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.~~

§143.1102 When Mobility Choices Regulations Apply

The Mobility Choices Regulations apply to any *development* for which a Building Permit is issued, except:

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

- (g) ~~Multi-family residential~~ Multiple dwelling unit development in a Transit Priority Area within a Sustainable Development Area that provides the transportation amenities required by Section 142.0528; and
- (h) [No change in text.]

§143.1103 Mobility Choices Requirements

- (a) For the purposes of this Division, Mobility Zones shall be defined as follows:
 - (1) [No change in text.]
 - (2) Mobility Zone 2 means any *premises* located either partially or entirely in a ~~Transit Priority Area~~ Sustainable Development Area.
 - (3) [No change in text.]
 - (4) Mobility Zone 4 means any area not located within Mobility Zone 1, Mobility Zone 2, or Mobility Zone 3; within a community planning area with a VMT efficiency that is greater than 85 percent of the regional average for either resident VMT per capita or employee VMT, as determined by the City Manager.
 - (5) through (6) [No change in text.]
- (b) through (c) [No change in text.]

§143.1310 Construction of Multiple Dwelling Units in a Single Dwelling Unit Zone

Up to two *dwelling units* may be permitted on a *premises* within a RS, RE, RX, RT ~~and or~~ 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 (2) [No change in text.]

(3) Parking Regulations

(A) Within a ~~*transit priority area*~~ *Sustainable Development Area*, no *off-street parking spaces* are required.

(B) Outside of a ~~*transit priority area*~~ *Sustainable Development Area*, *off-street parking spaces* shall be provided as follows:

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

(4) [No change in text]

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

(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).~~

(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 ~~and contained in Land Development Code Section 141.0418,~~ 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.]

§153.0311 Mixed-Use Center (MC)

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

(c) Development Regulations

The development regulations of the CC-5-5 zone of Chapter 13, Article 1, Division 5 (Commercial Base Zones) shall apply, except as follows:

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

(3) Maximum Floor Area Ratio

The maximum floor area ratio is 1.2, except for projects that consist of homes which shall be limited to a maximum floor area ratio of 1.25.

For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code the floor area ratio does not increase.

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

§155.0231 Exceptions to the Residential Zones Regulations within the Central Urbanized Planned District

Table 131-04G, Development Regulations of RM Zones, shall apply with the following exceptions:

**Table 155-02A
Floor Area Ratio Exceptions**

| Zones | RM-1-1 | RM-1-2 | RM-1-3 | RM-2-4 | RM-2-5 | RM-2-6 |
|---|---------------------|---------------------|---------------------|---------------------|-------------------|---------------|
| <i>Max floor area ratio¹</i> | 0.55 ^{1,2} | 0.65 ^{1,2} | 0.75 ^{1,2} | 0.90 ^{1,2} | 1.10 ² | 1.30 |

Footnotes for Table 155-02A

- ¹ For development that consist of 3 to 7 dwelling units, the maximum floor area ratio shall be 1.0. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.
- ² For development that consist of 8 to 10 dwelling units, the maximum floor area ratio shall be 1.25. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

§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, Separately Regulated Industrial Uses [No change in text.] | | [No change in text.] | | | | | | | | | |
| <u>Artisan Food and Beverage Producer</u> | | - | | <u>I</u> | | | <u>I</u> | | | | |
| <i>Cannabis Production Facilities</i> through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.] | | | | [No change in text.] | | | | | | | |

Footnotes for Table 155-02C

¹ through ¹³ [No change in text.]

§155.0242 Development Regulations Table for CU Zones

The following development regulations apply in each of the CU zones as shown in Table 155-02D.

Table 155-02D

Development Regulations of CU Zones

| Development Regulations | Zone Designator | Zones | | | | | | | |
|--|-----------------|-------------------|-------------------|-------------------|-------------------|-------------------|----------------------|---------|---------|
| | 1st & 2nd >> | CU- | | | | | | | |
| | 3rd >> | 1- | 2- | 3- | 2- | 3- | | | |
| | 4th >> | 1 ⁽¹⁾ | 2 ⁽¹⁾ | 3 | 4 | 5 | 6 | 7 | 8 |
| Max residential density density ⁽²⁾ | | 5,000 | 3,000 | 1,000 | 600 | 1,000 | 1,500 | 5,000 | 3,000 |
| Supplemental residential regulations ⁽³⁾ | | applies | applies | applies | applies | applies | applies | applies | applies |
| Lot Lot area | | | | | | | | | |
| Min (sf) | | 5,000 | 5,000 | 2,500 | 2,500 | 2,500 | 5,000 | 2,500 | 2,500 |
| Max (ac) | | 0.3 | 0.3 | - | - | - | - | - | - |
| Lot Lot dimensions | | | | | | | | | |
| Min width (ft) | | 50 | 50 | 25 | 25 | 25 | 50 | 25 | 25 |
| Min street frontage (ft) | | - | - | 25 | 25 | 25 | 50 | 25 | 25 |
| Min depth (ft) | | - | - | - | - | - | 100 | - | - |
| Max depth (ft) | | - | - | - | - | - | 150 | - | - |
| Setback Setback Requirements | | | | | | | | | |
| Min front setback (setback) (ft) | | 20 ⁽⁴⁾ | 20 ⁽⁴⁾ | - | - | - | - | 10 | 10 |
| Max front setback (setback) (ft) | | - | - | 10 ⁽⁵⁾ | 10 ⁽⁵⁾ | 10 ⁽⁵⁾ | 100 ^(5,6) | - | - |
| Min side setback (setback) (ft) | | 10 | 10 | 10 | 10 | 10 | 10 | 5 | 5 |
| Optional side setback (setback) (ft) | | 0 | 0 | 0- | 0 | 0 | 0 | - | - |
| [See Land Development Code Section 131.0543(b)] | | | | | | | | | |
| Side setback (setback) abutting residential (ft) [See Land Development Code Section 131.0543(c)] | | applies | applies | applies | applies | applies | applies | applies | applies |
| Min street street side setback (setback) (ft) | | 20 ⁽⁴⁾ | 20 ⁽⁴⁾ | - | - | - | - | 10 | 10 |
| Max street street side setback (setback) (ft) | | - | - | 10 ⁽⁵⁾ | 10 ⁽⁵⁾ | 10 ⁽⁵⁾ | - | - | - |
| Min rear setback (setback) (ft) | | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 |
| Optional rear setback (setback) (ft) | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| [See Land Development Code Section 131.0543(b)] | | | | | | | | | |

| Development Regulations | Zone Designator | Zones | | | | | | | |
|--|-----------------|-------------------|-------------------|---------|---------|---------|---------|---------|---------|
| | 1st & 2nd >> | CU- | | | | | | | |
| | 3rd >> | 1- | 2- | 3- | 2- | 3- | | | |
| | 4th >> | 1 ⁽¹⁾ | 2 ⁽¹⁾ | 3 | 4 | 5 | 6 | 7 | 8 |
| Rear setback (setback) abutting residential (ft) [See Land Development Code Section 131.0543(c)] | | applies | applies | applies | applies | applies | applies | applies | applies |
| Max structure height (structure height) (ft) | | 24 ⁽⁷⁾ | 24 ⁽⁷⁾ | 50 | - | 90 | 30 | 30 | 30 |

| Development Regulations | Zone Designator | Zones | | | | | | | |
|--|-----------------|-----------------------|-----------------------|--------------------|---------|---------|------------------------|-----------------------|-----------------------|
| | 1st & 2nd >> | CU- | | | | | | | |
| | 3rd >> | 1- | 2- | 3- | 2- | 3- | | | |
| | 4th >> | 1 ⁽¹⁾ | 2 ⁽¹⁾ | 3 | 4 | 5 | 6 | 7 | 8 |
| Min lot coverage (%) | | - | - | - | 35 | 35 | - | - | - |
| Max floor area ratio | | 0.6 ⁽⁸⁾⁽⁹⁾ | 0.6 ⁽⁸⁾⁽⁹⁾ | 1.0 ⁽⁹⁾ | 2.0 | 2.0 | 0.75 ⁽⁸⁾⁽⁹⁾ | 0.5 ⁽⁸⁾⁽⁹⁾ | 0.5 ⁽⁸⁾⁽⁹⁾ |
| Mixed use bonus/Min % to residential [See Land Development Code Section 131.0546(a)] | | 0.4/100 | 0.4/100 | 0.5/50 | 2.0/50 | 1.5/50 | 0.75/75 | 0.5/50 | 0.5/50 |
| Pedestrian paths [See Land Development Code Section 131.0550] | | applies | applies | applies | applies | applies | applies | applies | applies |
| Transparency [See Land Development Code Section 131.0552] | | - | - | applies | applies | applies | - | applies | applies |
| Building articulation [See Land Development Code Section 131.0554] | | applies | applies | applies | applies | applies | applies | applies | applies |
| Parking lot orientation [See Land Development Code Section 131.0556] | | - | - | - | - | - | applies | - | - |

Footnotes for Table 155-02D⁽¹⁾ through ⁽⁷⁾ [No change in text.]

⁽⁸⁾ For development that consist of 3 to 7 dwelling units, the maximum floor area ratio shall be 1.0. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premise that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

⁽⁹⁾ For development that consist of 8 to 10 dwelling units, the maximum floor area ratio shall be 1.0. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premise that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

§1513.0304 Property Development Regulations – Residential Subdistricts

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

(g) *Floor Area Ratio*

- (1) The basic maximum *floor area ratio* shall be 1.1 for 1 to 7 dwelling units. The maximum floor area ratio shall be 1.25 for 8 to 10 dwelling units.

For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

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

(h) [No change in text.]

§-1516.0114 Development Regulations Table for Old Town San Diego Residential Zones

Table 1516-01C
Development Regulations for OTR Zones

| Development Regulations | Zone Designator | Zones | | | |
|---|----------------------|----------------------|--------------------|-----------------------|----|
| | 1st & 2nd >> | OTRS- | OTRM- | | |
| | 3rd >> | 1- | 1- | 2- | 2- |
| | 4th >> | 1 | 1 | 1 | 2 |
| Max permitted density through Lot Coverage for sloping lots [See Section 1516.0132] [No change in text.] | [No change in text.] | | | | |
| Max floor area ratio | 0.6 | 0.7 ^(5.6) | 1.0 ⁽⁶⁾ | 1.2 ⁽⁴⁾⁽⁶⁾ | |
| Max paving/hardscape through Visibility Area [See Section 113.0273] [No change in text.] | [No change in text.] | | | | |

Footnotes for Table 1516-01C

¹ through ⁴ [No change in text.]

⁵ For development that consist of 3 to 7 dwelling units, the maximum floor area ratio shall be 1.0. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

⁶ For development that consist of 8 to 10 dwelling units, the maximum floor area ratio shall be 1.25. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

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§-1516.0119 Development Regulations Table for Old Town San Diego Commercial Zones

Table 1516-01E
Development Regulations for OTCC and OTMCR Zones

| Development Regulations | Zone | Zones | | | | | | | | |
|--|---------------------------|----------------------|--------------------|--------------------|--------------------|-----|-----|--------------------|-----|-----|
| | 1st & 2nd >> 3rd >> | OTCC- | | | | | | OTMCR- | | |
| | | 1- | 2- | 2- | 2- | 3- | 3- | 1- | | |
| | | 1 | 1 | 2 | 3 | 1 | 2 | 1 | 2 | 3 |
| Max Permitted Residential Density⁽¹⁾ through Min Lot Coverage (%)⁽²⁾ [No change in text.] | | [No change in text.] | | | | | | | | |
| Max Floor Area Ratio | | 2.0 | 1.0 ⁽³⁾ | 1.0 ⁽³⁾ | 1.2 ⁽³⁾ | 1.3 | 1.3 | 1.2 ⁽³⁾ | 2.0 | 2.0 |
| Floor Area Ratio Bonus for Residential Mixed Use [See Section 1516.0136] | | -- | 0.2 | 0.2 | 0.2 | -- | -- | -- | 0.2 | 1.0 |
| Minimum Floor Area Ratio for Residential Use [See Section 1516.0136] | | -- | 0.2 | 0.2 | 0.2 | -- | -- | -- | -- | 0.2 |
| Floor Area Ratio Bonus for Structured Parking [See Section 1516.0138] [No change in text.] | | [No change in text.] | | | | | | | | |
| Ground-Floor Height through Visibility Area [See Section 113.0273] [No change in text.] | | [No change in text.] | | | | | | | | |

Footnotes for Table 1516-01E¹ through ² [No change in text.]

³ For development that consist of 3 to 7 dwelling units, the maximum floor area ratio shall be 1.0. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

⁴ For development that consist of 8 to 10 dwelling units, the maximum floor area ratio shall be 1.25. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

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