



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: May 1, 2019

REPORT NO. PC-19-020

HEARING DATE: May 9, 2019

SUBJECT: 12th Update (Phase One) to the Land Development Code and Local Coastal Program; Process 5

SUMMARY

Issue: Should the Planning Commission recommend City Council approval of the 12th Update (Phase One) to the Land Development Code and the Local Coastal Program?

Staff Recommendation: Recommend City Council approval of the proposed 12th Code Update (Phase One).

City Strategic Plan Goal and Objectives: Goal #3: Create and sustain a resilient and economically prosperous City. Objective #1: Create dynamic neighborhoods that incorporate mobility, connectivity, and sustainability.

Environmental Review 12th Code Update: Staff has reviewed the 12th Update (Phase One) to the Land Development Code and conducted a consistency evaluation pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162. Implementation of this project's actions would not result in new significant direct, indirect, or cumulative impacts over and above those disclosed in the previously certified Environmental Impact Report No. 96-0333/SCH No. 96081056 (Attachment 5).

Housing Impact Statement: The proposed amendments would apply citywide. The proposed amendments reduce unnecessary development regulations, thereby increasing housing availability.

BACKGROUND

The Land Development Code (LDC) provides the City's regulations for the development and use of property within the City of San Diego and provides information on zoning, subdivisions, grading and other related land use activities. In December 1997, the City Council adopted a comprehensive update to the LDC. During the adoption hearings, the Council directed the development of a code monitoring and update process to address new issues and unforeseen challenges not anticipated as part of the comprehensive update process. Relatedly, the Council recognized the importance of code revisions that removed unnecessary barriers to simplify and streamline permitting processes. Through these regular updates, the LDC will be more responsive to address the City's changing land use issues.

The 12th Update (Phase One) includes 56 issue items. The amendments are being processed to comply with state and federal law; streamline and clarify the permit process; clarify regulations; and correct references, grammatical errors and formatting. While many amendments will streamline and clarify the permit and review process, several changes directly increase housing opportunities:

- Permanent Supportive Housing (PSH) allowed as a Limited Use;
- Transitional Housing process has been reduced from a Conditional Use Permit to a Limited Use;
- Residential development that requires commercial ground floor will allow interim ground floor residential with a Neighborhood Use Permit; and
- The Downtown Planned District (Centre City) Employment Overlay Zone will allow increased residential uses.

DISCUSSION

The 56 issue items in the 12th Update (Phase One) are separated into four categories that include appeals, zoning, Downtown Planned District Ordinance (Centre City), and minor corrections. A brief summary is provided, as well as an issue matrix (Attachment 1) and the proposed code language (Attachments 2-4).

A. Appeals

The following 3 issue items clarify language to that was previously approved by Council.

1. Appeals of Process Two CIP Projects

Discretionary projects that require a Process Two decision are appealable to the City Council. The appeal application must be filed within 12 business days after the decision. The proposed amendment is to change the filing days to 10 business days, consistent with all other appeal requirements.

2. Appeal from Historical Resources Board Decision

Appeals filed to the Historical Resources Board currently cannot be withdrawn. The amendment includes the ability to withdraw an appeal, consistent with all other appeal requirements.

3. Appeal fees

Appeal fees for projects that are appealable to the City Council increased from \$100 to \$1,000 in 2017; the recognized Community Planning Groups continue to be exempt from paying the fee. The amendment would apply the increased fee to Extensions of Time and Map Waiver appeals which are appealable to the City Council.

B. Zoning

The following 16 issue items will improve, streamline and clarify development requirements.

4. Interim Ground Floor Residential

Residential development within commercial zones is permitted only when the ground floor has a commercial component. The amendment will allow residential on the ground floor of existing vacant commercial spaces, outside of the Coastal Overlay Zone, with a Process Two Neighborhood Use Permit for up to 10 years.

5. Affordable Housing, In-Fill Projects, and Sustainable Buildings

The amendments include clarification of applicable supplemental findings required and cleanup language in several sections.

6. Draft or Final Environmental Document Distribution and Availability

Revise to require public distribution of environmental documents before advisory body and decision maker hearings consistent with CEQA requirements.

7. Impact Fees for Financing Public Facilities

Exempt Permanent Supportive Housing and Transitional Housing Facilities from Development Impact Fees.

8. Parking Lot Orientation

Increase development square footage from 50,000 to 100,000 that requires vehicular use area to be limited to 50 percent on the longest street frontage.

9. Companion Units

Amend regulations to comply with recent State changes and clarify that companion units cannot encroach into street side yards setbacks.

10. Private Clubs, Lodges, and Fraternal Organizations

Clarify that this use is not permitted within the floodplains located in the Coastal Overlay Zone, consistent with similar uses.

11. Permanent Supportive Housing (PSH)

Defining PSH and add a Separately Regulated Use to allow as a limited use in residential and commercial zones where multi-family housing is permitted. PSH will provide affordable housing, health care, and supportive services to individuals and families.

12. Wireless Communication Facilities (WCF)

Amend regulations to be compliant with recent State and Federal laws, including the Spectrum Act, which impose a shot clock (mandated review and approval time frames) for WCFs. Revisions include standard conditions, design requirements for small cell facilities, and the requirement for a Neighborhood Use Permit when poles in the right-of-way do not have lighting.

13. Transitional Housing Facilities

Allow as a limited use in multi-family zones and commercial zones that allow residential, no longer requiring a Conditional Use Permit for over seven people.

14. When Public Improvements May be Required Incidental to a Building Permit

Allow public schools more flexibility with required public improvements through the joint use park agreement process.

15. Old Town San Diego Planned District Sign Regulations

Section added to clarify that some signs within Old Town are subject to the Planned District Regulations.

16. Density Bonus in Exchange for Affordable Housing Units

Clarify that per State requirements, applicants can provide a lesser percentage of density than allowed by the density bonus or not increase the density beyond what is required in exchange for affordable housing.

17. Lot Design Requirements for Tentative Maps

For lots usable by vehicular traffic, replace the minimum 15-foot-wide direct access to a 20-foot minimum for more than two units, to service two-way traffic.

18. Street Light Improvements

Amend the code to clarify that residential subdivisions of four dwelling units or less are not required to install a new street light.

19. Uses Permitted with a Special Permit (Hotel/Motel/Timeshares)

Eliminate requirement that limits hotels/motels in La Jolla Zones 1-4, consistent with the Coastal Act that encourages visitor facilities/overnight accommodations to ensure maximum public access to coastal areas.

C. Downtown Planned District Ordinance (Centre City)

The following 17 issue items include corrections, clarification and amendments to provide more flexibility in the regulations to encourage development within the Centre City Planned District.

20. City Facilities

Eliminate the requirement for capital improvement projects from obtaining a discretionary development permit, however does not include coastal development permits or site development permits for historical resources; and exempt capital improvement program projects from having to meet minimum Floor Area Ratio (FAR) requirements.

21. Centre City Base Zones

Eliminate the definition for public safety facilities, remove the associated land use district and add land use designation information west of Pacific Highway and south of Harbor Drive to Figure B Land Use Districts of the Centre City Planned District, consistent with the Downtown Community Plan.

22. Definition of Active Commercial Uses

Clarify definition of Active Commercial uses and reference Table 156.0308-A.

23. Definition of Lot Sizes

Clarify that when citing lot areas, references to square footages are approximate.

24. Requirements for Active Commercial Uses

Reduce active commercial use requirements in land use districts and allow commercial uses on commercial streets.

25. Employment Overlay Zone

Increases the amount of permitted residential land uses in the overlay zone and allows mixed use development to exceed the 50% residential limitation through the Affordable Housing Regulations.

26. Requirements for Previously Conforming Uses

In Residential Emphasis zone, allow conversion and expansion of previously conforming commercial uses to commercial use permitted in the zone without complying with the 80 percent residential land use requirement.

27. Non-Bonafide Eating Establishments with alcohol

Corrected language clarifying that non-bonafide Eating Establishment with Alcohol requires a Neighborhood Use Permit, not a Conditional Use Permit

28. Off-site Alcohol Beverage Sales

A row was added for Off-site Alcohol Beverage Sales under Separately Regulated Uses in Table 156-0308A.

29. Minimum Floor Area Ratio (FAR)

Clarify that capital improvement program projects or development limited by the density or intensity limits under the safety zones of the San Diego International Airport are not required to meet minimum FAR regulations.

30. Affordable Housing FAR Bonus

Eliminate separate Centre City bonus calculations, eliminate FAR Bonus Table, and clarify that density bonus equals FAR bonus Downtown.

31. Public Open Space FAR Bonus

Increase FAR bonus for urban open space from 0.5 or 1.0 to 1.0 or 2.0 to encourage urban open space and revise the hours that open space must be open to the public from 6am-10pm to 7am-9pm.

32. Three-Bedroom FAR Bonus

Eliminate the third bedroom maximum size of 1,300 square feet and increase the Floor Area Ratio for three-bedroom units from 1.0 to 2.0.

33. Public Parking Floor Area Ratio (FAR) Bonus

Revise to allow FAR bonus only for below-grade parking.

34. Development Permit FAR

Clarify that a development permit may control FAR on adjoining properties in certain circumstances. A development may consist of one or more individually owned parcels, but the permitted FAR for any individual parcels are subject to the FAR limits within the development boundaries as defined by the development permit.

35. Ballpark District Signs

Reduce process level from a Process Five to a Process Three for comprehensive sign plans directly north of Petco Park and from a Process Three to a Process Two decision for all others within the Ballpark District.

36. Living Unit Standards

Clarify that living unit projects are not subject to residential development regulations such as common indoor and outdoor open space, private open spaces, guest parking, personal storage, etc.

D. Landscaping

The following 6 issue items include clarification to the Landscape Regulations.

37. General Planting & Irrigation Requirements

Modifying language to require a weather based “smart” controller in compliance with the Model Water Efficient Landscape Ordinance (MWELO).

38. Additional Yard Planting Area and Point Requirements

Remove the minimum five-foot separation between driveway edges; this requirement is correctly located within the Parking Requirements, and clarification pertaining to enhanced hardscape.

39. Additional Vehicular Use Area Requirements

Cross-reference added to the Parking Regulations pertaining to planting areas adjacent to parking spaces overhanging a raised curb or wheel stop.

40. Additional Yard Planting Areas and Point Requirements

Remove repetitive language and clarify excluded area within disturbed area in Permanente Revegetation and Irrigation Requirements table.

41. Brush Management

Clarification that Zone Two Brush Management must comply with the Biology Guidelines and eliminating the word "or" in Section 142.0412(g)(2).

42. Limited Exceptions from Environmentally Sensitive Lands Regulations

Clarify that Zone Two brush management activity is exempt from the steep hillside development area regulations if the brush management is the minimum necessary to comply with City fire codes, and no grading occurs in the brush management area.

E. Minor Corrections

There are 14 issue items that provide clarification and address incorrect terms and section references. Issue items numbered 43 through 56 are summarized in Attachment 1.

F. Recommendations

Downtown Community Planning Council: On November 14, 2018, the Downtown Community Council took the following action: The motion to recommend approval of the Civic SD issue items numbered 20 through 36 passed by a vote of 13-0-0.

Civic San Diego Board of Directors: On November 28, 2018, the Civic SD Board of Directors took the following action: The motion to recommend approval of the Civic SD issue items numbered 20 through 36 passed by a vote of 9-0-0.

Code Monitoring Team (CMT): CMT made recommendations at three separate monthly meetings to adequately discuss each issue item.

On January 9, 2019, the Code Monitoring Team took the following action: The motion to recommend approval of issue items numbered 1-3, 5, 9, 15-16, 20-56 passed by a vote of 9-0-1.

On February 13, 2019, the Code Monitoring Team took the following actions:

- Motion #1 to recommend approval of issue items numbered 8, 12, 14, 17-18 passed by a vote of 13-0-0.
- Motion #2 to recommend approval of issue item No. 6, Draft or Final Environmental Distribution and Availability, passed by a vote of 10-1-2.
- Motion #3 to recommend approval of issue item No. 11, Permanent Supportive Housing, passed by a vote of 12-1-0.
- Motion #4 to recommend approval of issue item No. 13, Transitional Housing, passed by a vote of 12-1-0.

On March 13, 2019, the Code Monitoring Team took the following action: The motion to recommend approval of issue item No. 4, Interim Ground Floor Residential, passed by a vote of 9-4-0.

Technical Advisory Committee (TAC): On February 13, 2019, the Technical Advisory Committee took the following action: The motion to recommend approval of 53 issue items passed by a vote of 9-0-0.

On March 13, 2019, the Technical Advisory Committee took the following action: The motion to recommend approval of issue item No. 4, Interim Ground Floor Residential, passed by a vote of 10-1-0.

Community Planners Committee (CPC): On September 26, 2019, the Community Planners Committee took the following actions:

- Motion #1 to recommend approval of 35 issue items passed by a vote of 26-0-2 with the following statement:
 - ❖ CPC reiterates its strong support for existing policy within the Housing Element which aims to avoid over-concentration of certain types of housing in individual neighborhoods and to request that the next iteration of the Housing Element (due in April 2021) include metrics and standards to illustrate over- and/or under-concentration of deed-restricted housing.
 - ❖ The motion did not include issue items No. 20-36 (Downtown PDO), item 15 (Old Town PDO) and item 19 (La Jolla PDO), as those items are not within their purview.
- Motion #2 was to not support approval of issue item No. 6 and recommend that the environmental document distribution remain at 14 days. The motion passed by a vote of 23-3-2.

Historical Resources Board (HRB): On March 28, 2019, the Historical Resources Board took the following action: The motion to recommend approval of issue item No. 2, Appeal from Historic Resources, passed by a vote of 9-0-0.


ALTERNATIVES

The Planning Commission may recommend to the City Council that it not adopt the Municipal Code amendments or that it adopts the Municipal Code changes with modifications.

CONCLUSION

Staff recommends approval of the proposed ordinance changes. The code amendments are consistent with the adopted Land Development Code goals to simplify land development regulations, to make the code more adaptable, to eliminate redundancies and contradictions, to standardize the land development code framework, and to increase predictability in application of the regulations.

Respectfully submitted,



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Attachments:

1. Issues Matrix
2. General zoning draft language
3. Downtown Planned District Ordinances draft language
4. Wireless Communication Facilities draft language
5. California Environmental Quality Act consistency evaluation

Following is a summary of the 56 amendments organized into Appeals, Zoning, Downtown Planned District Ordinance, Landscaping and Minor Corrections categories. Within each category the amendments are listed in order of the associated code sections to be amended.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
Appeals: The following 3 amendments are proposed to be consistent with recent changes approved.			
1	Regulatory Reform	112.0603	<u>Process CIP- Two Appeal Hearing</u> Change the period to file an appeal from 12 business days to 10 business days, consistent with the other appeals recently approved.
2	Regulatory Reform	123.0203	<u>Appeal from Historical Resources Board Decision</u> Include language allowing the withdraw of an appeal, consistent with Process Two appeals recently modified.
3	Regulatory Reform	Fee ordinance	<u>Appeal Fees</u> Increase appeal fees from \$100 to \$1,000 for Extension of Time and Map Waivers appealable to Council.
Zoning: The following 16 amendments will improve and streamline the permit process and clarify requirements.			
4	Regulatory Reform	126.0203 126.0205 131.0222 131.0322 131.0422 131.0522 131.0622 131.0540 141.0309	<u>Interim Ground Floor Residential</u> Allow interim ground floor residential, outside of the Coastal Overlay Zone, within commercial zones for up to 10 years with a Neighborhood Use Permit. Use was added to the Residential Separately Regulated Uses as a Limited Use.
5	Regulatory Reform	126.0503 143.0402 Table 143-04A 143.0915 143.0920	<u>When Supplemental Neighborhood Development Permit Regulations Apply for Affordable Housing, In-Fill Projects, and Sustainable Buildings</u> Clarification of applicable supplemental findings required and clean up language added in several sections.
6	Regulatory Reform	128.0310	<u>Draft or Final Environmental Document Distribution and Availability</u> Revise to require public distribution of environmental documents before advisory body and decision maker hearings, consistent with CEQA Guidelines.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
7	Regulatory Reform	142.0640	<u>Impact Fees for Financing Public Facilities</u> Exempt Permanent Supportive Housing and Transitional Housing Facilities from Development Impact Fees.
8	Regulatory Reform	131.0556	<u>Parking Lot Orientation</u> Increase development square footage from 50,000 to 100,000 square feet when requiring that vehicular use area to be limited to 50 percent on the longest street frontage.
9	Regulatory Reform	141.0302	<u>Companion Units</u> Amend regulations to comply with recent state changes, and clarification that the Companion Unit can only encroach into the interior and rear yard setbacks.
10	Regulatory Reform	141.0617	<u>Private Clubs, Lodges, and Fraternal Organizations</u> Clarify that this use is not permitted within the floodplains located in the Coastal Overlay Zone, consistent with similar uses.
11	Regulatory Reform	113.0103 131.0222 131.0322 131.0422 131.0504 131.0522 131.0622 141.0315 142.0525 151.0103 151.0401 156.0308 156.0313 157.0401 1511.0401	<u>Permanent Supportive Housing (PSH)</u> Define Permanent Supportive Housing (PSH) and add a Separately Regulated Use to allow as a limited use in multifamily zones and commercial zones where residential housing is permitted.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
12	Regulatory Reform	126.0205 126.0402 131.0222 131.0422 131.0522 131.0622 141.0420 151.0103 155.0238 156.0308	<u>Wireless Communication Facilities (WCF)</u> Amend regulations to be compliant with recent State and Federal laws, including the Spectrum Act, which impose a shot clock (mandated review and approval time frames) for WCFs. Revisions include standard conditions, design requirements for small cell facilities, and the requirement for a Neighborhood Use Permit when poles in the right-of-way do not have lighting.
13	Regulatory Reform	131.0422 131.0504 131.0522 141.0313 141.0406	<u>Transitional Housing Facilities</u> Allow as a limited use in multifamily zones and commercial zones that allow residential housing, no longer requiring a Conational Use Permit when there are more than seven people.
14	Regulatory Reforms	142.0610	<u>When Public Improvements May be Required Incidental to a Building Permit</u> Allow public schools more flexibility meeting the required public improvements through a joint use park agreement with the City of San Diego.
15	Regulatory Reform	142.1293	<u>Old Town San Diego Planned District Sign Regulations</u> Clarification that all signs within Old Town Planned District (OTPD), except for Presidio Regional Park in the Presidio Subdistrict, are subject to OTPD Regulations.
16	Regulatory Reform	143.0720	<u>Density Bonus in Exchange for Affordable Housing Units</u> Clarify that per State requirements, applicants can provide a lesser percentage of density than allowed by the density bonus or not increase the density beyond what is required in exchange for affordable housing.
17	Regulatory Reform	144.0211	<u>Lot Design Requirements for Tentative Maps</u> For lots usable by vehicular traffic, replace the minimum 15-foot-wide direct access to a 20-foot minimum for more than two units, to service two-way traffic.
18	Regulatory Reform	144.0240	<u>Street Light Improvements</u> Amend the code to clarify that residential subdivisions of four dwelling units or less are not required to install a new street light.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
19	Regulatory Reform	159.0211 Table 159.02A	<u>Uses Permitted with a Special Permit (Hotel/Motel/Timeshares)</u> Eliminate a Finding that restricts hotels/motels in La Jolla Zones 1-4, consistent with the Coastal Act that encourages visitor facilities/overnight accommodations to ensure maximum public access to coastal areas.
Downtown Planned District Ordinance: The following 17 items will provide more flexibility to encourage development, clarification, and corrections to the Downtown Planned District Ordinance.			
20	Regulatory Reform	156.0304 156.0309	<u>City Facilities</u> Eliminate the requirement for City of San Diego capital improvement projects from obtaining a discretionary development permit, with the exception of coastal development permits or site development permits for historical resources; and exempt capital improvement program projects from having to meet minimum Floor Area Ratio (FAR) requirements.
21	Regulatory Reform	156.0302 156.0307 Figure B	<u>Centre City Base Zones</u> Eliminate the definition for public safety facilities, remove the associated land use district and add land use designation information west of Pacific Highway and south of Harbor Drive to Figure B Land Use Districts of the Centre City Planned District, consistent with the Downtown Community Plan.
22	Clarification	156.0302	<u>Definition of Active Commercial Uses</u> Clarify definition of Active Commercial uses and reference Table 156.0308-A
23	Clarification	156.0305	<u>Definition of Lot Sizes</u> Clarify that when citing lot areas, references to square footages are approximate.
24	Regulatory Reform	156.0307 Table 156-0308-B	<u>Requirements for Active Commercial Uses</u> Reduce active commercial use requirements in land use districts and allow commercial uses on commercial streets.
25	Regulatory Reform	156.0307	<u>Employment Overlay Zone</u> Increases the amount of permitted residential land uses in the overlay zone and allows the 50% residential limitation to be exceeded through the Affordable Housing Regulations.
26	Regulatory Reform	156.0308	<u>Requirements for Previously Conforming Uses</u> In Residential Emphasis zone, allow conversion and expansion of previously conforming commercial uses to commercial use permitted in the zone without complying with the 80% residential land use requirement.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
27	Correction	Table 156-0308-A	<u>Non-Bonafide Eating Establishments w/ Alcohol</u> Corrected language clarifying that non-bonafide Eating Establishment w/ Alcohol require a Neighborhood Use Permit, not a Conditional Use Permit
28	Clarification	Table 156-0308-A	<u>Off-site Alcohol Beverage Sales</u> Row added for Off-site Alcohol Beverage Sales under Separately Regulated Uses in Table 156-0308A.
29	Regulatory Reform	156.0309	<u>Minimum FAR</u> Clarify that capital improvement program projects or development limited by the density/intensity limits under the safety zones of the San Diego International Airport are not required to meet minimum FAR regulations.
30	Regulatory Reform	156.0309 Table 156.0309-B	<u>Affordable Housing FAR Bonus</u> Eliminate separate Centre City bonus calculations, eliminate FAR Bonus Table, and clarify that density bonus = FAR bonus Downtown.
31	Regulatory Reform	156.0309	<u>Public Open Space FAR Bonus</u> Increase FAR bonus for urban open space from 0.5 or 1.0 to 1.0 or 2.0 to encourage urban open space and revise the hours that open space must be open to the public from 6am-10pm to 7am-9pm.
32	Regulatory Reform	156.0309 Table 156.0309-A	<u>Three-Bedroom FAR Bonus</u> Eliminate the third bedroom maximum size of 1,300 square feet and increase the Floor Area Ratio for three-bedrooms from 1.0 to 2.0.
33	Regulatory Reform	156.0309	<u>Public Parking FAR Bonus</u> Revise to allow Floor Area Ratio bonus for below-grade parking.
34	Clarification	156.0309	<u>Development Permit FAR</u> Clarify that a development permit may control FAR on adjoining properties in certain circumstances. A development may consist of one or more individually owned parcels, but the permitted FAR for any individual parcels remain subject to the FAR limits within the development boundaries as defined by the development permit.
35	Regulatory Reform	156.0314	<u>Ballpark District Signs</u> Reduce process level from a Process Five to a Process Three for comprehensive sign plans directly north of Petco Park and from Process Three to a Process Two for all others within the Ballpark District.
36	Regulatory Reform	156.0315	<u>Living Unit Standards</u> Clarify that living unit projects are not subject to residential development regulations such as common indoor and outdoor open space, private open spaces, guest parking, personal storage, etc.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
Landscaping: The following 6 proposed amendments include corrections and clarifications to the Landscape Regulations			
37	Clarification	142.0403	<u>General Planting & Irrigating Requirements</u> Modifying language to require weather based “smart” controller in compliance with the Model Water Efficient Landscape Ordinance (MWELO).
38	Regulatory Reform	142.0405	<u>Additional Yard Planting Area and Point Requirements</u> Remove the minimum 5-foot separation between driveway edges; this requirement is correctly located within the Parking Requirements, and clarification pertaining to enhanced hardscape.
39	Clarification	142.0407	<u>Additional Vehicular Use Area Requirements</u> Cross-reference added to Parking Regulations pertaining to planting areas adjacent to parking spaces overhanging a raised curb or wheel stop.
40	Clarification	142.0411 Table 142.04F	<u>Additional Yard Planting Areas and Point Requirements</u> Remove repetitive language and clarify excluded area within disturbed area in Permanente Revegetation and Irrigation Requirements table.
41	Correction	142.0412	<u>Brush Management</u> Clarification that Zone Two Brush Management must comply with the Biology Guidelines and eliminating the word “or” in Section 142.0412(g)(2).
42	Clarification	143.0111	<u>Limited Exceptions from Environmentally Sensitive Lands Regulations</u> Clarify that Zone Two brush management activity is exempt from the steep hillside development area regulations if the brush management is the minimum necessary to comply with City fire codes, and no grading occurs in the brush management area.
Minor Corrections: The following 14 items would correct formatting errors, incorrect terms, and incorrect section references.			
43	Incorrect Section	59.5.0404	<u>Construction Noise</u> Replace section 21.04 with the correct section 21.0104.
44	Clarification	113.0103	<u>Definitions</u> Revise the grading definition to include “excavation” rather than “excavating.”
45	Incorrect Section	126.0704	<u>Exemption from a Coastal Development Permit</u> Replace section reference to California Administrative Code, Title 24, section 13250(b) with the correct reference to Title 14, section 13250(b).

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
46	Correction	126.0714	<u>Maintaining Utilization of a Coastal Development Permit</u> Remove section 126.0714, since it refers to a process in Section 126.0109 which was repealed and should have also repealed 126.0714.
47	Clarification	129.0504	<u>How to apply for a demolition/Removal Permit</u> Add an “s” to fee.
48	Clarification	129.0710	<u>How to Apply for a Public Right-of-Way Permit</u> Add reference to section 141.1101 to clarify that Community Entry Signs require a Process One approval, consistent with the separately regulated sign regulations.
49	Correction	113.0103 131.0112	<u>Description of Use Categories and Subcategories</u> Clarify Shopkeeper definition and add the use in the Descriptions of Use Categories and Subcategories within the Residential Use Category.
50	Clarification	141.0307	<u>Guest Quarters or Habitable Accessory Buildings</u> Clarify that guest quarters and habitable accessory building can be converted to companion units consistent the Companion Unit regulations.
51	Incorrect Reference	141.0625	<u>Veterinary Clinics and Animal Hospitals</u> Replace reference to section 141.0625(a) with the correct reference to 141.0625(b).
52	Clarification	142.0910	<u>Mechanical and Utility Equipment Screening Regulations</u> Clarify that equipment and appurtenances need to be screened, not completely enclosed.
53	Clarification	142.1235	<u>Roof Signs in Commercial and Industrial Zones</u> Clarify that only one sign is allowed in lieu of a ground or projecting sign.
54	Correction	143.0302 Table 143-03A	<u>When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply</u> Remove language requiring a Site Development Permit for Multiple Dwelling Units that was repealed as part of the 11 th Code Update.
55	Correction	145.3110 145.3111	<u>Swimming Pool Regulations</u> Repeal swimming pool regulations that predate the Land Development Code.
56	Clarification	143.0720	<u>Density Bonus in Exchange for Affordable Housing Units</u> Clarify that density bonuses are equivalent to FAR bonuses in Downtown.

Draft 12th Update (Phase One) Code Language

APPEALS

Issue Item #1: CIP-Two Appeal Hearing

§112.0603 Process CIP-Two Appeal Hearing

The City Council shall hear appeals of Process CIP-Two decisions subject to the following requirements

- (a) [No change in text.]
- (b) A Process CIP-Two decision may be appealed by filing an application for a Process CIP-Two appeal hearing with the City Clerk no later than ~~42~~ 10 *business days* after the *decision date*.
- (c) through (f) [No change in text.]

Issue Item #2: Appeal from Historic Resources Board Decision

§123.0203 Appeal From Historical Resources Board Decision

- (a) [No change in text].
- (b) [No change in text].
- (c) The appellant(s) may withdraw an appeal at any time prior to the commencement of the appeal hearing before the City Council. The withdrawal of the appeal must be filed in writing with the City Clerk. If all appellants withdraw their appeals, no appeal hearing shall be conducted. The withdrawal of the appeal does not entitle the appellant(s) to any refund of appeal-related costs or fees incurred as of the date of the withdrawal.

Issue Item #3: Increase in Appeal Fees

Ordinance approving the fee increase for appeals from \$100 to \$1,000 will be available prior to the City Council hearing.

ZONING

Issue Item #4: Interim Ground Floor Residential

§126.0203 When a Neighborhood Use Permit Is Required

- (a) An application for the following uses in certain zones may require a Neighborhood Use Permit. To determine whether a Neighborhood Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13.

Home occupations (under circumstances described in Section 141.0308)

Interim Ground Floor Residential

Neighborhood identification *signs*

- (b) [No change in text]

§126.0205 Findings for Neighborhood Use Permit Approval

A Neighborhood Use Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

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

(d) Supplemental Findings- Interim Ground Floor Residential

An application for a Neighborhood Use Permit for Interim Ground Floor Residential uses may be approved or conditionally approved only if the decision maker makes the following findings:

- (1) The proposed *development* is physically suitable for residential use and located within an existing vacant commercial space that has been vacant for a minimum of six consecutive months.
- (2) The ground-floor height shall comply with Section 131.0548.

§131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

Legend for Table 131-02B [No change in text.]

Table 131-02B

Use Regulations Table for Open Space Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹¹⁾ -
		3rd >>	1-	2-	1-	1-	1-
		4th >>	1	1	1	1	2
Open Space through Separately Regulated Residential Uses [No change in text.]		[No change in text.]					
<u>Interim Ground Floor Residential</u>		≡	≡	≡	≡	≡	
Separately Regulated Institutional Uses Airports through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]					

§131.0322 Use Regulations Table for Agricultural Zones

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

Legend for Table 131-03B [No change in text.]

Table 131-03B

Use Regulations Table for Agricultural Zones

Use Categories/Subcategories	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Separately Regulated Residential Uses [No change in text.]					
<u>Interim Ground Floor Residential</u>		-		-	

§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
Separately Regulated Residential Uses [No change in text.]																										
<u>Interim Ground Floor Residential</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 >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Separately Regulated Residential Uses [No change in text.]													
<u>Interim Ground Floor Residential</u>		≡			≡			≡			≡		≡

§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

Table 131-05B

Use Regulations Table for Commercial Zones

Use Categories/Subcategories	Zone Designator	Zones																		
	1st & 2nd >>	CN ⁽¹⁾ -						CR-		CO-						CV-		CP-		
		3rd >>	1-						1-	2-	1-		2-		3-		1-	2-		
			4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]																				
Separately Regulated Residential Uses [No change in text.]																				
<u>Interim Ground Floor Residential</u>		<u>N</u>						<u>N</u>	=	<u>N</u>		=	<u>N</u>			<u>N</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 >>	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		
Separately Regulated Residential Uses [No change in text.]																													
<u>Interim Ground Floor Residential</u>		<u>N</u>			=			<u>N</u>						<u>N</u>						<u>N</u>									

§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
Separately Regulated Residential Uses [No change in text.]											
<u>Interim Ground Floor Residential</u>		=	=	=	=	=	=	=	=	=	=

§131.0540 Maximum Permitted Residential Density and Other Residential Regulations

The following regulations apply to residential *development* within commercial zones where indicated in Table 131-05B:

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

(c) Ground *Floor* Restrictions.

(1) Residential use and residential parking are prohibited on the ground *floor* in the front half of the *lot*, except in the CC-3-4, CC-3-5, CC-3-6, CC-3-7, CC-3-8, CC-3-9, CC-4-4, CC-4-5, CC-4-6, CC-5-4, CC-5-5, CC-5-6, CN-1-6, CO-3-1, and CV-1-2 zones, where these uses are prohibited on the ground *floor* in the front 30 feet of the lot as shown in Diagram 131-05A. In the CN-1-6 and CO-3-1 zones, residential use and residential parking are limited to 70 percent of the *street frontage* along the front *property line*. Interim ground floor may be permitted with a Neighborhood Use Permit in accordance with Section 141.0309.

(2) [No change in text.]

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

§141.0309 Interim Ground Floor Residential

Residential development within commercial zones is permitted only when a commercial structure exists on the premises or is a part of the proposed development. Residential use is restricted on the ground floor in accordance with Section 131.0540. Interim ground floor residential may be permitted within existing commercial space in accordance with a Process Two in the zones indicated with a Neighborhood Use Permit indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The applicant shall provide evidence that the project site is within a commercial space that has been vacant for over six consecutive months.
- (b) The change of use from commercial to residential shall be in compliance with the California Building Code and California Fire Code at the time of the conversion.
- (c) The Neighborhood Use Permit shall expire no later than 10 years from date of issuance.
- (d) No additional parking is required for the conversion of the interim residential use.
- (e) The findings in Section 126.0205(a) through (d) shall be made.

Issue Item #5: Affordable Housing, In-Fill Projects, and Sustainable Buildings**§126.0503 Exemption from a Site Development Permit**

Development consistent with the affordable housing, in-fill projects, and/or sustainable buildings regulations in Section 143.0915 that requires a Site Development Permit in accordance with Section 126.0502 may be permitted in accordance with a Neighborhood Development Permit decided in accordance with Process Two, provided the *findings* in Section 126.0404(a) are made and all applicable supplemental *findings* in Section 126.0505 (b) through (m). In the event that a deviation is requested, the supplemental *findings* in Section 126.0404(f) shall also be requested.

§143.0402 When Planned Development Permit Regulations Apply

This Division applies to all *development* proposals for which a Planned Development Permit is requested, in accordance with Table 143-04A.

Table 143-04A**Supplemental Planned Development Permit Regulations Applicability**

Type of Development Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process⁽¹⁾
[No change in text.]		
<i>Multiple dwelling unit development</i> requesting increased density where increased greater than the density is expressly provided for identified in an <i>per the adopted land use plan</i> ⁽³⁾	143.0403, 143.0410, 143.0455, 143.0915	PDP/Process 4

Footnotes for Table 143-04A

1 and 2 [No change in text.]

3 A *development* that is affordable housing, an in-fill project, and/or a sustainable building as described in Section 143.0915 may be permitted with a Neighborhood Development Permit in accordance with Process Two subject to all applicable regulations identified in Table 143-04A.

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

(3) Residential *development* in accordance with Planned Development Permit Section 143.0402, subject to all applicable supplemental regulations identified in Table 143-04A, where a *multiple dwelling*

unit development with *density* greater than the *density* identified in an adopted *land use plan* is proposed.

(4) [No change in text.]

(c) [No change in text.]

§143.0920 Affordable Housing, In-Fill Projects, and Sustainable Buildings Deviations

Development identified in Section 143.0915 may be permitted with a Neighborhood Development Permit decided in accordance with Process Two, except as provided in Section 143.0920(d), for the following:

- (a) *Development* that proposes deviations from applicable Land Development Code regulations, provided that the *findings* in Section ~~126.0505-0404~~(a), and the supplemental *findings* in Section ~~126.0505-0404(bf)~~ through (n) are made, and all applicable supplemental *findings* in Section 126.0505 (b) through (m) are made.
- (b) *Development* located within *environmentally sensitive lands*, in accordance with Section 143.0110, Table 143-01A, including *development* which may potentially impact *steep hillsides* where alternative compliance is requested in accordance with Section 143.0515, provided that the *findings* in Sections 126.0404(a) and (b), are made. In the event an *environmentally sensitive lands* deviation is requested, the supplemental *findings* in Section 126.0404(c) shall also be made.
- (c) *Multiple dwelling unit development*, in accordance with Planned Development Permit Section 143.0402, Table 143-04A, with *density* greater than the density identified in an adopted *land use plan*, provided that the *findings* in Section 126.0404(a) and (g) are made.
- (d) [No change in text.]

Issue Item #6: Environmental Distribution

§128.0310 Draft or Final Environmental Document Distribution and Availability

An environmental document consisting of all information required by CEQA and the State CEQA Guidelines and any other information the Planning Director may add

shall be distributed for review according to CEQA and the State CEQA Guidelines, and the following:

(a) Environmental Document Distribution to the Public

The Planning Director shall ~~make post~~ make post an environmental document ~~available to the public by posting it to the City's web page at least 14 calendar days prior to the earlier of the date that an advisory body makes~~ making a recommendation required by law or the date that the decision maker considers approval.

(b) Environmental Document Distribution to an Advisory Body

An advisory body required by law to make a recommendation on a project ~~prior to a decision maker's consideration of the project's environmental document~~ shall consider the environmental document in draft or final form. ~~The draft or final environmental document shall be distributed to the advisory body 14 calendar days prior to the scheduled date of recommendation.~~

(c) Final Environmental Document Distribution to the Decision Maker

A decision maker required to consider approval of ~~an environmental document~~ a project shall consider the environmental document in final form. ~~The final environmental document shall be distributed to the decision maker at least 14 calendar days prior to the scheduled date of decision.~~

~~(d) Failure to provide this 14 calendar day review period shall not be treated as a procedural defect and shall not preclude discretionary action on the project.~~

(~~e~~) Final Environmental Impact Report Distribution to Public Agencies

The Planning Director shall provide a final ~~EIR~~ environmental document to any public agency that commented on the draft environmental document consistent with CEQA.

(~~f~~) Comment on Final Environmental Document

The intent of distributing the final environmental document is to provide other public agencies, the public, and the decision makers the opportunity to review the final environmental document prior to a decision being made on the project. No comments will be solicited and no written responses to comments on final environmental documents are required to be prepared.

Issue Item #7: Impact Fees for Financing Public Facilities**§142.0640 Impact Fees for Financing Public Facilities**

(a) Purpose

[No change in text.]

(b) Payment of Fees

The payment of Development Impact Fees (as defined in California Government Code Section 66000) shall be required prior to issuance of any Building Permit in areas where Development Impact Fees have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require the payment of Development Impact Fees prior to issuance of any *construction permit* issued or required for *development* that would increase demand for public facilities and/or result in the need for new public facilities. Development Impact Fees shall not be required for Permanent Supportive Housing, transitional housing facilities, companion unit or junior unit development. The Development Impact Fee due shall be determined in accordance with the fee schedule approved by the applicable City Council resolution in effect upon the issuance of a Building Permit, or *construction permit*, as applicable, and may include an automatic increase consistent with Section 142.0640(c).

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

Issue Item #8: Parking Lot Orientation**§131.0556 Parking Lot Orientation**

In all zones where the parking lot orientation regulation applies, as indicated in Table 131-05D or 131-05E, proposed *development* with greater than ~~50,000~~ 100,000 square feet of *gross floor area* and more than one *street frontage* shall locate no more than 50 percent of the *vehicular use area* between the longest *street frontage* providing public access to the *premises* and a building or buildings.

Diagram 131-05G Parking Lot Orientation Restriction [No change in text.]

Issue Item #9: Companion Units**§141.0302 Companion Units and Junior Units**

Companion units and *junior units* are each 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) *Companion Units*

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

(3) The *gross floor area* of the *companion unit* shall be included in the *floor area ratio* for the *premises*. The *gross floor area* for an attached *companion unit* shall not exceed 50 percent of the existing or proposed habitable dwelling units. A maximum increase of 1,200 square feet is allowed for an attached or detached *companion unit*.

(4) [No change in text.]

(5) A permitted garage or non-habitable *accessory structure* that is converted to a *companion unit* may maintain the existing setbacks ~~if the setbacks are determined to be in compliance with the current California Building Code and California Fire Code at the time of the conversion.~~

(6) A *companion unit* may encroach within the interior side and rear yard ~~setbacks~~ up to the *property line* subject to the following:

(A) ~~The A one-story~~ structure shall not encroach more than a maximum of 30 feet in length;

(B) A *companion unit* may be constructed above a permitted garage or non-habitable accessory structures.

(7) Parking for the entire *premises* shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations) and with this section, except as otherwise indicated herein by the zone.

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

(D) Required *off-street parking space(s)* for a *companion unit* shall ~~be provided at a ratio of 0.5 parking space per~~

~~*bedroom, with a minimum requirement of not exceed one parking space per unit one parking space per companion unit.*~~

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

- (b) [No change in text.]
- (c) Only one *companion unit* or *junior unit* is permitted on a *premises*. Guest quarters and non-habitable structures shall be permitted in addition to the *companion unit* or *junior unit*. ~~All structures shall comply with building spacing requirements in accordance with Section 131.0450.~~
- (d) *Companion units* are not subject to Section 131.0450.
- (~~d~~e) A *companion unit* or *junior unit* shall not be used for a rental term of less than 30 consecutive days.

Issue Item #10: Private Clubs, Lodges, and Fraternal Organizations

§141.0617 Private Clubs, Lodges, and Fraternal Organizations

Private clubs, lodges, and fraternal organizations are associations of persons, whether incorporated or unincorporated, for the promotion of some common social, cultural, educational, religious, or recreational objective. This use does not include *churches* or any group whose primary objective is a business customarily carried on for a profit.

Private clubs, lodges, and fraternal organizations 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) through (d) [No change in text.]
- (e) Private clubs, lodges, and fraternal organizations are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan* or within floodplains located in the Coastal Overlay Zone.

Issue Item #11: Permanent Supportive Housing

§113.0103 Definitions

Permanent Supportive Housing as defined by the State of California, means housing with no limit on length of stay, that is occupied by the *target population*, and that is linked to on site or off site supportive services that assist the supportive housing resident in retaining the housing,

improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. *Permanent Supportive Housing* may provide all forms of mental health support and counseling, as well as other services needed to support *families* and individuals with independent living.

Target population means persons, including *disabled persons*, and *families* who are homeless or individuals and *families* currently residing in supportive housing if the individual or *family* was homeless when approved for tenancy in the supportive housing project in which they currently reside.

§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	Zone Designator	Zones				
		OP-		OC-		OR ⁽¹⁾ -
		OF ⁽¹¹⁾ -				
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>					
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1	2
Separately Regulated Residential Uses [No change in text.]						
<u><i>Permanent Supportive Housing</i></u>		≡	≡	≡	≡	≡

§131.0322 Use Regulations Table for Agricultural Zones

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

Legend for Table 131-03B [No change in text.]

Table 131-03B

Use Regulations Table for Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Separately Regulated Residential Uses [No change in text.]					
<u>Permanent Supportive Housing</u>		-		-	

§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
Separately Regulated Residential Uses [No change in text.]																									
<u>Permanent Supportive Housing</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 >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Separately Regulated Residential Uses [No change in text.]													
<u>Permanent Supportive Housing</u>		L			L			L			L		L

§131.0504 Purpose of the CO (Commercial--Office) Zones

- (a) [No change in text.]
- (b) The CO zones are differentiated based on the uses and development scale allowed as follows:
- (1) [No change in text.]
- (2) The following zones ~~prohibit~~ allow limited residential *development*:
- CO-2-1 is intended to accommodate office uses with a neighborhood scale and orientation
 - CO-2-2 is intended to accommodate office uses that serve as an employment center
- (3) [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

Table 131-05B

Use Regulations Table for Commercial Zones

Use Categories/Subcategories	Zone Designator	Zones																	
	1st & 2nd >>	CN ⁽¹⁾ -						CR-		CO-						CV-		CP-	
		3rd >>	1-						1-	2-	1-	2-		3-		1-	1-		
			4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1
Separately Regulated Residential Uses[No change in text.]																			
<u>Permanent Supportive Housing</u>		<u>L</u>						<u>L</u>	≡	<u>L</u>	<u>L</u>	≡	<u>L</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 >>	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	1	2	3	4	5
Separately Regulated Residential Uses [No change in text.]																																
<u>Permanent Supportive Housing</u>		L			≡			L			L			L																		

§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	Zone Designator	Zones									
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd> >	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Separately Regulated Residential Uses [No change in text.]											
<u>Permanent Supportive Housing</u>		=	=	=	=	=	=	=	=	=	=

§141.0315 Permanent Supportive Housing

Permanent Supportive Housing is permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Permanent Supportive Housing units within the development shall have a recorded affordability restriction for no less than 55 years.

- (b) The name and emergency contact phone number of an operator or manager shall be posted on the *premises* in a location visible to the public from the *public right-of-way* in character size at least two inches in height.
- (c) On-site supervision of the *premises* shall be provided at all times. At least one staff member shall be located on the *premises* 24 hours per day.
- (d) The *applicant* shall provide the City with a Description of Services and Property Management Plan document to the satisfaction of the City Manager. Should any change to the proposed Description of Services and Property Management Plan occur after project construction, the project owner or manager shall provide the City with an updated plan within 90 days. The Description of Services and Property Management Plan shall include all of the following:

 - (1) Information regarding the supportive services that will be provided on site or off site to those residing on the *premises*, including:

 - (A) A description of the services to be provided.
 - (B) The location where the services will be provided.
 - (C) Name of the person or entity that will provide the service.
 - (D) The funding source for the service.
 - (E) Number of employees.
 - (2) Information regarding how the property will be managed, including:

 - (A) A plan to minimize loitering in the vicinity of the facility.
 - (B) A litter control plan to provide for the removal of litter in the vicinity of the facility on a regular basis.

§142.0525 Multiple Dwelling Unit Residential Uses – Required Parking Ratios

(a) [No change in text.]

Table 142-05C
Minimum Required Parking
Spaces for Multiple Dwelling Units and
Related Accessory Uses

<i>Multiple Dwelling Unit Type and Related and Accessory Uses</i>	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)				Motorcycle Spaces Required Per Dwelling Unit	Bicycle⁽⁵⁾ Spaces Required Per Dwelling Unit
	Basic ⁽¹⁾	Transit Area ⁽²⁾	Parking Standards Transit Priority Area⁽⁹⁾	Parking Impact⁽⁴⁾		
Transitional Housing Facilities (6 or fewer persons)	1 per 3 beds or per permit 1 per on-site employee	1 per 4 beds or per permit 0	1 per 4 beds or per permit 1 per 4 beds or per permit 0	1 per 3 beds or per permit 0	N/A	N/A
Transitional Housing Facilities (7 or more persons)	1 per on-site employee	0	0	0	N/A	N/A
Permanent Supportive Housing	1 per on-site employee	0	0	0	N/A	N/A

Footnotes for Table 142-05C

1-9 [No change in text.]

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

§151.0103 Applicable Regulations

- (a) The applicable zoning regulations in a planned district are those included in the planned district and any Land Development Code zoning regulations expressly incorporated into that planned district. Planned district regulations shall supersede any zoning regulations in

the Land Development Code that are inconsistent or not expressly incorporated into the planned district regulations, except as follows:

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

(4) Transitional housing facilities and *Permanent Supportive Housing* shall be permitted as a Process One limited use in accordance with section 141.0313 and section 141.0315, respectively, in all planned district zones that permit transitional housing facilities as a conditional use.

(b) [No change in text.]

§151.0401 Uses Permitted in the Planned Districts

(a) [No change in text.]

(b) The permit process for a separately regulated use shall be determined in accordance with applicable planned district use regulations, with the exception of transitional housing facilities and *Permanent Supportive Housing*, which shall be permitted as a Process One limited use in accordance with section 141.0313 and section 141.0315, respectively, in all planned district zones that permit transitional housing facilities as a conditional use.

(c) [No change in text.]

(d) In case of conflict between Section 151.0401 and regulations for a planned district, the planned district regulations shall apply, with the exception of transitional housing facilities and *Permanent Supportive Housing*, which shall be permitted in accordance with Section 151.0401(b).

§157.0304 Permitted Uses

Notwithstanding the uses allowed in Chapter 15, Article 1, Divisions 1 and 4, no

building or improvement or portion thereof shall be used except as permitted by this Division. Permitted ground floor uses in the Gaslamp Quarter Planned District are limited to active commercial uses such as restaurants and retail of consumer goods and services. No single user or business shall occupy more than 10,000 square feet on the ground floor of a building except as provided in Section 157.0305(d).

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

(c) Permitted Specialized Uses on Any Floor

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

(5) Transitional Housing Facilities, which are permitted as a Limited Use in accordance with SDMC 141.0313.

(6) Permanent Supportive Housing, which is permitted as a Limited Use in accordance with SDMC 141.0315.

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

§157.0401 Off-Street Parking

Requirements

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

TABLE 157-0401-A: OFF-STREET PARKING REQUIREMENTS			
Use Category	Minimum	Maximum	Notes
<i>Dwelling Units including <u>Permanent Supportive Housing</u></i>	0	1.0	

§1511.0401 Off-Street Parking and Loading Regulations

(a) [No change in text.]

**TABLE 1511-04A
RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS**

Use Category	Minimum	Maximum	Notes
<i>Dwelling units including Permanent Supportive Housing</i>	0	1 space per dwelling unit	Maximum parking shall be based on the occupancy/rent restriction applied to the specific unit.
<i>Transitional Housing Facilities</i>	0. Shall be determined through Conditional Use Permit review.	1 space per every 6 beds and 1 space per on-site employee. Shall be determined through Conditional Use Permit review.	The intent of this provision is to accommodate requests for reduction in parking requirements.

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

**TABLE 1511-04C
NORTH EMBARCADERO OFF-STREET PARKING
REQUIREMENTS**

Use Category	Minimum	Maximum	Notes
<i>Dwelling units including Permanent Supportive Housing</i>	0	1 space per dwelling unit	
<i>Transitional Housing Facilities</i>	0. Shall be determined through Conditional Use Permit review.	1 space per every 6 beds and 1 space per on-site employee. Shall be determined through Conditional Use Permit review.	The intent of this provision is to accommodate requests for reduction in parking requirements.

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

Issue Item #12: Wireless Communication Facilities (WCF)**See Attachment 4****Issue Item #13: Transitional Housing Facilities****§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 >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Separately Regulated Residential Uses													
Transitional Housing:													
6 or fewer persons		P			P			P			P		-
7 or more persons		€ <u>L</u>			€ <u>L</u>			€ <u>L</u>			€ <u>L</u>		-

§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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																	
	1st & 2nd >>	CN ⁽¹⁾ -						CR-		CO-						CV-		CP-	
	3rd >>	1-						1-	2-	1-	2-	3-	1-	2-	1-	2-	1-	2-	1-
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Separately Regulated Residential Uses																			
Transitional Housing:																			
6 or Fewer Persons		P ⁽²⁾						P	-	P	-	P	-	P	P ⁽²⁾	-	-	-	-
7 or More Persons		€L ⁽²⁾						€L	-	€L	-	€L	-	€L	€L ⁽²⁾	-	-	-	-

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						
Separately Regulated Residential Uses																																	
Transitional Housing:																																	
6 or Fewer Persons		P			-			P						P						P													
7 or More Persons		€ <u>L</u>			-			€ <u>L</u>						€ <u>L</u>						€ <u>L</u>													

§141.0313 Transitional Housing Facilities

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

Transitional housing facilities are permitted as a limited use in zones indicated with an “L” and ~~may be permitted~~ with a Conditional Use Permit decided in accordance with Process Five, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following

regulations below. Section 112.0509(b) requiring a Planning Commission recommendation for Process 5 applications, shall not be applicable to transitional housing facilities.

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

- (h) ~~The facility shall provide at least one off-street parking space for each employee and one off-street parking space for every seven beds. Additional parking may be required by the decision maker. The name and emergency contact phone number of an operator or manager shall be posted outside the facility in a location visible to the public from the public right-of-way in character size at least two inches in height.~~
- (i) ~~Conversion of an existing garage or reduction in the amount of off-street parking to provide a transitional housing facility is not permitted. On-site supervision of the premises shall be provided at all times. At least one staff member shall be located on the premises 24 hours per day.~~
- (j) The applicant shall provide the City with a Description of Services and Property Management Plan document to the satisfaction of the City Manager. Should any change to the proposed Description of Services and Property Management Plan occur after project construction, the project owner or manager shall provide the City with an updated plan within 90 days. The Description of Services and Property Management Plan shall include all of the following:
 - (1) Information regarding the supportive services that will be provided on site or off site to those residing on the premises, including:
 - (A) A description of the services to be provided.
 - (B) The location where the services will be provided.
 - (C) Name of the person or entity that will provide the service.
 - (D) The funding source for the service.
 - (E) Number of employees.
 - (2) Information regarding how the property will be managed, including:
 - (A) A plan to minimize loitering in the vicinity of the facility.

- (B) A litter control plan to provide for the removal of litter in the vicinity of the facility on a regular basis.

§141.0406 Correctional Placement Centers

Correctional placement centers, including work furlough and probationary residential facilities, may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

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

Issue Item #14: When Public Improvements May Be Required Incidental to a Building Permit

§142.0610 When Public Improvements May Be Required Incidental to a Building Permit

- (a) Except as provided in Section 142.0610(b) and (d) and 142.0611, no *structure* shall be erected or enlarged, and no Building Permit shall be issued, for any *lot* unless the *streets* and *alleys* abutting the *premises* have been dedicated and improved along the abutting frontage to the prevailing standards of the City of San Diego. *Street* improvements shall include street trees, curbs, gutters, sidewalks, and half-width paving. *Alley* improvements shall consist of full width paving.
- (b) and (c) [No change in text.]
- (d) Where the *development* involves a joint use park or recreation facility where a public school district enters into a joint use agreement with the City and provides *public improvements* to the satisfaction of the City Engineer, a Building Permit may nevertheless be issued.

Issue Item #15: Old Town San Diego Planned District Sign Regulations

§142.1293 Old Town San Diego Planned District Sign Regulations

The *sign* regulations in Chapter 15, Article 16 shall apply to all *signs* in the Old Town San Diego Planned District, as designated on Map Drawing No. C-993, excluding *signs* within Presidio Regional Park in the Presidio Sub-District. *Signs* within Presidio Regional Park in the Presidio Sub-District shall comply with the Sign Regulations in Chapter 14, Article 2, Division

12.

Issue Item #16: Density Bonus in Exchange for Affordable Housing Units

§143.0720 Density Bonus in Exchange for Affordable Housing Units

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

(j) For purposes of this Division *density* bonus means an increase in *density* in accordance with Tables 143-07A, 143-07B, and 143-07C beyond the otherwise maximum allowable *density*; or, if elected by the *applicant*, a lesser percentage of *density* or no increase in *density*.

Issue Item #17: Lot Design Requirements for Tentative Maps

144.0211 Lot Design Requirements for Tentative Maps

The proposed *subdivision* lots shall be designed as follows:

(a) All *lots* shall have frontage on a *street* that is open to and usable by vehicular traffic, or shall have ~~a minimum 15-foot-wide~~ direct vehicular access to the *street* or other access to a dedicated public *street* approved by the City Engineer;

(1) Two or fewer *dwelling units* shall have a minimum 15-foot-wide direct access.

(2) More than two *dwelling units* shall have a minimum 20-foot-wide direct access.

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

Issue Item #18: Street Light Improvements

§144.0240 Utilities Requirements for Tentative Maps

Where utilities already exist, new *subdivisions* shall be designed so that the utilities are in proper locations or else provide for their reconstruction in locations approved by the utility agencies concerned.

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

- (c) Street lights shall be provided in accordance with ~~policies adopted the City Council and~~ the standards established in the Street Design Manual of the Land Development Manual. Residential subdivisions containing four dwelling units or less are exempt from the subdivision requirement to install a new street light.

Issue Item #19: Uses Permitted with a Special Permit

§159.0211 Uses Permitted with a Special Permit

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

- (d) Hotel/Motel Development (Including Timeshares)

Hotel and motel and timeshare development may be permitted in Zones 1, 2 and 3 only, subject to Special Use Permit if all the following *findings* can be made:

- (1) and (2) [No change in text.]

- (3) ~~The total number of new hotel/motel rooms and timeshares in any Zone shall not exceed the amounts indicated in Table 159-02A.~~

Table 159-02A Hotel/Motel Development

Maximum Development Allowed Per Zone ⁽¹⁾		
Zone 1	Existing Units (Oct., 1984)	203
	ADDITIONAL UNITS PERMITTED ⁽²⁾	41
Zone 2	Existing Units (Oct., 1984)	30
	ADDITIONAL UNITS PERMITTED ⁽²⁾	6
Zone 3	Existing Units (Oct., 1984)	207
	ADDITIONAL UNITS PERMITTED ⁽²⁾	41
Zone 4	NO ADDITIONAL UNITS PERMITTED	
Zone 5	NO ADDITIONAL UNITS PERMITTED	
	NO ADDITIONAL UNITS PERMITTED	

Maximum Development Allowed Per Zone⁽⁴⁾		
Zone 6		

Footnotes for Table 159-02A

¹—~~Denotes that existing Hotel/Motel units include those existing within the La Jolla Planned District Zone plus units existing within any adjacent RV Zone.~~

²—~~Denotes that additional units permitted represent a 20 percent increase over existing units, as of October, 1984 for that zone.~~

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

CIVIC SAN DIEGO**Issue Item #20-36 See Attachment 3****LANDSCAPING****Issue Item #37: General Planting and Irrigating Requirements****§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 this section and with the Landscape Standards in the Land Development Manual.

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

(c) Irrigation Requirements

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

(3) Irrigation systems shall meet the following design requirements:

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

(D) ~~An approved rain sensor shutoff device is required for all systems and a moisture sensing device that regulates~~

~~the irrigation system for all lawn areas is required.~~
Automatic irrigation controllers utilizing
evapotranspiration or soil moisture sensor data using
non-volatile memory shall be required for irrigation
scheduling in all irrigation systems.

Issue Item #38: Additional Yard Planting Area and Point Requirements

§142.0405 Additional Yard Planting Area and Point Requirements

- (a) [No change in text.]
- (b) Additional residential yard requirements:
 - (1) *Street Yard*
 - (A) ~~A minimum separation of 5 feet shall be maintained between driveway edges located in the street yard.~~
 - (BA) Up to 10 percent of the required *street yard* planting area located outside the *vehicular use area* for *multiple dwelling unit* residential development may consist of enhanced hardscape ~~or unattached unit pavers~~.
 - (CB) Planting area in the *public right-of-way* is not counted towards fulfillment of the required *street yard* planting area.
 - (2) [No change in text.]
- (c) Additional commercial *yard* and *large retail establishment* requirements:
 - (1) All of the required street yard planting area located outside the vehicular use area for commercial zones or commercial development except for auto service stations, may consist of enhanced hardscape ~~or unattached unit pavers~~. This does not include the minimum planting area required for trees and the planting area necessary to provide for healthy plant growth.
 - (2) through (4) [No change in text.]
- (d) Additional industrial yard and large retail establishment requirements:

- (1) This does not include the minimum planting area required for trees and the planting area necessary to provide for healthy plant growth. ~~Perimeter Planting Area. Within the street yard for industrial zones or industrial development, a 5-foot-wide perimeter planting area adjacent to each side property line, as shown in Diagram 142-04B, shall be provided for the full depth of the street yard except where vehicular access (maximum 25 feet) and pedestrian access (maximum 6 feet) points cross perpendicular to a side property line. This planting area shall be planted with a combination of trees and shrubs that achieves 0.2 points per square foot of the required area. Where loading docks are placed along more than 25 percent of the *street wall* length in the IL and IH zones, the perimeter planting area points required shall be increased to 0.5 points per square foot of area.~~

~~Diagram 142-04B~~

- (21) Facade Planting Area. ~~Within the street yard, a 10-foot wide facade planting area, as shown in Diagram 142-04C, shall be provided that abuts abutting the *street wall* and is for at least equal to 50 percent of the length as determined by adding the lines connecting the outermost points of the structure along the *street wall* as shown in Diagram 142-04D, and that has a width of at least 9 feet measured perpendicularly to the building. This requirement shall not apply to large retail establishments.~~

~~Diagram 142-04C~~

~~Diagram 142-04D~~

The facade planting area shall be planted with a combination of trees and shrubs that achieves 0.5 points per square foot. Trees within this area must have a typical growth rate that can achieve a height of at least 20 feet within 8 years of being planted. Shrubs at maturity shall achieve a minimum height of 4 feet. In lieu of meeting the facade planting area and point requirements, the *applicant* may do one of the following:

- (A) ~~Increase the required perimeter planting area width to 10 feet and the required street yard plant points to 0.1; or~~
- (B) Place a minimum 6-foot-high solid wall between the setback line and the front of the *structure* that shall extend along the full width of the property, except at access points. The *applicant* shall

provide tree plantings equal to one half of the required facade area planting points between the wall and the building *street wall*.

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

Issue Item #39: Additional Vehicular Use Area Requirements

§142.0407 Additional Vehicular Use Area Requirements

- (a) through (c) [No change in text.]
- (d) Landscaped areas may be counted toward the required planting area if they comply with the following:
 - (1) and (2) [No change in text.]
 - (3) The planting area complies with section 142.0560(h)(5) for off-street parking spaces overhanging a raised curb or wheel stop.
- (e) [No change in text.]

Issue Item #40: Additional Yard Planning Area and Point Requirements

§142.0411 Revegetation and Erosion Control

- (a) Permanent Revegetation. All graded, disturbed, or eroded areas that will not be permanently paved or covered by *structures* shall be permanently revegetated and irrigated as shown in Table 142-04F and in accordance with the standards in the Land Development Manual.

Table 142-04F

Permanent Revegetation and Irrigation Requirements

Location of Disturbed Area	Slope of Disturbed Area	Required Irrigation System	Required Revegetation or Erosion Control
Within 100 feet of areas with native or naturalized vegetation	Less than 4:1 (4 horizontal feet to 1 vertical foot)	Automatic, above grade, temporary irrigation system	Native or naturalized hydroseed mix

<u>(excluding Zone One Brush Management)</u>	4:1 or greater with a slope height of 15 feet or less	Automatic, above grade, temporary irrigation system	Native or naturalized ground cover consisting of rooted cuttings or hydroseed mix
	4:1 or greater with a slope height over 15 feet	Automatic, above grade, temporary irrigation system	Native or naturalized ground cover consisting of rooted cuttings or hydroseed mix, and native or naturalized trees and shrubs (minimum 1 gallon size) planted at a minimum rate of one plant per 100 square feet of disturbed area
100 feet or further from areas with native or naturalized vegetation	Less than 4:1 (4 horizontal feet to 1 vertical foot)	Automatic, below grade, permanent system or automatic, above grade, temporary irrigation system	Hydroseed, mulch, or equivalent
	4:1 or greater with a slope height of 15 feet or less	Automatic, below grade, permanent irrigation system	Drought tolerant groundcover consisting of rooted cuttings or hydroseed mix
	4:1 or greater with a slope height over 15 feet	Automatic, below grade, permanent irrigation system	Drought tolerant groundcover consisting of rooted cuttings or hydroseed mix, and drought tolerant trees and shrubs (minimum 1 gallon size) planted at a minimum rate of one plant per 100 square feet of disturbed area

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

Issue Item #41: Brush Management

§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) and (b) [No change in text.]

(c) The width of Zone One and Zone Two shall not exceed 100 feet and shall meet the width requirements in Table 142-04H unless modified based on existing conditions pursuant to Section 142.0412(i) and the following:

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

(3) Zone Two brush management is not permitted in areas designated for habitat mitigation per Section III of the Biology Guidelines.

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

(g) Zone One Requirements

- (1) [No change in text.]
- (2) Zone One shall contain no habitable *structures*, *structures* that are directly attached to habitable *structures*, or other combustible construction that provides a means for transmitting fire to the habitable *structures*. *Structures* such as fences, walls, palapas, play structures, and non-habitable gazebos that are located within brush management Zone One shall be of noncombustible, one hour fire-rated ~~or~~ Type IV or heavy timber construction as defined in the California Building Code.
- (3) through (7) [No change in text.]

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

Issue Item #42: Additional Vehicular Use Area Requirements

§143.0111 Limited Exceptions from Environmentally Sensitive Lands Regulations

The following *development* activities require a Neighborhood Development Permit or Site Development Permit in accordance with Table 143-01A, but the applicable development regulations are modified as indicated:

- (a) [No change in text.]
- (b) Zone Two ~~B~~brush management activity is exempt from ~~all the~~ the *steep hillside* development area regulations in Section 143.0142(a) if the brush management is the minimum necessary to comply with City fire codes and no *grading* occurs in the brush management area. Within the Coastal Overlay Zone, all brush management within 30 feet of a primary *structure* shall be subject to the Steep Hillside Regulations for *development* within the Coastal Overlay Zone pursuant to Section 143.0142(a)(4).

MINOR CORRECTIONS

Issue Item #43: Construction Noise

§59.5.0404 Construction Noise

- (a) It shall be unlawful for any person, between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays as specified in Section

~~21.04~~ 21.0104 of the San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on Sundays, to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise unless a permit has been applied for and granted beforehand by the Noise Abatement and Control Administrator. In granting such permit, the Administrator shall consider whether the construction noise in the vicinity of the proposed work site would be less objectionable at night than during the daytime because of different population densities or different neighboring activities; whether obstruction and interference with traffic particularly on streets of major importance, would be less objectionable at night than during the daytime; whether the type of work to be performed emits noises at such a low level as to not cause significant disturbances in the vicinity of the work site; the character and nature of the neighborhood of the proposed work site; whether great economic hardship would occur if the work were spread over a longer time; whether proposed night work is in the general public interest; and he shall prescribe such conditions, working times, types of construction equipment to be used, and permissible noise levels as he deems to be required in the public interest.

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

Issue Item #44: Definitions

§113.0103 Definitions

Grading means any earthwork that involves ~~grubbing, excavating~~ excavation, embanking, or *filling*.

Issue Item #45: Exemption from a Coastal Development Permit

§126.0704 Exemptions from a Coastal Development Permit

The following *coastal development* is exempt from the requirement to obtain a Coastal Development Permit.

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

- (i) Any improvement to a *single dwelling unit* that constitutes part of a "singlefamily residential building" as defined in California Administrative Code, Title 14, section 13250(a) and that does not require a coastal development permit pursuant to California ~~Administrative Code of~~ Regulations, Title ~~214~~, section 13250(b).

Issue Item #46: Maintaining Utilization of a Coastal Development Permit**§126.0714 Maintaining Utilization of a Coastal Development Permit**

~~Continued utilization of a Coastal Development Permit issued by the City shall be in accordance with Section 126.0109.~~

Issue Item #47: How to Apply for a Demolition/Removal Permit**§129.0504 How to Apply for a Demolition/Removal Permit**

An application for a Demolition/Removal Permit shall be submitted in accordance with Sections 112.0102 and 129.0105.

- (a) [No change in text.]
- (b) The Building Official may waive the Demolition/Removal Permit fees, and bond, public liability, and damage insurance fees for demolition of a *structure* that is *two stories* or less in height and has been declared by a government authority to be unsafe or a *public nuisance*. A copy of the letter of declaration from the government authority must be presented when applying for the Demolition/Removal Permit. Workers' compensation insurance requirements still apply even if fees are waived.

Issue Item #48: How to Apply for a Public Right-of-Way Permit**§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) [No change in text.]
- (b) If the proposed *encroachment* is erected, placed, constructed, established or maintained in the *public right-of-way* when the *applicant* is not the *record owner* of the property on which the *encroachment* will be located, a Site Development Permit is required in accordance with section 126.0502(d)(6), except for the following:
 - (1) through (4) [No change in text.]

(5) Community entry signs in accordance with section 141.1101.

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

Issue Item #49: Description of Use Categories and Subcategories

§113.0103 Definitions

Shopkeeper unit means a *dwelling unit* with both living quarters and commercial space ~~that meet all occupancy separation requirements of the California Building Code,~~ where the commercial use is located on the ground *floor* and operated by the resident of the *dwelling unit*.

§131.0112 Descriptions of Use Categories and Subcategories

(a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).

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

(3) Residential Use Category This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:

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

(E) *Shopkeeper unit - Dwelling unit with both living quarters and commercial space where the commercial use is located on the ground floor and operated by the resident of the dwelling unit.*

Issue Item #50: Guest Quarters Clarification

§141.0307 Guest Quarters or Habitable Accessory Buildings

Guest quarters or habitable *accessory buildings* are attached or detached accessory living quarters developed of habitable construction, and located on a lot with a *single dwelling unit* that do not provide complete, independent living facilities and do not have direct access to the

primary *dwelling unit*. Guest quarters or habitable accessory buildings are solely for the use of the occupants of the primary *dwelling unit* or their guests or employees.

Guest quarters or habitable *accessory buildings* may be permitted accessory to a *single dwelling unit* 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) subject to the following regulations.

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

(i) Occupancy of a *premises* containing guest quarters or *habitable accessory buildings* shall be subject to the following:

(1) [No change in text.]

(2) Before a Building Permit is issued for a guest quarters or habitable *accessory building*, the *record owner* shall submit a signed agreement with the City ~~that specifies that the guest quarters or habitable accessory building shall not be used as, or converted to, a companion unit or any other dwelling unit. The agreement shall include a stipulation that neither the primary dwelling unit nor the guest quarters or habitable accessory building shall be sold or conveyed separately.~~ The City will provide the agreement to the County Recorder for recordation.

(3) [No change in text.]

Issue Item #51: Veterinary Clinics and Animal Hospitals

§141.0625 Veterinary Clinics and Animal Hospitals

Veterinary clinics and animal hospitals are permitted as a limited use in the zones indicated with an “L” and may be permitted with a Neighborhood Use Permit decided in accordance with Process Two in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) [No change in text.]

(b) Limited Use Regulations

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

(4) Deviations from Section 141.0625(a) ~~(b)~~ may be permitted with a Neighborhood Use Permit decided in accordance with Process Two.

(3) [No change in text.]

Issue Item #52: Mechanical and Utility Equipment Screening Regulations**§142.0910 Mechanical and Utility Equipment Screening Regulations**

(a) Except when located in the RE, RS, RX, and RT zones, the following equipment and appurtenances shall be ~~contained within a completely enclosed structure that is screened to be~~ architecturally integrated with the primary building on the *premises*:

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

(8) Other similar appurtenances ~~The top and sides of the enclosing structure may include grillwork, louvers, and latticework.~~

Issue Item #53: Roof Signs in Commercial and Industrial Zones**§142.1235 Roof Signs in Commercial and Industrial Zones**

The following regulations apply to *roof signs*, which are permitted only in *Sign* Category A of the commercial and industrial zone *sign* categories.

(a) One *roof sign* shall be permitted per *premises*. ~~A *Roof signs* are~~ is permitted only in lieu of a permissible ground or *projecting signs*. *Roof signs* may be located only on *premises* with accessible *street frontage*. *Roof signs* are not permitted on buildings with high-rise building identification *wall signs* as described in Section 142.1250.

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

Issue Item #54: When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply**§143.0302 When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply**

This Division applies to any *development* proposal for which a Neighborhood Development Permit or Site Development Permit is required as described in Sections 126.0402 and 126.0502, in accordance with Table 143-03A.

Legend for Table 143-03A
[No change in text.]

Table 143-03A Supplemental Neighborhood Development Permit or Site Development Permit Regulations Applicability

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Affordable housing, in-fill projects, and sustainable buildings projects with deviations	143.0910, 143.0915, 143.0920 [No change in text.]	NDP/Process Two
Multiple Dwelling Unit Development in RM Zones Involving Lot Consolidation and Exceeds Number of Units Indicated in Table 126-05A	143.0303, 143.0305, 143.0310, 143.0375, 143.0380	SDP/Process Three
Clairemont Mesa Height Limit Overlay Zone	132.1301-132.1306, 143.0303, 143.0305, 143.0375, 143.0380 [No change in text.]	SDP/Process Five

Issue Item #55: Swimming Pool Regulations

~~§145.3110 Minimum Front, Side, and Rear Yard Setbacks for Swimming Pools (a) This section applies to any outdoor swimming pool.~~

- ~~(a) This section applies to any outdoor swimming pool.~~
- ~~(b) Setback requirements for swimming pools shall be measured perpendicular from the property line to the water's edge.~~
- ~~(c) Swimming pools that project 3 feet or less above grade shall be located at least 3 feet from all front, side, and rear property lines.~~
- ~~(d) Swimming pools that project more than 3 feet above grade shall be located at least 4 feet from all rear property lines, and the distance from front and side property lines specified in Chapter 13, Article 1 (Base Zones), for front and side yard clearances for the zone in which the pool is located, but in no case less than 3 feet and shall comply with front and side yard setback requirements for the applicable zone, and shall not be allowed less than 3 feet from the property line in any zone.~~
- ~~(e) All heating, filtering, pumping, and accessory equipment constructed after the effective date of this ordinance shall be subject to a 4-foot side and rear yard requirement.~~
- ~~(f) All heating, filtering, pumping, and accessory equipment used in connection with a swimming pool, if located entirely below the finished grade of the site~~

~~and provided with a permanent, durable, protective cover, need not observe the front, side, or rear yard requirements.~~

~~§145.3111 Lot Coverage~~

- ~~(a) This section applies to any outdoor swimming pool.~~
- ~~(b) Swimming pools shall not be considered residential structures for purposes of computing lot coverage as set forth in Section 113.0240.~~

Issue Item #56: Density Bonus in Exchange for Affordable Housing Units

§143.0720 Density Bonus in Exchange for Affordable Housing Units

- (a) through (h) [No change in text.]
- (i) A development proposal requesting an affordable housing density bonus is subject to the following:
- (1) through (5) [No change in text.]
- (6) For *development* meeting the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(d)(2), or 143.0720(f), where an *applicant* has not requested an incentive or waiver to exceed the maximum *structure height* or *setbacks* of the base zone, an additional *density* bonus of 10 percent of the pre-*density* bonus *dwelling units* shall be granted, provided that *development* of the additional *density* does not cause the need for an incentive, waiver, or deviation to exceed the maximum *structure height* or *setbacks* of the base zone. For *development* meeting the same criteria within the Centre City Planned District, the bonus shall apply to the maximum allowable floor area ratio applicable to the *development* consistent with Section 156.0309(e).
- (7) through (10) [No change in text.]

Downtown Planned District Ordinance (Centre City) - Issue Items 11, 13, and 20 through 36**§156.0302 Definitions**

Active commercial uses mean commercial uses that are accessible to the general public, that generate walk-in clientele, and that contribute to a high level of pedestrian activity. *Active commercial uses* include, but are not limited to, retail shops, eating and drinking establishments, ~~restaurants, bars, theaters and the performing arts~~, commercial recreation and entertainment, personal and convenience services, financial institutions, ~~hotel lobbies, banks, travel agencies, airline ticket agencies, child care services, libraries, museums, cultural institutions~~, and galleries. *Active commercial uses* are listed in Table 156.0308-A as being permitted on *Main Streets*.

~~*Public safety facility* means a facility operated by the City of San Diego or its agent that is utilized for public safety and emergency services, including police and fire protection.~~

~~*Shopkeeper unit* means a unit with both living quarters and commercial space that meets all occupancy separation requirements of the Building Code.~~

§156.0304 Administration and Permits

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

(g) City Facilities Exemption

City of San Diego capital improvement program projects, including but not limited to, fire stations, police department facilities, and structures within public open space areas, shall be exempt from the requirement to obtain a development permit with the exception of coastal development permits and site development permits for historical resources. Such projects shall be presented to the officially recognized community planning group as an informational item prior to a decision being made on the project.

(gh) Revocation

If the *Civic San Diego President* determines there has been a violation of the terms of a permit issued pursuant to this division, the *Civic San Diego President* may issue a notice of intent to revoke. The notice of intent to revoke shall inform the permit or approval holder of the violation(s) and provide a reasonable time for compliance. If the holder of the permit or approval fails to correct the violation(s) outlined in the notice of intent to revoke within the specified period of time, the *Civic San Diego President* may schedule a hearing to revoke or modify the permit or approval. Permit and approval revocation proceedings shall be conducted in accordance with the procedures set forth in Chapter 12, Article 1 of this Code. Revocation or modification of an approval of the *Civic San Diego President* or *development permit* shall be in addition to any other remedies set forth in Chapter 12, Article 1 of this Code.

~~(hi)~~ Environmental Impact Report Mitigation Measures

All *development* in the Centre City Planned District shall comply with and incorporate the *historical resources* mitigation measures listed in the Mitigation, Monitoring, and Reporting Program (MMRP) listed as Appendix A in the Downtown Community Plan.

§156.0305 Rules of Calculation and Measurement

The Rules of Measurement provided in Chapter 11, Article 3, Division 2 of this Code shall apply to the Centre City Planned District.

(a) When this Division cites lot areas for regulatory purposes, such lot areas shall be approximate and reflect the following examples:

(1) Single lot of record = 5,000 square feet plus/minus 10 percent.

(2) Two lots of record = 10,000 square feet plus/minus 10 percent.

(b) *Gross floor area* shall be calculated in accordance with Section 113.0234, with the following modifications:

~~(a)~~ (1) Underground parking *structures* count as *gross floor area* where, at any point, the vertical distance from final proposed *grade* to the

finished *floor* elevation immediately above is more than 3 feet, 6 inches.

- ~~(b)~~ (2) Phantom *floors*, as defined in Section 113.0234(b)(4) shall not count as *gross floor area* in either residential or commercial buildings.
- ~~(c)~~ (3) *Roof decks* shall not be counted as *gross floor area* pursuant to Section 113.0234(b)(5) unless the perimeter walls enclosing the area exceed 6 feet in height for non-transparent materials or 8 feet for transparent materials.
- ~~(d)~~ (4) Notwithstanding Section 113.0234(d)(2), interior modifications involving the addition of actual *floor* area count as *gross floor area* except where:
 - ~~(1)~~ (A) The addition is within the *structural envelope* of a building for which building permits were issued prior to May 3, 2006; or
 - ~~(2)~~ (B) The addition consists of a mezzanine that is within the *structural envelope* of a building and is less than one-half of the *floor* area immediately below.
- ~~(e)~~ (5) Mechanical *penthouses* do not count against *gross floor area* when architecturally integrated into the overall building design.

§156.0307 Land Use Districts

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

(a) Base District

The purpose of each base district is as follows:

- (1) Core (C). This district serves as a high-intensity office

and employment center. The district operates as a center of regional importance and as a primary hub for businesses, communications, offices, and *hotels* with fewer restrictions on building bulk and *tower* separation than in other districts. *Mixed-use development* shall be accommodated as an important component of the area's vitality. Retail, educational, entertainment, residential, civic, governmental, and *cultural uses* are permitted. Within the C District a minimum of 40 percent of the ground-floor *street frontage* shall contain ~~active~~ commercial uses.

- (2) Neighborhood Mixed-Use Center (NC). This district ensures *development* of distinctive centers around plazas, parks, and *main streets* that provide a focus to the neighborhoods by supporting a mix of residential and non-residential *developments* that contain *active commercial uses* on the ground floor along Main Streets.

A broad array of compatible uses, including retail, eating and drinking establishments, residential, office, educational, indoor recreation, and *cultural uses* are permitted. Building volume restrictions apply to allow sunlight to reach *streets* and public spaces, and design standards seek to establish pedestrian-oriented *development*. ~~Within the NC District, a minimum of 40 percent of the ground floor frontage facing onto a public street or public open space (except for Outfield Park) shall contain active commercial uses. Alternative Interim Uses may be permitted pursuant to Section 156.0315(e).~~

- (3) [No change in text.]

- (4) Ballpark Mixed-Use (BP). This district accommodates *mixed-use developments* that support major sporting facilities and visitor attractions. A broad array of other uses are also permitted, including eating and drinking establishments, *hotels*, offices, research and development facilities, *cultural institutions*, residential uses, live/work spaces, and parking facilities. ~~Within the BP District, a minimum of 40 percent of the ground floor~~

~~street frontage shall contain active commercial uses.~~

- (5) Waterfront/Marine (WM). This district permits a range of maritime-related uses, including ocean related industry, major tourist and local visitor attractions, trade, office, eating and drinking establishments, retail, parking facilities, *cultural institutions*, and *hotels*. ~~Within the WM District, a minimum of 20 percent and a maximum of 50 percent of the ground floor street frontage shall contain active commercial uses.~~
- (6) Mixed Commercial (MC). This district accommodates a diverse array of uses, including residential, artist studios, live/work spaces, *hotels*, offices, research and development, and retail. Commercial and service uses, including light industrial and repair, warehousing and distribution, transportation, and communication services that are essential for the livelihood of businesses and residents of the downtown area are also permitted. ~~Within the MC District, up to 100 percent of the ground floor street frontage may be active commercial uses.~~
- (7) Residential Emphasis (RE). This district accommodates primarily residential *development*. Small-scale businesses, offices, services, and ground-floor *active commercial uses* are allowed, subject to size and area limitations.
- Within the RE District, at least 80 percent of the *gross floor area* must be occupied by residential uses. Non-residential uses may occupy no more than 20 percent of the *gross floor area*. Small *lots* of 5,000 square feet or less may apply for a deviation to the percentage requirements of the RE District through the Conditional Use Permit process. ~~Floor area dedicated to active commercial uses to satisfy the requirements of either the Main Street or Commercial Street overlay districts shall not be counted against the maximum non-residential percentage of gross floor area.~~
- (8) Industrial (I). This district permits a range of industrial uses, including light manufacturing, transportation services, repair and storage, and energy-generation facilities. ~~Within the I District, no~~

~~more than 20 percent of the ground floor street frontage may be active commercial uses.~~

- (9) Transportation (T). This district accommodates uses related to trolley, passenger and freight rail operations, maintenance and repair, and associated activities. ~~Within the T District, no more than 20 percent of the ground floor street frontage may be active commercial uses.~~
- (10) Convention Center/Visitor (CC). This district provides an area for convention centers, *hotels*, and parks and open spaces for visitor uses. ~~Within the CC District, a minimum of 20 percent and a maximum of 40 percent of the ground floor street frontage shall contain active commercial uses.~~
- (11) Public/Civic (PC). This district provides a center for government, civic uses, *cultural institutions*, educational facilities, and public and support services, and it accommodates residential uses. Within the PC District, a minimum of 40 percent of the ground-floor street frontage shall contain ~~active~~-commercial uses.
- (12) Park/Open Space (OS). This district provides areas for *public parks* and open spaces. Below-ground parking facilities, eating and drinking establishments, arts and *cultural uses*, and community centers are also permitted.
- (13) Public Facilities (PF). This district is intended to ~~accommodate one or more existing or proposed public safety facilities. Mixed-use developments are allowed within this district provided the public safety facility is located within the development.~~

(b) Overlay Districts

The following Overlay Districts apply as illustrated in Figures C, D, and F:

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

(4) *Commercial Street Overlay (CS).* On *commercial streets*, minimum of 60 percent of the *ground-floor street frontage* shall contain ~~*active*~~-commercial uses. This requirement shall only apply ~~A~~along the east ~~west~~ side of Park Boulevard, ~~a minimum of 40 percent of the ground floor street frontage shall contain~~ ~~*active commercial uses*~~. Uses appropriate for *commercial streets* are identified in Table 156-0308-A, under *Main Street/Commercial Street* overlays. *Alternative Interim Uses* may be permitted pursuant to Section 156.0315(e).

(5) [No change in text.]

(6) *Employment Overlay (E).* To ensure adequate opportunities for employment based commercial uses, at least 50 percent of the *gross floor area* within each *development* in this overlay district shall be dedicated to *employment uses* such as professional office, education, *cultural uses*, retail, *hotel*, or similar commercial uses. Residential uses in this district shall not exceed 50 percent of the *gross floor area*, ~~counted against the base FAR as illustrated in Figure H,~~ within any *development*. The 50 percent residential limitation may be exceeded through the Affordable Housing Regulations of Chapter 14, Article 3, Division 7. *Development* approved through an *OPA* or *DDA* may phase *development* build-out, allowing non- employment phases to precede employment phases, subject to strict performance standards established by set timeframes for *employment use* construction plan completion, plan submittal, and other requirements to ensure timely completion. In order to meet the 50 percent *employment use* requirement, a *development* may not include any employment area for which building permits have been obtained and construction commenced before May 3, 2006. In the E District, existing *floor area* dedicated to *employment use* or similar commercial use shall not be converted to any non- *employment use*. Uses

appropriate for the E overlay are identified in Table 156-0308-A, under Employment Overlay.

(7) though (10) [No change in text.]

(11) *Main Street Overlay (MS)*. On designated *main streets*, a minimum of 80 percent of the ground-floor *street frontage* shall contain *active commercial uses*. Those uses which are appropriate for locations along *main streets* are identified in Table 156-0308- A, under *Main Street/Commercial Street* overlays. On lots of 10,000 square feet or less, the percentage of active commercial uses may be reduced to 50 percent of the street frontage. Alternative Interim Uses may be permitted pursuant to Section 156.0315(e)

(12) though (14) [No change in text.]

§156.0308 Base District Use Regulations

(a) [No change in text.]

(b) *Previously Conforming Land Uses and Structures*

Land uses and *structures* that were legally established under previous regulations but that do not conform to the land use regulations of this Article may continue to exist and operate pursuant to Chapter 12, Article 7, Division 1 of the Land Development Code, with the exception that the *gross floor area* of *previously conforming* uses and *structures* may be expanded up to 100 percent through a Neighborhood Use Permit. Within the Residential Emphasis District, previously conforming uses may be placed by conforming commercial uses without complying with the 80 percent residential land use requirement for new development.

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PE ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Public Park/ Plaza/Open Space	P	P	P	P	P	P	P	P	P	P	L	P	P		
Agriculture	--	--	--	--	--	--	--	--	--	--	--	--	--		
<i>Community Gardens</i>	P	P	P	P	--	P	P	--	--	P	--	P	--	§123.0601-0606, §141.0203	
Residential¹															
<i>Group Living</i>	L	L	L	L	--	L	L	--	--	L	L	--	--		
<i>Multiple Dwelling Units</i>	P	P	P	P	--	P	P	--	--	P	L	--	--		
<i>Shopkeeper Units</i>	P	P	P	P	--	P	P ²	--	--	P	L	--	--		
<i>Live/Work Quarters</i>	P	P	P	P	--	P	P	--	--	P	L	--	--	§141.0311	
Separately Regulated Residential Uses															
<i>Continuing Care Retirement Communities</i>	C	C	C	C	--	C	C	--	--	C	E	--	--	§141.0303	
<i>Fraternalities, Sororities and Dormitories</i>	N	N	N	N	--	N	N	--	--	N	N	--	--	§141.03045 (c)-(e)	
<i>Home Occupations</i>	P	P	P	P	--	P	P	--	--	P	L	--	--	§141.0308	
<i>Senior Housings</i>	C	C	C	C	--	C	C	--	--	C	E	--	--	§156.0309 (e)(1)	
<i>Living Units</i>	P	P	P	P	--	P	P	--	--	P	L	--	--	§156.0315 (b)	
<i>Residential Care Facilities</i>	C	C	C	C	--	C	C	--	--	C	L	--	--	§141.0312	
<i>Transitional Housing</i>	E L	E L	E L	E L	--	E L	E L	--	--	E L	E	--	--	§141.0313	
<i>Permanent Supportive Housing</i>	L	L	L	L	--	L	L	--	--	L	L	--	--	<u>§141.0315</u>	
Institutional															
<i>Public Safety Facilities</i>	P	P	P	P	P	P	P	P	P	P	L	P	P		MS, CS, E
Separately Regulated Institutional Uses															

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
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Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Assembly Uses, including Places of Religious Assembly	P	P	P	P	--	P	C	--	--	P	L	--	--		CS
Communication Antennas															
Minor Telecommunication Facility	L	L	L	L	L	L	N	L	L	L	L	C	L	§ 141.0420	
Major Telecommunication Facility	C	C	C	C	C	C	C	C	C	C	L	C	C	§ 141.0420	
Satellite Antennas	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	§ 141.0405	
Correctional Placement Centers	C	--	--	--	--	C	--	--	--	C	--	--	--	§ 141.0406	
<i>Cultural Institutions</i>	P	P	P	P	P	P	C ⁹	--	--	P	L	P	P		MS,CS, E
Educational Facilities	P	P	P	P	P	P	C ⁹	--	--	P	L	--	P		CS,E
Energy Generation & Distribution Stations	C	C	C	C	C	C	--	C	C	C	--	--	C	§ 141.0408	
Exhibit Halls & Convention Facilities	--	--	--	--	--	C	--	C	C	C	L	--	P		<u>CS</u> , E
<i>Historical Buildings</i> Occupied by Uses Not Otherwise Allowed	C	C	C	C	C	C	C	C	C	C	C	C	C	§ 156.0315(d)	
Homeless Facilities ⁶	C	--	C	C	--	C	--	--	--	C	C	--	--	§ 141.0412 § 156.0315(e)	
Hospitals, 24-hour Emergency Clinics, Intermediate Care Facilities, and Nursing Facilities	P	C	P	P	--	P	--	--	--	P	L	--	P		CS, E

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Major Transmission, Relay or Communication Switching Station	C	--	C	C	--	C	--	C	C	--	--	--	--	§ 141.0416	
<i>Social Service Institutions</i>	C	--	C	C	--	C	--	--	--	C	€	--	--	§ 156.0315(e)	CS
Retail Sales	P	P	P	P	P	P	P	P	--	P	£	--	P	§ 156.0307 (a), (b) & Figure C	MS, CS, E
Separately Regulated Retail Sales Uses															
Marijuana Cannabis Outlets	--	--	--	--	C	--	--	C	C	--	--	--	C	§ 141.0504	
<u>Off-Site Alcohol Beverage Sales</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>C</u>	<u>€</u>	<u>--</u>	<u>C</u>	<u>§ 156.0315 (b)(1)</u>	<u>MS, CS, E</u>
Commercial Services															
Animal Grooming & Veterinary Offices	P	P	P	P	P	P	P	--	--	P	--	--	--		CS, E
Assembly & Entertainment	P	P	P	P	P	P	--	--	--	P	£	P	P		CS, E
With Live Entertainment	N/C	N/C	N/C	N/C	N/C	N/C	--	--	--	N/C	N/C	N/C	N/C	§ 156.0315(c)	
With Outdoor Use Area	N	N	N	N	N	N	--	--	--	N	N	N	N		
Building Services	P	P	P	P	P	P	--	--	--	P	--	--	--		CS, E
Business Support	P	P	P	P	P	P	P	--	--	P	--	--	P		CS, E
Eating & Drinking Establishments															
<i>Bona-Fide Eating Establishments</i>	P	P	P	P	P	P	P	--	--	P	£	P	P	§ 156.0315 (a)	MS, CS, E
<i>Brewpubs</i>	P	P	P	P	P	P	P	--	--	P	£	P	P	§ 156.0315 (b)(2)	<u>MS, CS, E</u>

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
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Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Non-Bona Fide Eating Establishments w/Alcohol	<u>N</u> E	<u>N</u> E	<u>N</u> E	<u>N</u> E	<u>N</u> C	<u>N</u> E	--	--	--	<u>N</u> E	<u>N</u> E	--	<u>N</u> E	§156.0315 (a)(2)	MS, CS, E
Brewery Tasting Rooms	C	C	C	C	C	C	C	--	--	C	E	--	C	§156.0315 (b)(4)	<u>MS, CS, E</u>
Brewpub Tasting Rooms	N	N	N	N	N	N	N	--	--	N	N	--	N	§156.0315 (b)(3)	<u>MS, CS, E</u>
With Outdoor Use Area	N	N	N	N	N	N	N	--	--	N	N	P	N		MS, CS, E
With Live Entertainment	L/ N/ C	L/ N/ C	L/ N/ C	L/ N/ C	L/ N/ C	L/ N/ C	--	--	--	L/N/C	L/N/C	--	L/N/C	§156.0315 (c)	MS, CS, E
Mobile Food Trucks ^{11 12}	L	L ^{11 12}	L	L	L	L	L	L	L	L	L	L	L	§123.0601-0606	
Financial Institutions	P	P	P	P	P	P	P	--	--	P	L	--	P		MS, CS, E
Funeral & Mortuary Services	P	--	P	--	--	P	--	--	--	--	--	--	--		CS, E
Maintenance & Repair	P	P	P	P	P	P	P	P	P	P	L	--	P		CS, E
Off-Site Services	P	P	P	P	P	P	--	P	--	--	--	--	P		<u>CS, E</u>
Personal Services	P	P	P	P	P	P	P	--	--	P	--	--	P		MS, CS, E
Radio & Television Studios	P	P	P	P	P	P	P	--	--	P	--	--	P		CS, E
Visitor Accommodations															
Hotels and Motels	P	P ³	P	P	P	P	--	--	--	P	L	--	P		CS, E
Separately Regulated Commercial Service Uses															
Animal Hospitals & Kennels	N	--	N	N	--	N	N	--	--	--	--	--	--	§141.0604 (b)(1) §141.0625	CS, <u>E</u>

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
<i>Bed & Breakfast Establishments</i>	P	P	P	P	--	P	P	--	--	P	L	--	--		CS
Child Care Facilities	P	P	P	P	P	P	P	--	--	P	L	--	P		CS, E
Instructional Studios	P	P	P	P	P	P	P	--	--	P	L	--	P		MS, CS,E
<i>Outdoor Activities</i>	N/C	N/C	N/C	N/C	N/C	N/C	N/C	--	--	N/C	N/C	N/C	N/C	§156.0315(d)	MS, CS
Parking Facilities (structure or surface) ⁸	C	C	C	C	C	C	C	C	C	C	C	C	C	§156.0313	MS, CS
Private Clubs, Lodges and Fraternal Organizations	P	P	P	P	P	P	P	--	--	P	L	--	P		
<i>Pushcarts</i>	L/N	L/N	L/N	L/N	L/N	L/N	--	--	L/N	L/N	L/N	L/N	L/N	§141.0619	
<i>Recycling Facilities</i>															
Drop-Off Facilities	L	L	L	L	L	L	L	L	L	L	--	--	L	§141.0620 (b)	
Reverse Vending Machines	L	L	L	L	L	L	L	L	L	L	--	--	L	§141.0620 (c)	
Large Collection Facilities and Processing Facilities	--	--	--	--	--	C	--	C	C	--	--	--	--	§141.0620 (e)	
Small Collection Facilities	L	L	L	L	L	L	L	L	L	L	--	--	L	§141.0620 (d)	
Small and Large Processing Facilities	--	--	--	--	--	C	--	C	C	--	--	--	--	§141.0620 (f)	
Sidewalk Cafes ^{10 +}	L/N	L/N	L/N	L/N	L/N	L/N	L/N	--	--	L/N	L/N	L/N	L/N	§141.0621	
<i>SRO Hotels</i>	P	P ³	P	P	--	P	P	--	--	--	--	--	--	§143.0510 - §143.0590	
Offices	P	P	P	P	P	P	P	--	--	P	L	--	P		CS, E

	Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
	LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays	
Vehicle & Vehicular Equipment Sales & Service																
Personal Vehicle Sales & Rental Offices	P	P	P	P	P	P	--	P	--	P	—	--	P		CS, E	
All Other Vehicle & Vehicular Equipment Sales & Services	--	--	--	--	--	C	--	C	C	--	—	--	--			
Separately Regulated Vehicle & Vehicle Equipment & Service Uses																
Automobile Service Stations	--	--	C	C	C	C	--	C	C	--	—	--	--	§141.0801		
Wholesale, Distribution & Storage																
Moving & Storage Facilities	L ⁴	--	L ⁴	L ⁴	P	P	--	P	P	--	—	--	--			
Distribution Facilities	L ⁴	--	L ⁴	L ⁴	P	P	--	P	P	--	—	--	--			
Separately Regulated Wholesale, Distribution & Storage Uses																
Temporary Construction Yards	N	N	N	N	N	N	N	N	N	N	N	--	N			
Industrial																
Heavy Manufacturing	--	--	--	--	--	--	--	C	--	--	—	--	--			
Light Manufacturing	P	--	P	P	P	P	--	P	P	--	—	--	--			
Marine Industry	--	--	--	--	--	C	--	C	--	--	—	--	--			
Research & Development	P	--	P	P	--	P	--	P	P	--	—	--	--		E	
Trucking and Transportation Terminals	--	--	--	--	--	C	--	C	C	--	—	--	--			
Separately Regulated Industrial Uses																

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS																
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay																
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays	
Marijuana Cannabis Production Facilities	--	--	--	--	--	--	--	--	--	--	--	--	--			
Signs																
Allowable Signs	P	P	P	P	P	P	P	P	P	P	L	P	P	§ 142.1201 § 142.1292 § 156.0314		
Separately Regulated Sign Uses																
Community Entry or Neighborhood Identification Signs	N	N	N	C	N	N	N	N	N	N	N	N	N	§ 141.1101 § 141.1104		
Reallocation of Sign Area Allowance	N	N	N	C	N	N	N	N	N	N	N	N	N	§ 141.1103		
Revolving Projecting Signs	N	N	N	C	N	N	N	N	N	N	N	N	N	§ 141.1104		
Automatic Changing Copy	N	N	N	C	N	N	N	N	N	N	N	N	N	§ 141.1105		
Theater Marquees	N	N	N	C	N	N	N	--	--	N	N	N	N	§ 141.1106		
Other Use Requirements																
Temporary Uses and Structures	L	L	L	L	L	L	L	L	L	L	L	L	L	§ 123.0401		

Footnotes to Table 156-0308-A

1 through 9 [No change in text.]

~~10~~ — All uses listed in Table 156-0308-A as a Limited Use, permitted with a Neighborhood Use Permit, or permitted with a Conditional Use Permit may only be permitted within a *mixed-use development* containing a *public safety facility*.

~~11~~¹⁰ Sidewalk cafes permitted pursuant to Section 141.0621 may reduce the continuous pavement walkway clearance to a minimum of four feet when the face-of-curb to *property line* distance is twelve feet or less.

~~12~~¹¹ Not permitted in the NC Zone in the Little Italy Neighborhood of the Downtown Community Plan Area.

TABLE 156-0308-B: MINIMUM AND MAXIMUM PERMITTED ACTIVE COMMERCIAL USE¹		
Land Use District or Land Use Overlay	Minimum Required Ground-Floor-Street Frontage for Active Commercial Use	Maximum Permitted Ground-Floor-Street Frontage for Active Commercial Use ¹⁻³
Parcels located in the Main Streets (MS) Overlay, in any Land Use District	80 percent	100 percent
Parcels located in the Commercial Streets (CS) Overlay, in any Land Use District ²	60 percent	100 percent
Core (C)	40 percent	100 percent
Neighborhood Mixed-Use Center (NC)	40 percent	100 percent
Ballpark Mixed-Use (BP)	40 percent	100 percent
Employment/Residential Mixed-Use (ER)	None	100 percent
Waterfront/Marine (WM)	20 percent	50 percent
Mixed Commercial (MC)	None	100 percent
Residential Emphasis (RE)	None	100 percent
Convention Center/Visitor (CC)	20 percent	50 percent
Public/Civic (PC)	40 percent	100 percent
Park/Open Space (OS)	None	None
Industrial (I)	None	20 percent
Transportation (T)	None	None

~~1 Any parcel of 10,000 square feet or fewer is exempt from the minimum and maximum set forth in this table except for those sites on main streets or commercial streets with a 50-foot street frontage or more, in which case, that frontage is required to provide 50 percent of the frontage in active commercial uses.~~

~~2 Along the west side of Park Boulevard, a minimum of 40 percent of the ground floor street frontage shall contain active commercial uses.~~

~~3 The maximum permitted ground floor street frontage shall not result in less than 20 feet of storefront.~~

§156.0309 FAR Regulations and TDRs

(a) Base Minimum and Maximum FARs

The minimum and maximum *base FARs* for each site within the Centre City Planned District are illustrated in Figure H; these *FARs* set parameters for the general bulk and intensity of *development*. All *development* proposals must meet the minimum *FAR* specified in Figure H with the exception of capital improvement program projects or development limited by the density/intensity limits under the safety zones of the San Diego International Airport – Lindberg Field Airport Land Use Compatibility Plan.

(b) [No change in text.]

(c) *Development Permit FAR*

The approval and recordation of a *development permit* establishes the distribution of *gross floor area* within the *development*. The development may consist of one or more individually owned parcels ~~The developer may subdivide the property into individual ownerships,~~ but the permitted *FAR* for any individual parcels subdivided units remain subject to the *FAR* limits within the *development* boundaries as defined by the *development permit*.

(d) [No change in text.]

(e) *FAR Bonuses*

Development may exceed the maximum base FAR for the site established by Figure H if the applicant provides certain public benefits or development amenities. Table 156-0309-A shows the maximum amount of FAR bonus that may be earned by providing benefits or amenities, and Figure J shows the maximum FAR bonus that may be purchased for a site through the FAR Payment Bonus Program (exclusive of bonuses for affordable housing as described in Section 156.0309(e)(1)). Applicants utilizing the FAR bonus program shall have CC&Rs recorded on the property, ensuring that the benefits or amenities provided to earn the bonus are maintained in perpetuity, or in the case of affordable housing, for the duration specified in Section 156.0309(e)(1)(B)(iv).

The public benefits and development amenities that may earn a FAR bonus are the following:

TABLE 156-0309-A: FAR BONUS	
Public Benefit/Development Amenity	<i>FAR Bonus (to be added to maximum Base FAR)</i>
Affordable Housing	See (1) below
<i>Urban Open Space</i> 10% of site 20% of site	See (2) below 0.5 <u>1.0</u> 1.0 <u>2.0</u>
Three-bedroom units	<u>5% of total units</u> 0.5/ <u>1.0</u> – See (3) below <u>10% of total units</u> 1.0/ <u>2.0</u> – See (3) below
<i>Eco-Roofs</i>	Up to 1.0 – See (4) below
<i>Employment Uses</i>	See (5) below
Public Parking	See (6) below
<i>FAR Payment Bonus Program</i>	Up to 2.0 See (7) below <u>and Figure J</u>
Green Building	Up to 2.0 – See (8) below

- (1) Affordable Housing. An *applicant* proposing a residential *development* that is entitled to a *density* bonus pursuant to

Chapter 14, Article 3, Division 7 of the Land Development Code may increase the permitted FAR as specified below, with the exception of Section 143.020(i)(7). In compliance with the State Density Bonus Law (California Government Code Sections 65915 ~~through 65918~~), *applicants* may earn *FAR bonus* subject to the following:

- (A) [No change in text.]
- (B) ~~Development providing affordable housing utilizing the *FAR bonus* provisions in Table 156-0309-B~~ may provide either rental or for-sale affordable units, regardless of whether the market rate units within the *development* are for rent or sale. *Development* under these provisions shall be subject to the following requirements in addition to those in Chapter 14, Article 3, Division 7:
 - (i) through (iii) [No change in text.]
 - ~~(iv) The affordable housing units provided in the *development* which qualify for the *FAR bonus* shall be restricted for a minimum of 55 years for rental units and 45 years for for-sale units.~~
 - ~~(v) The affordable housing units provided in the *development* which qualify for the *FAR bonus* shall be subject to income and rental rates/sales price requirements to qualify as affordable units under State Density Bonus Law (California Government Code Sections 65915 through 65918).~~
 - ~~(vi)~~ Affordable housing units are not required to be distributed vertically throughout *floors* in high-rise *development*.

TABLE 156-0309-B: FAR BONUSES (%)			
<i>% Restricted Units in Base (Pre-Bonus) FAR</i>	<i>Very Low Income Rental (0-50% AMI) (Restricted for at least 55 years)</i>	<i>Low Income Rental (51-80% AMI) (Restricted for at least 55 years)</i>	<i>Moderate For Sale (81-120% AMI) (Restricted for at least 45 years)</i>
5	22	10	10
6	24	15	15
7	26	20	20
8	29	25	25
9	32	30	30
10 or more	35	35	35

(2) *Urban Open Space. Applicants Developments* that reserve a portion of their site for the *development* of public *urban open space (public park or plaza)* may qualify for a FAR bonus of ~~0.5~~ 1.0 or ~~1~~ 2.0, as specified in Table 156-0309-A, subject to the following criteria:

(A) [No change in text.]

(B) The *urban open space* shall be open to the general public at least between the hours of ~~6~~7:00 a.m. and ~~4~~9:00 p.m. every day. The *urban open space* area shall have *signs* indicating that the public is welcome and the hours of closure, if applicable.

(C) *CC&Rs* shall be recorded on the property providing for the *development* and on-going maintenance of the *urban open space* area to City standards in perpetuity. These provisions of the *CC&Rs* shall be approved by the *Civic San Diego* President and the City Attorney's Office.

(3) *Three-Bedroom Units*. To encourage larger *dwelling units* and accommodate larger *families, developments* that provide three-bedroom units comprising a minimum of ~~40~~ 5 percent of the total amount of residential *dwelling units* within the *development* shall be entitled to a *FAR bonus*, subject to the following criteria:

(A) [No change in text.]

~~(B) Each three-bedroom dwelling unit used to earn the FAR bonus shall not exceed 1,300 square feet;~~

~~(C)~~ Each bedroom in the *dwelling unit* used to earn the *FAR bonus* shall contain a minimum of 70 square feet, with additional area for an enclosed closet;

~~(D)~~ CC&Rs shall be recorded on the property ensuring the number of *bedrooms* in the units used to earn the *FAR bonus* shall not be reduced;

~~(E)~~ Development providing at least 50 percent of the *gross floor area* for residential use may earn a *FAR bonus* of 0.5 or 1.0; and

~~(F)~~ Development providing at least 80 percent of the *gross floor area* for residential use may earn a *FAR bonus* of 1.0 or 2.0.

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

(6) *Public Parking*. One square foot of *FAR bonus* may be earned for every square foot of below-grade parking area made permanently available for public use. A public parking easement shall be executed for such facilities, with restrictions and covenants acceptable to *Civic San Diego* and the City of San Diego.

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

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

§156.0310 Development Regulations

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

(i) *Capital Improvement Program Projects*

Buildings and structures for Capital Improvement Program Projects are not required to comply with the requirements of Sections 156.0310(a)-(g).

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

(a) [No change in text.]

TABLE 156-0313-A

RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS

Use Category	Minimum	Maximum	Notes
<i>Dwelling units including Permanent Supportive Housing</i>	0	1 space per dwelling unit	
<i>Transitional Housing Facilities</i>	Shall be determined through Conditional Use Permit review. 0	Shall be determined through Conditional Use Permit review. 1 space per every 6 beds and 1 space per on-site employee.	The intent of this provision is to accommodate requests for reduction in parking requirements.

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

TABLE 156-0313-C
NORTH EMBARCADERO OFF-STREET PARKING
REQUIREMENTS

Use Category	Minimum	Maximum	Notes
<i>Dwelling units including Permanent Supportive Housing</i>	0	1 space per dwelling unit	
<i>Transitional Housing Facilities</i>	0 <u>Shall be determined through Conditional Use Permit review.</u>	<u>1 space per every 6 beds and 1 space per on-site employee. Shall be determined through Conditional Use Permit review.</u>	The intent of this provision is to accommodate requests for reduction in parking requirements.

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

§156.0314 Sign Regulations

(a) *Sign Regulations*

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

(4) *Ballpark Mixed-Use District Signs*

All *development* proposals within the area bounded by J Street, Seventh Avenue, Tenth Avenue, Park Boulevard, and Harbor Drive (including *PETCO Park*, *Outfield Park*, and *mixed-use developments* directly adjacent thereto) shall include a comprehensive *sign* plan. All comprehensive *sign* plans for *PETCO Park*, *Outfield Park*, and *mixed-use developments* directly adjacent thereto shall be processed in accordance with Process Five Three.

All other *signs* within the Ballpark Mixed-Use District shall comply with the Sign Regulations in Chapter 14, Article 2, Division 12 of this Code. *Signs* that do not comply with all the Sign Regulations requirements ~~of the Land Development Code~~ may be approved with a comprehensive *sign* plan in accordance with Process Two. All comprehensive *sign* plans ~~(except sign plans for PETCO Park, Outfield Park and mixed-use development directly adjacent thereto)~~ within the Ballpark Mixed-Use District, ~~may be approved, conditionally approved, or denied by Civic San Diego in accordance with Process Three and such sign plans shall~~ be consistent with the following objectives:

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

§156.0315 Separately Regulated Uses

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

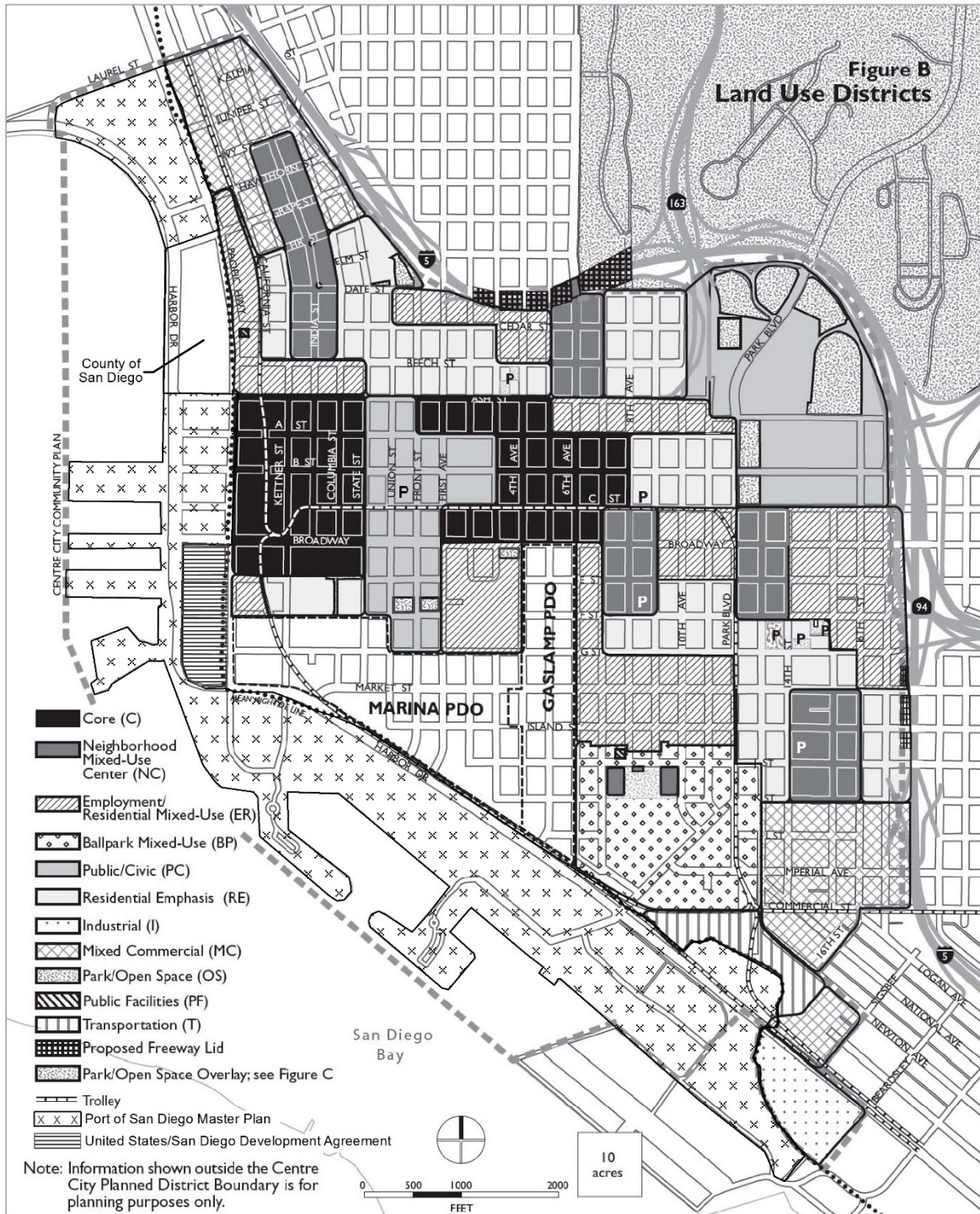
(f) *Living Units:*

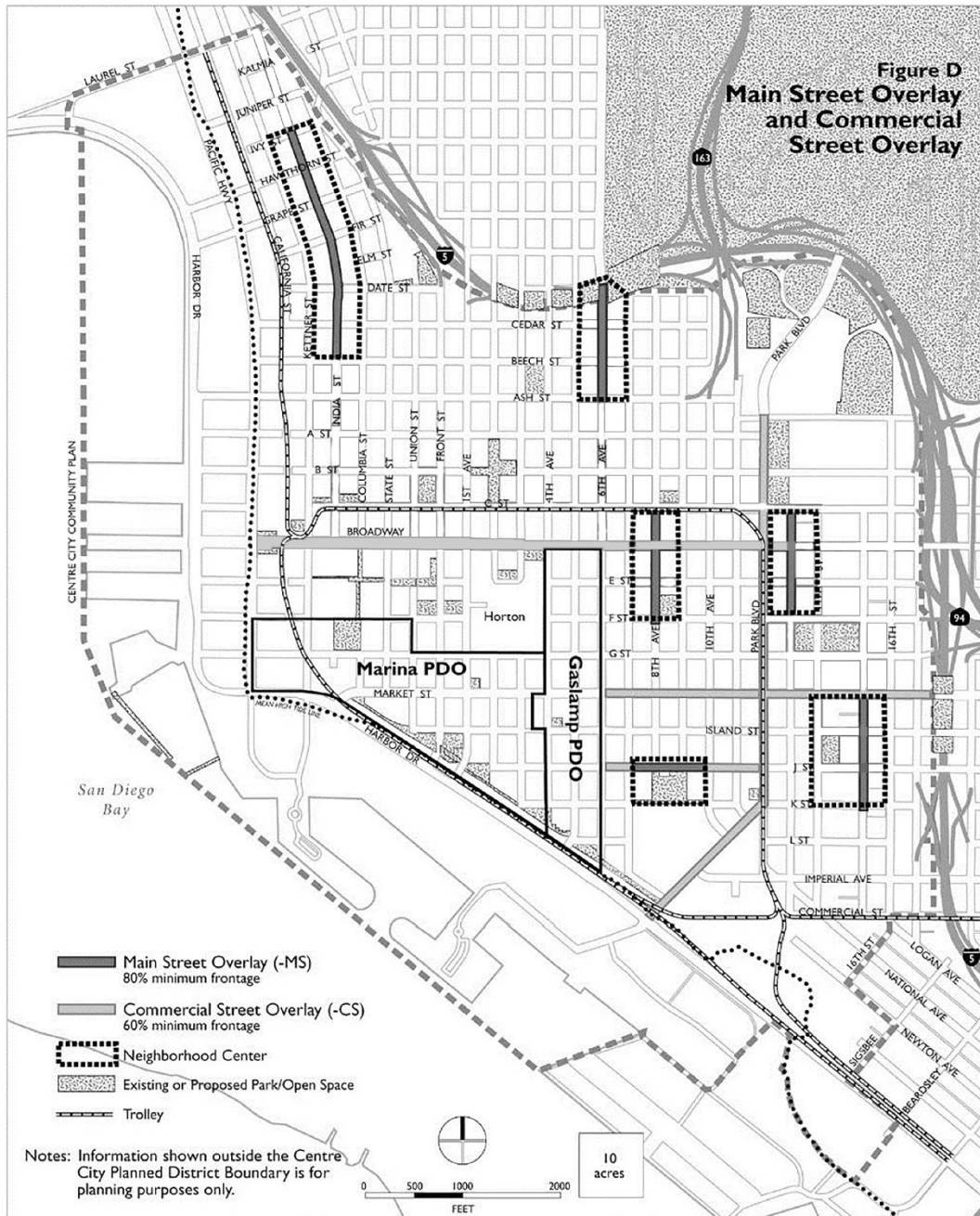
Living unit developments are permitted in the zones indicated in Table 156-0308-A subject to the following regulations:

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

(13) Living unit projects are not required to comply with residential development requirements of Section 156.0310(g).

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





Issue Item #12: Wireless Communication Facilities**§126.0205 Findings for Neighborhood Use Permit Approval**

A Neighborhood Use Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

(a) Findings for all Neighborhood Use Permits

(a1) The proposed *development* will not adversely affect the applicable *land use plan*;

(b2) The proposed *development* will not be detrimental to the public health, safety, and welfare; and

(e3) The proposed *development* will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

(b) Supplemental Findings—Wireless Communication Facilities

A Neighborhood Use Permit required in accordance with Section 142.0420(b)(3) because the *applicant* is proposing to install a *wireless communication facility* in the *public right-of-way* which does not meet the requirements of a small cell wireless communication facility as defined in Section 142.0420(a)(3)(A) and does not include ground mounted equipment other than the pole to which the *wireless communication facility* is attached or concealed within may be approved or conditionally approved only if the decision maker makes the following supplemental findings in addition the findings required in Section 126.0205(a):

(1) The proposed *wireless communication facility* does not interfere with the free and unobstructed use of the *public right-of-way* for public travel; and

(2) The proposed *wireless communication facility* will not adversely affect the aesthetic character of the community; and

(3) The proposed *wireless communication facility* will not interfere with the City's ability to use the public right-of-way for its own purpose.

§126.0402 When a Neighborhood Development Permit Is Required

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

- (m) A Neighborhood Development ~~Permit~~ Permit is required for *development* of a *wireless communication facility* with an equipment enclosure that exceeds 250 square feet as described in Section ~~141.0420(g)(3)~~ 141.0420(d)(5)(C), or that contains equipment enclosures not placed underground as described in Section ~~141.0420(i)(2)(d)(5)(M)(ii)~~.
- (n) A Neighborhood Development ~~Permit~~ Permit is required for *development* proposing to count tandem parking spaces as two parking spaces towards the off-street parking requirement as described in Section 132.0905(a)(5).
- (o) [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 1st & 2nd >> 3rd >> 4th >>	Zones				
		OP-		OC-	OR ⁽¹⁾ -	
		1-	2-	1-	1-	1-
		1	1	1	1	2
Open Space through Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]				
Wireless Communication Facility Facilities		See Section 141.0420				
Wireless communication facility in the public right of way with subterranean equipment adjacent to a non-residential use		L	L	-	L	L
Wireless communication facility in the public right of way with subterranean equipment adjacent to a residential use		N	N	N	N	N
Wireless communication facility in the public right of way with above ground equipment		E	E	E	E	E
Wireless communication facility outside the public right of way		E	E	E	E	E
Retail Sales through Signs, Separately Regulated Signs Uses :, Theater Marquees [No change in text.]		[No change in text.]				

Footnotes for Table 131-02B [No change in text.]

§131.0322 Use Regulations Table for Agricultural Zones

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

Legend for Table 131-03B

[No change in text.]

Table 131-03B
Use Regulations Table for Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >> 3rd >> 4th >>	AG		AR	
		1-		1-	
		1	2	1	2
Open Space through Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]			
Wireless Communication Facility Facilities:		<u>See Section 141.0420</u>			
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use		L		L	
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use		N		N	
Wireless communication facility in the public right-of-way with above-ground equipment		E		E	
Wireless communication facility outside the public right-of-way		E		E	
Retail Sales through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]			

Footnotes for Table 131-03B [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, Solar Energy Systems [No change in text.]			[No change in text.]																								
Wireless Communication Facility Facilities:			See Section 141.0420																								
Wireless communication facility in the public right of way with subterranean equipment adjacent to a non-residential use			L		L														L		L						
Wireless communication facility in the public right of way with subterranean equipment adjacent to a residential use			N		N														N		N						
Wireless communication facility in the public right of way with above-ground equipment			E		E														E		E						
Wireless communication facility outside the public right of way			E		E														E		E						
Retail Sales 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 >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Institutional, Separately Regulated Institutional Uses , Solar Energy Systems [No change in text.]		[No change in text.]											
Wireless Communication Facility Facilities		<u>See Section 141.0420</u>											
Wireless communication facility in the public right of way with subterranean equipment adjacent to a non-residential use		L			L			L			L		L
Wireless communication facility in the public right of way with subterranean equipment adjacent to a residential use		N			N			N			N		N
Wireless communication facility in the public right of way with above ground equipment		C			C			C			C		C
Wireless communication facility outside the public right of way		C			C			C			C		C
Retail Sales through Signs , Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]		[No change in text.]											

Footnotes for Table 131-04B [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 >>	CN ⁽¹⁾ -				CR-		CO-						CV-		CP-	
	3rd >>	1-				1-	2-	1-	2-	3-				1-		1-	
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1	2	1
Open Space through Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]															
<i>Wireless Communication Facility Facilities:</i>		See Section 141.0420															
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use		L					L	L	L	L	L	L	L	L	L	L	L
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use		N					N	N	N	N	N	N	N	N	N	N	N
Wireless communication facility in the public right-of-way with above ground equipment		E					E	E	E	E	E	E	E	E	E	E	E
Wireless communication facility outside the public right-of-way		L					L	L	L	L	L	L	L	L	L	L	L
Retail Sales 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	1	2	3	4	5	6	
Open Space through Institutional, Separately Regulated Institutional Uses , Solar Energy Systems [No change in text.]		[No change in text.]																																
<i>Wireless Communication Facility Facilities</i>		<u>See Section 141.0420</u>																																
<i>Wireless communication facility in the public right of way with subterranean equipment adjacent to a non-residential use</i>		L			L			L			L			L																				
<i>Wireless communication facility in the public right of way with subterranean equipment adjacent to a residential use</i>		N			N			N			N			N																				
<i>Wireless communication facility in the public right of way with above ground equipment</i>		C			C			C			C			C																				
<i>Wireless communication facility outside the public right of way</i>		L			L			L			L			L																				
Retail Sales through Signs , Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]		[No change in text.]																																

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

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in the 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, Solar Energy Systems [No change in text.]		[No change in text.]									
<i>Wireless Communication Facility Facilities:</i>		<u>See Section 141.0420</u>									
<i>Wireless communication facility in the public right of way with subterranean equipment adjacent to a non-residential use</i>		L	L	L	L	L	L	L	L	L	L
<i>Wireless communication facility in the public right of way with subterranean equipment adjacent to a residential use</i>		N	N	N	N	N	N	N	N	N	N
<i>Wireless communication facility in the public right of way with above ground equipment</i>		E	E	E	E	E	E	E	E	E	E
<i>Wireless communication facility outside the public right of way</i>		L	L	L	L	L	L	L	L	L	L
Retail Sales through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]									

Footnotes for Table 131-06B [No change in text.]

§141.0420 Wireless Communication Facilities

Wireless communication facilities 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), subject to the regulations shall comply with the approval process as set forth in Section 141.0420(a) through (d) as applicable to the development. All ~~Wireless~~ wireless communication facilities that do not comply with Section 141.0420(c)(1) or are in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) may also be permitted with a Neighborhood Use Permit, are subject to the general regulations in Section 141.0420(~~de~~). Section 141.0420 does not apply to amateur (HAM) radio communication facilities. ~~Wireless communication facilities may~~

~~also 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), except that *wireless communication facilities* in areas described in Section 141.0420(f) may be permitted with a Conditional Use Permit decided in accordance with Process Four, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations:~~

- ~~(a) The following uses are exempt from the provisions of Section 141.0420:~~
 - ~~(1) Amateur (HAM) radio facilities.~~
 - ~~(2) One single dish *antenna* 24 inches or less in diameter or one remote panel *antenna* 24 inches or less in length and width, except when associated with a *wireless communication facility*~~
- ~~(b) General Rules for Wireless Communication Facilities~~
 - ~~(1) Every application for a permit shall include documentation, satisfactory to the City Manager:~~
 - ~~(A) That the *wireless communication facility* complies with federal standards for radio frequency radiation in accordance with the Telecommunication Act of 1996 and subsequent amendments and any other requirements imposed by state or federal regulatory agencies, and~~
 - ~~(B) Describing the location type, capacity, field strength or power density and calculated geographic service of the *wireless communication facility*.~~

- (2) ~~Wireless communication facilities shall be maintained in a graffiti-free condition.~~
- (3) ~~Prior to January 31 of every calendar year, each wireless communication facility provider shall submit documentation, satisfactory to the City Manager, identifying the location of each wireless communication facility in its City of San Diego network. The documentation shall include wireless communication facilities that are approved, but not yet built, wireless communication facilities that are currently operating and locations containing non-operating wireless communication facilities.~~
- (4) ~~If the permit(s) for any wireless communication facility includes an expiration date, upon expiration of the permit, the facilities and improvements authorized therein shall be removed from the site by the owner of such facilities and improvements, and said owner shall restore the property to its original condition, all at the owner's or permittee's sole cost and expense. In addition, the owner or permittee shall, at its sole cost and expense, remove or replace any wireless communication facility if the City Manager determines that the facility or components of the facility are non-operational or no longer used. If the owner or permittee does not remove such facilities and restore the property as required herein, the City may remove the facilities and restore the property at the cost and expense of the owner or permittee, jointly and severally.~~

- (5) ~~Coastal Development Permit. Within the coastal overlay zone, the coastal development permit regulations, beginning with Section 126.0701 of the Land Development Code, shall also apply.~~

(e) Limited Use Regulations

- (4) ~~Wireless communication facilities~~ are permitted as a limited use ~~subject to the following regulations in accordance with Process One as follows:~~

(A) ~~Except as provided in Section 141.0420(d), wireless communication facilities in Industrial Zones.~~

(B) ~~Except as provided in Section 141.0420(d), wireless communication facilities in Commercial Zones.~~

- (1) In commercial and industrial zones on a premises that does not contain a residential development;

- (2) ~~Collocation of wireless communication facilities to~~ on existing monopoles in any zone that does not increase the area occupied by the *antennas* by more than 100 percent of the originally approved *wireless communication facilities* and does not increase the area occupied by an outdoor equipment enclosure more than 150 square feet beyond the originally approved *wireless communication facilities*.

- (23) ~~Wireless communication facilities in~~ In the public right-of-way adjacent to any type of development provided that the wireless

communication facility is a small cell wireless communication facility.

(A) A small cell wireless communication facility is a *wireless communication facility* that meets one of the following requirements:

(i) The wireless communication facility is attached to an existing, replacement or new streetlight pole with a working luminaire approved by the City Engineer, the antennas and associated equipment do not exceed a total of 15 cubic feet, and no part of the wireless communication facility extends more than 24” from the streetlight pole in any direction; except that if the antenna is top-mounted, the antenna or any material concealing the antenna may extend vertically up to 48” above the highest point of the cobra-arm mounted luminaire.

(ii) The wireless communication facility includes a new streetlight pole with a working luminaire approved by the City Engineer that complies with the Wireless Communication Facilities Guidelines; with a diameter that does not exceed 18” at any point, within which all of the associated equipment is

completely concealed; and that does not include any visible antennas that exceeds 24” in any dimension.

(B) A wireless communication facility that includes any ground-mounted equipment other than the pole to which the equipment is attached or is concealed within is not a small cell wireless communication facility.

~~within or adjacent to City owned property, dedicated in perpetuity, for park or recreation purposes, may be permitted with a Neighborhood Use Permit~~

(4) An eligible facilities request, the approval of which is required by 47 U.S.C. 1455, as may be amended, is permitted as a limited use in any zone, notwithstanding any other provision of the San Diego Municipal Code, subject to the following:

(A) For the purposes of Section 141.0420(a)(4), italicized terms have the same meaning as in 47 C.F.R. 1.40001(b), as may be amended

(B) Failure to assert in writing at the time an application is filed that the application is an eligible facilities request shall result in the application being processed pursuant to the regulations that would otherwise be applicable in the absence of 47 U.S.C. 1455.

(C) An application for modification of an eligible support structure that involves the installation of more than 4

additional equipment cabinets shall not be considered a substantial change to the physical dimensions of the eligible support structure, provided that all of the equipment cabinets are completely concealed within the eligible support structure, and there is no change to the physical dimensions of the eligible support structure itself.

(db) Neighborhood Use Permit Regulations

Wireless communication facilities may be permitted with a Neighborhood Use Permit decided in accordance with Process Two, as follows:

(1) ~~Wireless communication facilities~~ In commercial or industrial zones on ~~premises~~ premises containing residential or mixed-uses in a Commercial or Industrial Zone development.

(2) ~~Wireless communication facilities on premises containing a non-residential use within a Residential zone where the~~ with antennas associated with the wireless communication facility are located more than at least 100 feet from the ~~property line~~ property line of the following primary uses: day care, elementary and middle schools, single or multi-unit residences. The 100 feet shall be measured from the two closest points a premises with a dwelling unit, child care center, or school with children enrolled in any grade kindergarten through grade 8 where located:

(A) In an agricultural zone;

- (B) On dedicated parkland subject to San Diego Charter section 55, except in an open space zone; or
 - (C) In a residential zone on a premises that does not contain a residential development.
- (3) ~~Wireless communication facilities in Agricultural Zones where the antennas associated with the wireless communication facility are located more than 100 feet from the property line of the following primary uses: day cares, elementary and middle schools, single or multi-unit residences. The 100 feet shall be measured from the two closest points. In the public right-of-way adjacent to any type of development when the wireless communication facilities are not small cell wireless communication facilities provided that the wireless communication facility does not include any ground-mounted equipment other than a pole to which the wireless communication facility is attached or is concealed within.~~
- (4) ~~Wireless communication facilities proposed in dedicated parkland where the antennas associated with the wireless communication facility are located more than 100 feet from the property line of the following primary uses: day cares, elementary and middle schools, single or multi-unit residences. The 100 feet shall be measured from the two closest points.~~
- (ec) Conditional Use Permit Regulations (~~Process Three~~)

Wireless communication facilities may be permitted with a Conditional Use Permit as follows:

(1) ~~Wireless communication facilities on premises containing a non-residential use within a Residential Zone.~~ In accordance with Process Three, where the development meets the following locational criteria:

(A) Wireless communication facilities with antennas located less than 100 feet from the property line of a premises with a dwelling unit, child care center, or school with children enrolled in any grade kindergarten through grade 8 where located:

(i) In a residential zone on a premises that does not contain residential development; or

(ii) In an agricultural zone.

(B) In the public right-of-way with ground-mounted equipment other than a pole to which the wireless communication facilities are attached.

(2) ~~Wireless communication facilities in Agricultural Zones.~~ In accordance with Process Four, where the development meets the following locational criteria:

(3) ~~Wireless communication facilities, with above ground equipment, in the public right of way.~~

(f) ~~Conditional Use Permit Regulations (Process Four)~~

(1A) ~~Except as provided in Section 141.0420(d)(4), wireless communication facilities proposed in~~ On dedicated parkland subject to San Diego Charter section 55 in any zone, except on public right-of-way within dedicated parkland, with antennas located less than 100 feet from the property line of a premises with a dwelling unit, child care center, or school with children enrolled in any grade kindergarten through grade 8.

(2B) ~~Except as provided in Sections 141.0420(d)(2) and 141.0420(e)(1), wireless communication facilities proposed in Residential Zones~~ In a residential zone on a premises that contains residential development.

(3C) ~~Wireless communication facilities proposed in Open Space Zones~~ In an open space zone.

(d) General Regulations for Wireless Communication Facilities

(1) Every application shall include documentation satisfactory to the City Manager, as follows:

(A) Demonstration that the wireless communication facility complies with federal standards for radio frequency radiation in accordance with the Telecommunication Act of 1996 and subsequent amendments and any other requirements imposed by state or federal regulatory agencies.

- (B) Identification of the location type, capacity, field strength or power density, and calculated geographic service of the wireless communication facility.
- (2) Within the Coastal Overlay Zone, the Coastal Development Permit regulations in Chapter 12, Article 6, Division 7, shall also apply.
- (3) Wireless communication facilities located within or adjacent to the City's Multi-Habitat Planning Areas shall comply with the Multiple Species Conservation Program Subarea Plan's Land Use Adjacency Guidelines.
- (4) At least 60 days prior to an applicant asserting that an application for a wireless communication facility is deemed approved pursuant to California Government Code section 65964.1, the applicant shall provide public notice as follows:
- (A) The notice shall be mailed to all persons described in Section 112.0302(b) and to the City Manager;
- (B) The notice shall be posted in the manner prescribed by Section 112.0304.
- (C) The notice shall include all of the information as prescribed in Section 112.0301(a)(1)(A) through (D), and the following:
- (i) The name, address, and telephone number of the applicant; and

(ii) The following statement: “This application may be deemed approved, with no public hearing, no earlier than 60 days after this notice has been mailed and posted as required.”

(g5) Design Requirements

The following regulations apply to all *wireless communication facilities*:

(4A) *Wireless communication facilities* shall utilize the smallest, least visually intrusive *antennas*, components and other necessary equipment.

(2B) The applicant shall use all reasonable means to conceal or minimize the visual impacts of the *wireless communication facilities* through integration and installation on existing structures. Integration with existing *structures* or among other existing uses shall be accomplished through the use of architecture, landscape and siting solutions.

(3C) ~~The Equipment associated with~~ *wireless communication facility's facilities* ~~equipment~~ shall be located within an existing ~~building envelope~~ building envelope, whenever possible. If a new equipment enclosure is necessary, it shall be of a height minimally necessary to ~~accommodate~~ conceal the equipment, with an area not to exceed 250 square feet, unless a ~~Process Two~~ Neighborhood

Development Permit is granted in accordance with Section 126.0402.

(4D) Overhead wires ~~connecting the antennas to the equipment~~ are not permitted.

(5E) Equipment located on the roof of an existing *structure* shall be set back or located to minimize visibility, especially from the *public right-of-way* or public places.

(6F) Faux landscaping may be used on *premises* where natural vegetation similar in size and species exists ~~or where landscaping similar in size and species is proposed as part of the development.~~ The *applicant* shall provide sufficient samples, models or other means to demonstrate the quality, appearance, and durability of the faux vegetation.

(7G) If trees with a trunk width of 4 inches or more (measured by caliper, 4 feet above grade) are removed or significantly trimmed for the ~~installation~~ installation or operation of the *wireless communication facility*, then replacement trees of a similar size shall be planted to the satisfaction of the City Manager.

(8H) ~~Panel antennas~~ Antennas shall be mounted no more than 12 inches away from a *building façade* and shall comply with the following design requirements: appear as an integral part of the building, except as set forth in Section

~~141.0420(h). Panel antennas may be mounted up to 18 inches away from a building façade when the applicant provides evidence demonstrating that the wireless communication facility cannot operate without incorporating a tilt greater than 12 inches. Each panel antenna shall fit into the design of an existing façade and shall be no longer nor wider than the portion of the façade upon which it is mounted. The antennas shall not interrupt the architectural lines of the façade. Associated mounting brackets and coaxial cable shall be concealed from view. Any pipes or similar apparatus used to attach panel antennas to a building façade shall not extend beyond the length or width of the panel antenna. No exposed mounting apparatus shall remain on a building façade without the associated antennas.~~

- (i) The antennas, including any concealment measures, shall appear as an integral part of the structure, except for public right-of-way site installations as set forth in Section 141.0420(d)(5)(L);
- (ii) No portion of an antenna including any concealment measures shall be more than 12 inches away from the structure, unless the applicant provides evidence demonstrating that the wireless

communication facilities cannot operate without exceeding 12 inches, in which case no portion of the antenna shall be more than 18 inches away from the structure.

(iii) Each antenna including any concealment measures shall fit into the design of an existing structure and shall be no longer or wider than the portion of the structure upon which it is mounted.

(iv) The antennas including any concealment measures shall not interrupt the architectural lines of the structure.

(v) Associated mounting brackets and coaxial cable shall be concealed from view.

(vi) Any pipes or similar apparatus used to attach antennas including any concealment measures to the structure shall not extend beyond the length or width of the antenna. Exposed mounting components are not permitted for any type of antenna installation that is not concealed behind fiberglass-reinforced panels, or similar industry standard material.

(9I) Vertical elements, designed as flagpoles or light standards, shall replicate the design, diameter, and proportion of the

vertical element they are intending to imitate. Flagpoles shall maintain a tapered design.

(J) Use of or replacement of any *building facade* or mechanical screen with fiberglass reinforced panels or similar industry standard material for purposes of concealing *antennas* shall not result in any noticeable lines or edges in the transition to the original building. All screening material shall be painted and textured to match the original *structure*.

(K) All equipment including transformers, emergency generators, and air conditioners shall be designed and operated consistent with the Noise Ordinance in Chapter 5, Article 9.5 of the Municipal Code. Ventilation openings shall be baffled and directed away from residential areas. Vibration resonance of operating equipment in the equipment enclosures shall be eliminated.

(~~H~~L) *Public Right-of-Way* Installations

Wireless communication facilities may be installed in the *public right-of-way* in the area between the face of the curb and the adjacent ~~property line~~ property line. *Wireless communication facilities* located in the *public right-of-way* are subject to ~~Chapter 6, Article 2,~~ all other applicable

requirements of the Municipal Code and the following
~~regulations~~ design requirements:

- (1) ~~(All equipment associated with *wireless communication facilities* shall be undergrounded, except for small service connection boxes or as permitted in Section 141.0420(e)(3).~~
- (2) (i) ~~Panel *antennas*~~ Antennas associated with *wireless communication facilities*, other than those allowed pursuant to Section 141.0420(a)(3)(A), shall be vertically mounted to the pole in compliance with any applicable separation requirements and shall not exceed 6 inches in distance from the pole.
- (3) (ii) No more than four panel *antennas* or two omni-directional *antennas* shall be mounted on any utility pole by any one *wireless communication facilities* provider.
- (4) (iii) *Antennas* shall be painted to match the color of the surface of the pole on which they are attached.

(i) (M) Park Site Installations

~~In addition to the design guidelines set forth in Section 141.0420(g), the~~ The following design requirements apply to *wireless communication facilities* in city parks within the City of San Diego:

(4) (i) Where practicable, *antennas* shall be mounted on sports field light poles, security light poles, or inside foul line poles or flagpoles. *Antennas* shall not be mounted above the light source on any light poles. All *antennas* on flagpoles or foul line poles shall be concealed within the pole.

(2) (ii) If the proposed *wireless communication facility* would be located on ~~city-owned property that has been formally dedicated in perpetuity by ordinance for park, recreation, or cemetery purposes,~~ dedicated parkland subject to San Diego Charter section 55, equipment enclosures shall be placed underground unless the Park and Recreation Director determines that an above-ground equipment enclosure would not violate Charter section 55 and a ~~Process Two~~ Neighborhood Development Permit is granted in accordance with Section 126.0402.

(6) The applicant shall obtain all necessary construction permits to comply with applicable building, fire, mechanical and plumbing codes, and state and federal disability access laws.

(7) Documentation to verify that a wireless communication facility is operating in compliance with federal standards for radio frequency

radiation in accordance with the Telecommunication Act of 1996 and subsequent amendments and any other requirements imposed by state or federal regulatory agencies shall be provided within 30 calendar days of a written request for such documentation from the City Manager.

(8) Wireless communication facilities shall be maintained in good working order, free from trash, debris, and graffiti; and designed to discourage vandalism. Any damaged equipment shall be repaired or replaced within 30 calendar days of written notification from the City Manager.

(9) Wireless communication facilities shall be removed from the premises and the premises shall be restored to the condition preceding the construction and installation of the wireless communication facility, at the owner's sole cost and expense, if any of the following circumstances exists:

(A) The permit authorizing the wireless communication facility is expired and a new permit has not been obtained;

(B) If no permit was granted, it has been ten years from the date that the wireless communication facility was authorized by federal or state law and no new permit or legal authorization has been obtained;

(C) The City Manager determines that the wireless communication facility or components of the wireless

communication facility are non-operational or no longer used.

- (10) Prior to January 31 of every calendar year, each wireless communication facility provider shall submit documentation, satisfactory to the City Manager, identifying the location of each wireless communication facility in its City of San Diego network. The documentation shall include wireless communication facilities that are approved, but not yet built, wireless communication facilities that are currently operating, and locations containing non-operating wireless communication facilities.

§151.0103 Applicable Regulations

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
- (1) through (9) [No change in text.]
- (10) Wireless communications facilities as regulations contained in Land Development Code section 141.0420.

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

Legend for Table 155-02C

[No change in text.]

Table 155-02C

Use Regulations Table for CU Zones

Use Categories/ Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1 ⁻⁽¹⁾		2-			3-				
	4th >>	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7	8	
Open Space through Institutional, Separately Regulated Institutional Uses, Cemeteries, Mausoleums, Crematories [No change in text.]		[No change in text.]									
Communication Antennas:											
Minor Telecommunication Facility				L			L				
Major Telecommunication Facility		€		€			€				
Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers through Solar Energy Systems [No change in text.]		[No change in text.]									
<u>Wireless Communication Facilities</u>		<u>See Section 141.0420</u>									
Retail Sales through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]									

Footnotes for Table 155-02C [No change in text.]

§156.0308 Base District Use Regulations

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

	Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
	LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlay s	
Public Park/ Plaza/Open Space through Institutional, Separately Regulated Institutional Uses, Assembly Uses, including Places of Religious Assembly [No change in text.]	[No change in text.]															
Communication Antennas																
Minor Telecommunication Facility	L	L	L	L	L	L	N	L	L	L	L	C	L	\$141.0420		
Major Telecommunication Facility	C	C	C	C	C	C	C	C	C	C	L	C	C	\$141.0420		
Satellite Antennas Antennas	[No change in text.]															
Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers through Social Service Institutions [No change in text.]	[No change in text.]															
Wireless Communication Facilities	See Section 141.0420															
Retail Sales through Other Use Requirements, Temporary Uses and Structures [No change in text.]	[No change in text.]															

Footnotes for Table 156-0308-A [No change in text.]

**THE CITY OF SAN DIEGO****MEMORANDUM**

DATE: April 10, 2019

TO: Edith Gutierrez, Development Project Manager III, Planning Department

FROM: Rebecca Malone, AICP, Senior Planner, Planning Department

SUBJECT: 12th Update to the Land Development Code (Phase One) – 15162 Evaluation

The CEQA and Environmental Policy Section of the Planning Department has completed a California Environmental Quality Act (CEQA) Section 15162 consistency evaluation in compliance with Public Resources Code Section 21166 for the proposed amendments related to the 12th Update to the Land Development Code (LDC) and Local Coastal Program in the San Diego Municipal Code. As described in more detail in the attached 15162 evaluation matrix (Attachment 1), the proposed 56 amendments include proposed changes to the San Diego Municipal Code: Chapter 5, Article 9.5; Chapter 11, Articles 2 and 3; Chapter 12, Articles 3, 5, 6, 8, and 9; Chapter 13, Article 1; Chapter 14, Articles 1 through 5; and Chapter 15, Articles 1, 5, 6, and 9.

Previously Certified CEQA Document

This evaluation was performed to determine if conditions specified in CEQA Guidelines Section 15162 would require preparation of a subsequent environmental document. As outlined in the evaluation matrix attached, the Planning Department has determined that the proposed amendments are consistent with the original LDC Environmental Impact Report (EIR) No. 96-0333/SCH No. 96081056, certified by the San Diego City Council on November 18, 1997 by Resolution No. 98-288, and would not result in new significant impacts.

Background

The LDC consolidated development regulations into a sequence of chapters of the Municipal Code (Chapters 11-15) to simplify the City's land development regulations; make the land development regulations more objective; make the code more adaptable; eliminate redundancies and contradictions; standardize the code framework; and increase predictability in the application of land development regulations. The certified LDC EIR anticipated that regular updates of the LDC would occur to maintain the code in accordance with the goals described above.

The LDC EIR analyzed the environmental effects associated with adoption and implementation of the proposed LDC, related regulations, amendments, and appeals. The LDC EIR identified significant unmitigated impacts in the following issue areas: Land Use, Biological Resources, Landform Alteration, Historical Resources, Paleontological Resources, and Human Health and Public Safety. Cumulative impacts were also identified to

Soils/Erosion Hazard, Air Quality, Hydrology/Water Quality, Biological Resources, Land Use, Transportation/Circulation, Landform Alteration, Historical Resources, and Paleontological Resources. A Mitigation Monitoring and Reporting Program was adopted with LDC EIR to reduce potentially significant impacts to Land Use, Biological Resources, Historical Resources, Landform Alteration/Neighborhood Character, Paleontological Resources, Natural Resources, and Human Health and Safety.

Scope of the Proposed Action

The 12th Update to the LDC is part of the City's long-term code monitoring program and includes 56 amendments that are divided into the following categories: appeals, zoning, Downtown Planned District (Centre City), landscaping, and minor corrections. The amendments are being proposed to comply with state and federal law; clarify existing definitions and language, correct references, and correct typographical, grammatical and formatting errors. Many of the amendments streamline and clarify the permit and review process.

The 12th Update includes amendments to the appeals process that reduce the filing time to 10 business days; allow the withdrawal of an appeal consistent with Process Two; and increase appeal fees for appeals consistent with Process Four and CEQA. Updated amendments also allow interim ground floor residential within commercial zones with a Neighborhood Use Permit; clarify when supplemental findings are required; require public distribution of environmental documents before advisory body and decision maker hearings; exempt Permanent Supportive Housing and Transitional Housing Facilities from Development Impact Fees; increase development square footage for parking lot orientation; clarify setbacks for Companion Units; add definition and use for Permanent Supportive Housing; allow Transitional Housing Facilities as a limited use in multifamily zones and commercial zones that allow residential; amend regulations to be in compliance with the Federal Spectrum Act; give public schools involved in joint use agreements more flexibility for public improvements; clarify signage in Old Town is subject to the Planned District Sign Regulations; clarify that applicants are not required to utilize their density bonus; increase lot access street width to 20 feet to accommodate two-way traffic; remove subdivisions of four dwelling units or less from street light installation requirement; remove restrictions on the number hotel/motel units permitted in La Jolla Zones 1-4; and clarify that private clubs, lodges, and fraternal organizations are not permitted within Coastal Overlay Zone floodplains.

Amendments also include reduced permit processes, streamlining the review process to encourage development, and clarify and correct language in the Centre City Planned District Ordinance (PDO). In this PDO, the 12th Update would exempt City Facilities from development permit requirements, except for coastal and site development permits for historical resources; remove the definition for public safety facilities and the land use district, and add the Waterfront/Marine and Convention Center Zones to the Land Use Districts; clarify the definition of Active Commercial Uses; clarify references to lot sizes; reduce active commercial uses requirements in land use districts; allow more than the 50 percent residential limitation in mixed use projects through the Affordable Housing Regulations; allow conversion and expansion of commercial use in Residential Emphasis zones; replace Conditional Use Permit requirement for Non-bonafide establishments with alcohol with a Neighborhood Use Permit requirement; add Off-site Alcohol Beverage Sales to separately regulated retail sales uses; clarify that minimum FAR doesn't apply to projects limited by the density/intensity limits under the Lindbergh Field Safety Zones; eliminate separate Centre City bonus calculations;

increase FAR bonus for public open space and revise hours of operation; increase FAR bonus and eliminate maximum size for three-bedroom units; revise to allow public parking FAR bonus for below grade parking; clarify when a development permit may control FAR on adjoining properties; reduce required Process levels for Ballpark District sign plans; and clarify language for living unit standards.

Additionally, the 12th Update includes amendments related to landscaping. These include modifying language to require weather based “smart” controllers; removing the requirement for minimum 5-foot planting area from the landscape section and clarify enhanced hardscape language; clarifying vehicular use area and yard planning area requirements; and clarifying when Zone Two Brush Management is exempt from steep hillside development regulations. Finally, the 12th Update amendments includes minor corrections to formatting, terms, and section references.

Section 15162 Criteria

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, based on substantial evidence in light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

None of the three criteria listed above has occurred, therefore the CEQA and Environmental Policy Section of the Planning Department determined there is no need to prepare subsequent or supplemental environmental documents for the 12th Update to the Land Development Code.

CEQA 15162 Consistency Evaluation

The CEQA and Environmental Policy Section has reviewed the 12th Update to the Land Development Code and conducted a consistency evaluation pursuant to CEQA Guidelines Section 15162. Implementation of this project's actions would not result in new significant direct, indirect, or cumulative impacts over and above those disclosed in the previously certified EIR No. 96-0333/SCH No. 96081056.

A handwritten signature in black ink that reads "Rebecca Malone". The signature is written in a cursive, flowing style.

Rebecca Malone, AICP, Senior Planner
Planning Department

RM: jm

CC: CEQA Guidelines Section 15162 Consistency Evaluation Matrix

**CEQA Guidelines Section 15162 Consistency Evaluation Matrix
Land Development Code 12th Update**

Following is an analysis of each amendment's consistency with the certified Land Development Code (LDC) Environmental Impact Report (EIR) No. 96-0333/SCH No. 96081056, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15162 and Public Resources Code Section 21166.

No.	Code Section	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
Appeals: The following 3 amendments are proposed to be consistent with recent changes approved.		
1	112.0603	<p><u>Process CIP-Two Appeal Hearings</u> Change the period to file an appeal of Process CIP-Two decisions from 12 business days to 10 business days. This will make the time frame for filing an appeal consistent with the other appeals that were recently approved.</p> <p>CEQA 15162 Evaluation: This is an administrative change to the appeal hearing process that would not result in a physical impact to the environment.</p>
2	123.0203	<p><u>Appeal from Historical Resources Board Decision</u> Include language allowing the withdrawal of an appeal from Historical Resources Board Decision. This will ensure consistency with the Process Two appeals that were recently modified.</p> <p>CEQA 15162 Evaluation: The proposed amendment is an administrative change to the appeal hearing process that would not result in a physical impact to the environment.</p>
3	Fee ordinance	<p><u>Appeal Fees</u> Increase appeal fees from \$100 to \$1,000 for Extensions of Time and Map Waivers appealable to Council.</p> <p>CEQA 15162 Evaluation: The proposed amendment to increase appeal fees would not result in a physical impact to the environment.</p>
Zoning: The following 16 amendments will improve the permit process, clarify requirements, and streamline the review process.		
4	126.0203 126.0205 131.0222 131.0322 131.0422 131.0522 131.0622 131.0540	<p><u>Interim Ground Plan Residential</u> Allow interim ground floor residential, outside of Coastal, within commercial zones for up to 10 years with a Neighborhood Use Permit.</p> <p>CEQA 15162 Evaluation: The proposed amendment to allow interim ground floor residential uses with a NUP would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR since ground floor residential</p>

No.	Code Section	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
	141.0309	uses would not result in increased impacts.
5	126.0503 143.0402 Table 143-04A 143.0915 143.0920	<p><u>When Supplemental Neighborhood Development Permit Regulations Apply for Affordable Housing, In-Fill Projects, and Sustainable Buildings</u> Clarify applicable supplemental findings that are required and add clean up language in several sections that address Affordable Housing, In-Fill Projects, and Sustainable Buildings.</p> <p>CEQA 15162 Evaluation: The proposed amendment to add clean up language and clarify which supplemental findings are required would not result in a physical impact to the environment.</p>
6	128.0310	<p><u>Draft or Final Environmental Document Distribution and Availability</u> Revise to require public distribution of environmental documents before advisory body and decision maker hearings, in accordance with CEQA and the State CEQA Guidelines.</p> <p>CEQA 15162 Evaluation: The proposed amendment is an administrative change to the appeal hearing process that would not result in a physical impact to the environment.</p>
7	142.0640	<p><u>Impact Fees for Financing Public Facilities</u> Exempt Permanent Supportive Housing and Transitional Housing Facilities from Development Impact Fees.</p> <p>CEQA 15162 Evaluation: The proposed amendment would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR. Removing the requirement to pay Development Impact Fees would not result in new or increased impacts for permanent supportive housing and transitional housing facilities that are consistent with the zoning requirements.</p>
8	131.0556	<p><u>Parking Lot Orientation</u> Increase development square footage from 50,000 to 100,000 square feet when requiring that development with more than one street frontage limit the vehicular use area on the longest street frontage to no more than 50 percent.</p> <p>CEQA 15162 Evaluation: The proposed modification would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR.</p>
9	141.0302	<p><u>Companion Units</u> Amend regulations to comply with recent state changes, and to clarify that structures can encroach into interior side and rear yard setbacks, but cannot encroach into street side yard setbacks.</p> <p>CEQA 15162 Evaluation: The proposed amendment would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR.</p>
10	141.0617	<p><u>Private Clubs, Lodges, and Fraternal Organizations</u> Clarify that this use is not permitted within floodplains located in the Coastal</p>

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		<p>Overlay Zone, consistent with similar uses.</p> <p>CEQA 15162 Evaluation: The proposed clarification would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR. This proposed amendment would further ensure impacts identified in the LDC EIR are lessened.</p>
11	113.0103 131.0222 131.0322 131.0422 131.0504 131.0522 131.0622 141.0315 142.0525 151.0103 151.0401 156.0308 156.0313 157.0401 1511.0401	<p><u>Permanent Supportive Housing (PSH)</u> Define Permanent Supportive Housing (PSH) and add a Separately Regulated Use to allow PSH by-right in residential and commercial zones where multi-family housing is permitted.</p> <p>CEQA 15162 Evaluation: The proposed amendment to define and allow Permanent Supportive Housing (PSH) in residential and commercial zones that permit multi-family housing would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR. PSH uses are consistent with multi-family uses and with the separately regulated use regulations proposed, would not result in any new significant impacts.</p>
12	126.0205 126.0402 131.0222 131.0422 131.0522 131.0622 141.0420 151.0103 155.0238 156.0308	<p><u>Wireless Communication Facilities (WCF)</u> Refine language and amend regulations to be in compliance with the Federal Spectrum Act, which allows applications to be a ministerial process and requires all WCF's, whether approved by the City or deemed approved, to comply with basic regulations and design requirements. New poles without a light would require a Process Two NUP.</p> <p>CEQA 15162 Evaluation: The proposed amendments to ensure compliance with the Federal Spectrum Act and compliance with applicable SDMC regulations would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR.</p>
13	131.0422 131.0504 131.0522 141.0313 141.0406	<p><u>Transitional Housing Facilities</u> Allow Transitional Housing Facilities as a limited use in multifamily zones and commercial zones that allow residential, instead of requiring a CUP for Transitional Housing Facilities that house 7 or more people.</p> <p>CEQA 15162 Evaluation: The proposed amendment to allow Transitional Housing Facilities with 7 or more persons as a limited use rather than requiring a CUP would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR. Transitional Housing Facilities uses are consistent with multi-family uses and with the limited use regulations proposed, would not result in any new significant impacts.</p>
14	142.0610	<u>When Public Improvements May be Required Incidental to a Building Permit</u>

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		<p>Allow public schools involved in joint use agreements more flexibility with the public improvements that they are required to provide.</p> <p>CEQA 15162 Evaluation: The proposed amendment would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR. The more flexible public improvement requirements would not result in any additional physical changes to the environment.</p>
15	142.1293	<p><u>Old Town San Diego Planned District Sign Regulations</u> Add a section to clarify that all signs in Old Town, with the exception of those within the Presidio Regional Park, are subject to the Planned District Sign Regulations.</p> <p>CEQA 15162 Evaluation: The proposed section clarifying that signs within Old Town are subject to the Planned District Sign Regulations would not result in a physical impact to the environment.</p>
16	143.0720	<p><u>Density Bonus in Exchange for Affordable Housing Units</u> Clarify that applicants who are entitled to density bonuses for providing Affordable Housing Units are not required to increase their density if they choose.</p> <p>CEQA 15162 Evaluation: The proposed clarification would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR; rather, it would result in potentially reduced physical changes to the environment.</p>
17	144.0211	<p><u>Lot Design Requirements for Tentative Maps</u> For lots usable by vehicular traffic, replace a minimum 15-foot-wide direct access requirement with a minimum 20-foot-wide direct access requirement for more than two dwelling units, to service two-way traffic.</p> <p>CEQA 15162 Evaluation: Changing the minimum access requirement from 15 feet wide to 20 feet wide for more than two dwelling units would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR.</p>
18	144.0240	<p><u>Street Light Improvements</u> Amend the code to clarify that residential subdivisions containing four dwelling units or less are not required to install a new street light.</p> <p>CEQA 15162 Evaluation: The proposed amendment to exempt residential subdivisions with four or fewer dwelling units from the requirement to install a new street light would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR; rather, it would result in potentially reduced physical changes to the environment.</p>
19	159.0211 Table 159.02A	<p><u>Uses Permitted with a Special Permit (Hotel/Motel/Timeshares)</u> Remove Finding (d)(3), which previously restricted hotel/motel units allowed in Zones 1-4 of the La Jolla Planned District consistent with the Coastal Act and the LDC.</p>

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		CEQA 15162 Evaluation: Since hotels/motels would continue to undergo review under their discretionary permit requirements, the proposed removal of restrictions on the number of hotel/motel units permitted in these zones of the La Jolla Planned District would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR.
Downtown Planned District (Centre City): The following 17 items will provide more flexibility to encourage planned development, clarification, and corrections to the Centre City Planned District Ordinance.		
20	156.0304 156.0309	<p>City Facilities Exempt City Facilities from the requirement to obtain a development permit, with the exception of coastal development permits and site development permits for historical resources; and exempt capital improvement program projects from having to meet minimum Floor Area Ratio (FAR) requirements.</p> <p>CEQA 15162 Evaluation: The proposed amendment to exempt City Facilities and capital improvement program projects from the requirements described above would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR. City facilities would be subject to best management projects pursuant to City standards and the removal of the development permit requirement would not result in any physical changes to the environment.</p>
21	156.0302 156.0307 Figure B	<p>Centre City Base Zones Eliminate the definition for public safety facilities, remove the associated land use district and add land use designation information west of Pacific Highway and south of Harbor Drive to Figure B Land Use Districts of the Centre City Planned District, consistent with the Downtown Community Plan.</p> <p>CEQA 15162 Evaluation: The proposed amendments would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR. In addition, development and land uses within the Downtown Community Planning area are covered under the following documents, all referred to as the “Downtown FEIR”: Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency (“Former Agency”) and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on February 12, 2014 (City Council Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115); and, the Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561).</p>
22	156.0302	<p>Definition of Active Commercial Uses Clarify the definition of Active Commercial Uses, and reference Table 156.0308-A.</p>

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		CEQA 15162 Evaluation: The proposed clarification would not result in a physical impact to the environment.
23	156.0305	<p><u>Definition of Lot Sizes</u> Clarify that when citing lot areas, references to square footages are reflecting typical lots of record in Downtown.</p> <p>CEQA 15162 Evaluation: The proposed clarification would not result in a physical impact to the environment.</p>
24	156.0307 Table 156-0308-B	<p><u>Requirements for Active Commercial Uses</u> Reduce <i>active</i> commercial use requirements in land use districts, and allow commercial uses on commercial streets.</p> <p>CEQA 15162 Evaluation: The proposed amendment to allow commercial uses and reduce <i>active</i> commercial use requirements within land use districts would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR.</p>
25	156.0307	<p><u>Employment Overlay Zone</u> Increases the amount of permitted residential land uses in the overlay zone and allows the 50% residential limitation to be exceeded through the Affordable Housing Regulations.</p> <p>CEQA 15162 Evaluation: Any additional residential uses allowed under the proposed amendments would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR.</p>
26	156.0308	<p><u>Requirements for Previously Conforming Uses</u> In Residential Emphasis zones, allow conversion and expansion of previously conforming commercial uses to commercial use permitted in the zone without complying with the 80% residential land use requirement.</p> <p>CEQA 15162 Evaluation: Allowing the continuation of previously conforming commercial uses to continue as commercial uses would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR.</p>
27	Table 156-0308-A	<p><u>Non-Bonafide Eating Establishments w/ Alcohol</u> Amend to require that non-bona fide Eating Establishments w/Alcohol obtain a Neighborhood Use Permit rather than a Conditional Use Permit.</p> <p>CEQA 15162 Evaluation: The proposed amendment to require a Neighborhood Use Permit rather than a Conditional Use Permit would not result in a physical impact to the environment.</p>
28	Table 156-0308-A	<p><u>Off-site Alcohol Beverage Sales</u> Add row to list Off-site Alcohol beverage sales under Separately Regulated Retail</p>

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		<p>Sales Uses, in Table 156-0308A.</p> <p>CEQA 15162 Evaluation: The proposed classification of Off-site Alcohol beverage sales as a Separately Regulated Retail Sales Use would not result in a physical impact to the environment.</p>
29	156.0309	<p><u>Minimum FAR</u> Clarify that development or capital improvement program projects in Centre City limited by the density/intensity limits under the safety zones of the San Diego International Airport are not required to meet minimum FAR regulations.</p> <p>CEQA 15162 Evaluation: Clarifying that minimum FARs are not required in the SDIA safety zones would not result in a physical impact to the environment since physical impacts are addressed through airport safety zone regulations.</p>
30	156.0309 Table 156.0309-B	<p><u>Affordable Housing FAR Bonus</u> Eliminate separate Centre City bonus calculations, revise section to focus on FAR Bonuses, and clarify that density bonus is an FAR bonus Downtown.</p> <p>CEQA 15162 Evaluation: The proposed density bonus amendments would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR.</p>
31	156.0309	<p><u>Public Open Space FAR Bonus</u> Increase FAR bonus for urban open space from 0.5 or 1.0 to 1.0 or 2.0 to encourage urban open space, and revise the hours that open space must be open to the public to 7am-9pm instead of from 6am-10pm.</p> <p>CEQA 15162 Evaluation: The proposed increase of FAR bonuses and revision of open space hours of operation would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR. Increased urban open space requirements limit the footprint of buildings.</p>
32	156.0309 Table 156.0309-A	<p><u>Three-Bedroom FAR Bonus</u> Eliminate the third bedroom maximum size of 1300 SF, and increase the FAR bonus for three-bedroom units to 2.0 FAR.</p> <p>CEQA 15162 Evaluation: The proposed elimination of maximum bedroom size and increase of FAR bonuses for three-bedroom units would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR.</p>
33	156.0309	<p><u>Public Parking FAR Bonus</u> Revise to allow Floor Area Ratio bonus for below-grade parking.</p> <p>CEQA 15162 Evaluation: Allowing FAR bonuses for below-grade parking would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR.</p>

No.	Code Section	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
34	156.0309	<p><u>Development Permit FAR</u> Clarify that a development permit may control FAR on adjoining properties in certain circumstances. A development may consist of one or more individually owned parcels, but the permitted FAR for any individual parcels remain subject to the FAR limits within the development boundaries as defined by the development permit.</p> <p>CEQA 15162 Evaluation: Clarifying when a development permit may control FAR on adjoining properties would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR.</p>
35	156.0314	<p><u>Ballpark District Signs</u> Change process level to Process Three for comprehensive sign plans directly north of Petco Park, and change process level to Process Two for comprehensive sign plans within the rest of the Ballpark District.</p> <p>CEQA 15162 Evaluation: The proposed changes in process level for the comprehensive sign plans within this district would not result in a physical impact to the environment analyzed under CEQA.</p>
36	156.0315	<p><u>Living Unit Standards</u> Clarify that living unit developments are not subject to the residential development requirements listed in 156.0310(g), including: common outdoor open space, common indoor space, private open space, storage, and pet open space.</p> <p>CEQA 15162 Evaluation: The proposed clarification would not result in a physical impact to the environment analyzed under CEQA.</p>
Landscaping: The following 6 proposed amendments and clarification to the Landscape Regulations.		
37	142.0403	<p><u>General Planting & Irrigating Requirements</u> Modify language in the General Planting and Irrigation Requirements section to require weather based “smart” controllers, in order to comply with the Model Water Efficient Landscape Ordinance (MWELO).</p> <p>CEQA 15162 Evaluation: Requiring “smart” controllers would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR.</p>
38	142.0405	<p><u>Additional Yard Planting Area and Point Requirements</u> Eliminate requirement to have a minimum 5 foot planting area between driveway edges, and revise language to remove redundancies and provide clarification pertaining to enhanced hardscape.</p> <p>CEQA 15162 Evaluation: These proposed revisions would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR.</p>

No.	Code Section	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
39	142.0407	<p><u>Additional Vehicular Use Area Requirements</u> Add a cross-reference to the Parking Regulations pertaining to planting areas adjacent to parking spaces overhanging a raised curb or wheel stop.</p> <p>CEQA 15162 Evaluation: The proposed addition would not result in a physical impact to the environment analyzed under CEQA.</p>
40	142.0411 Table 142.04F	<p><u>Additional Yard Planting Areas and Point Requirements</u> Remove repetitive language and clarify that “within 100 feet of native or naturalized vegetation,” as discussed in this table, does not include Zone One Brush Management.</p> <p>CEQA 15162 Evaluation: The proposed clarification and removal of repetitive language would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR.</p>
41	142.0412	<p><u>Brush Management</u> Clarification that Zone Two Brush Management must comply with the Biology Guidelines and eliminating the word “or” in Section 142.0412(g)(2).</p> <p>CEQA 15162 Evaluation: The proposed grammatical correction would not result in a physical impact to the environment analyzed under CEQA.</p>
42	142.0111	<p><u>Limited Exceptions from Environmentally Sensitive Lands Regulations</u> Clarify that Zone Two brush management activity is exempt from the steep hillside development area regulations if the brush management is the minimum necessary to comply with City fire codes, and no grading occurs in the brush management area.</p> <p>CEQA 15162 Evaluation: The proposed clarification about when Zone Two brush management is exempt from the steep hillside development area regulations would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR.</p>
<p>Minor Corrections: The following 14 items would correct formatting errors, incorrect terms, and incorrect section references.</p>		
43	59.5.0404	<p><u>Construction Noise</u> Replace section reference to 21.04 with the correct reference to section 21.0104.</p> <p>CEQA 15162 Evaluation: The proposed correction would not result in a physical impact to the environment analyzed under CEQA.</p>
44	113.0103	<p><u>Definitions</u> Revise the grading definition to include “excavation” rather than “excavating.”</p> <p>CEQA 15162 Evaluation: The proposed grammatical correction would not result in a physical impact to the environment analyzed under CEQA.</p>
45	126.0704	<p><u>Exemption from a Coastal Development Permit</u> Replace section reference to California Administrative Code, Title 24, section 13250(b) with the correct reference to Title 14, section 13250(b).</p>

No.	Code Section	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
		<p>CEQA 15162 Evaluation: The proposed revision to reference the correct section of the California Code of Regulations would not result in a physical impact to the environment analyzed under CEQA.</p>
46	129.0714	<p><u>Maintaining Utilization of a Coastal Development Permit</u> Remove section 126.0714, since it refers to a process in Section 126.0109 which was repealed and should have also repealed 126.0714.</p> <p>CEQA 15162 Evaluation: The proposed removal of this section would not result in a physical impact to the environment analyzed under CEQA.</p>
47	129.0504	<p><u>How to apply for a demolition/Removal Permit</u> Add an “s” to fee.</p> <p>CEQA 15162 Evaluation: The proposed grammatical correction would not result in a physical impact to the environment analyzed under CEQA.</p>
48	129.0710	<p><u>How to Apply for a Public Right-of-Way Permit</u> Refer to section 141.1101 to clarify that Community Entry Signs undergo Process One approval, consistent with the separately regulated sign regulations.</p> <p>CEQA 15162 Evaluation: The proposed clarification would not result in a physical impact to the environment analyzed under CEQA.</p>
49	113.0103 131.0112	<p><u>Description of Use Categories and Subcategories</u> Include a description of Shopkeeper Units in section 131.0112, Descriptions of Use Categories and Subcategories.</p> <p>CEQA 15162 Evaluation: Including a description of Shopkeeper Units in this section would not result in a physical impact to the environment analyzed under CEQA.</p>
50	141.0307	<p><u>Guest Quarters or Habitable Accessory Buildings</u> State that guest quarters and habitable accessory buildings can be converted to companion units consistent with the Companion Unit regulations.</p> <p>CEQA 15162 Evaluation: Allowing guest quarters and habitable accessory buildings to be converted to companion units would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR.</p>
51	141.0625	<p><u>Veterinary Clinics and Animal Hospitals</u> Replace reference to section 141.0625(a) with the correct reference to 141.0625(b).</p> <p>CEQA 15162 Evaluation: The proposed correction would not result in a physical impact to the environment analyzed under CEQA.</p>
52	142.0910	<p><u>Mechanical and Utility Equipment Screening Regulations</u> Clarify that equipment and appurtenances need to be screened, not completely enclosed.</p>

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		CEQA 15162 Evaluation: The proposed clarification would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR.
53	142.1235	<p><u>Roof Signs in Commercial and Industrial Zones</u> Clarify that one roof sign is permitted in lieu of a permissible ground or projecting sign.</p> <p>CEQA 15162 Evaluation: The proposed clarification would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR.</p>
54	143.0302 Table 143-03A	<p><u>When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply</u> Eliminate language referring to Multiple Dwelling Units, since as part of the 11th Code Update Multiple Dwelling Units exceeding the development threshold no longer require a Site Development Permit, and the requirement has been repealed.</p> <p>CEQA 15162 Evaluation: Eliminating language that refers to this repealed requirement would not result in a physical impact to the environment analyzed under CEQA.</p>
55	145.3110 145.3111	<p><u>Swimming Pool Regulations</u> Repeal swimming pool regulations that predate the LDC; swimming pool regulations are discussed in other sections of the Municipal Code.</p> <p>CEQA 15162 Evaluation: Repealing these old swimming pool regulations would not result in new significant environmental effects or substantially increase the severity of significant effects or mitigation requirements beyond those identified in the LDC EIR.</p>
56	143.0720	<p><u>Density Bonus in Exchange for Affordable Housing Units</u> Clarify that density bonuses are equivalent to FAR bonuses in Downtown.</p> <p>CEQA 15162 Evaluation: The proposed clarification would not result in a physical impact to the environment analyzed under CEQA.</p>