



THE CITY OF SAN DIEGO

## Report to the Planning Commission

**DATE ISSUED:** October 17, 2019

**REPORT NO. PC-19-095**

**HEARING DATE:** October 24, 2019

**SUBJECT:** 12<sup>th</sup> Update (Phase Two) to the Land Development Code and Local Coastal Program; Process 5

### **SUMMARY**

**Issue:** Should the Planning Commission recommend City Council approval of the 12<sup>th</sup> Update (Phase Two) to the San Diego Municipal Code and the Local Coastal Program?

**Staff Recommendation:** Recommend City Council approval of the proposed 12<sup>th</sup> Code Update (Phase Two).

**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:** The CEQA and Environmental Policy Section of the Planning Department has reviewed the 12<sup>th</sup> Update (Phase 2) 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 Environmental Impact Report (EIR) for the Land Development Code EIR No. 96-0333/SCH No. 96081056; the 2008 General Plan EIR No. 104495/SCH No. 2006091032, certified by the City Council on March 10, 2008, Resolution No. R-303473; the 2013 Addendum to the 2008 General Plan EIR No. 104495/SCH No. 2006091032 for the General Plan Housing Element Update, certified by the City Council on March 4, 2013, Resolution No. R-308015; the 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). Amendments within the Downtown Community Planning area are also covered under the following documents, all referred to as the "CAP FEIR": FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution

R-310595). The Downtown FEIR and CAP FEIR are both "Program EIRs" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The information contained in the Downtown FEIR and the CAP FEIR reflects the independent judgement of the City of San Diego as the Lead Agency.

**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 12<sup>th</sup> Update (Phase Two) includes 40 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.

## **DISCUSSION**

The 40 issue items in the 12<sup>th</sup> Update (Phase Two) are separated into two categories that include zoning and minor corrections. A brief summary is provided, as well as an issues matrix (Attachment 1) and the proposed code language (Attachments 2-6). The CEQA evaluation memo is included as Attachment 7.

### **A. Zoning**

The following 27 issue items will improve, streamline and clarify development requirements.

#### **1. Attic and Gross Floor Area**

Redefines attic and gross floor area consistent with the building code.

#### **2. Certification of an Environmental Document**

When relying on previously certified environmental documents, state law requires a decision maker's decision to rely on that document to be supported with substantial evidence. State law also sets forth the requirements for the City's actions as a responsible agency when making on a decision on a project. The section is proposed to be revised to clarify that such decisions will be made in accordance with CEQA and the CEQA Guidelines.

#### **3. When Environmentally Sensitive Lands Regulations Apply**

Revise to comply with the Vernal Pool Habitat Conservation Plan, reduces separation for steep hillsides from 40 to 20 feet and adjacent property within the MHPA shall be consistent with the land use adjacency guidelines.

4. Mobile Food Truck Regulations

Allow standing tables, shade structures and signs within private property to help support the industry.

5. Description of Use Categories

Expand research and development uses in Industrial zones to allow agricultural, retail, and commercial flexibility to primary uses.

6. Continuing Care Retirement Communities (CCRC)

Allow as a limited use in zones that allow multi-family housing, subject to requirements and remove density limitations of zone.

7. Development on a Premises with a Utilized Development Permit (Attachment 3)

Adds a new section 'Development on a Premise with a Utilized Permit' which allows existing development capacity where permitted under the base zone without an amendment to the existing development permit.

8. Housing Development Process Improvements

Specify that multi-family residential development that involves grading to accommodate underground parking does not require a Site Development Permit pursuant to 142.0103.

9. Development Regulations Table for Residential Zones

Clarification that the minimum lot size in the RS-1-2 zones within Encanto and Southeastern San Diego community planning areas is 5,000 square feet.

10. Use Regulations for Commercial Zones

Allow Homeless Facilities within the Coastal Overlay Zone, visitor accommodations in the CO-2-2 & CO-2-1 zones and the sale of intoxicating beverages in eating and drinking establishment in the CN zone. Correct inconsistency in development regulations for CO-2-2 and CO-2-1 zones.

11. Development Regulations Tables for Commercial Zones

Clarify limited residential use in commercial zones.

12. Marijuana Outlets and Production Facilities (Attachment 4)

Change 'Marijuana' to 'Cannabis' throughout the municipal code. Change distance requirement to public direct physical access between uses and clarify the distance from residentially zoned property for cannabis outlets. Add regulations for billboard advertising that apply to both licensed and unlicensed businesses and prohibit secondary window signs advertising cannabis.

13. Exception to Parking Regulations for Nonresidential Uses

Increase the small lot commercial parking exemption from 10,000 to 15,000. There are many commercial lots just over 10,000 that cannot utilize the exception that would be good redevelopment projects.

14. Downtown Community Plan Sign Control District (Attachment 5)

Allow signs relating to major events within the Downtown Community Plan.

15. Capital Improvement Projects (CIP) and Public Projects

Defining a Public Project and reducing the CIP & Public Project process levels.

16. Vehicle Storage Facilities as a Primary Use

Eliminate the Impound Storage Yard Use and add a Vehicle Storage Facility (Separately Regulated Use) that allows of storage of operable vehicles as a primary use ministerially.

17. Use Regulations of CU zones

Allow Companion Units, Junior Units and guest quarters in the CU Zones where single-family units are allowed.

18. Parking Standards Transit Priority Area

Clarify definition of Parking Standards TPA, that bicycle parking is required and reformatting of existing language.

19. Childcare Centers

Change the permit process from a Conditional Use Permit to Limited Use for Child Care Centers in multi-family zones, consistent with the Mixed-Use Zones.

20. Impact Fees for Financing Public Facilities

Revisions, corrections and clarifications to the Impact Fee Program.

21. Supplemental Development Regulations

Eliminate the Site Development Permit requirement for mixed use project if a certain amount of park acreage has not been added in the Mid-City Community area.

22. Assembly and Entertainment Uses

To provide parking flexibility, allows parking to be on or off-site.

23. Exception to Parking Regulations for Nonresidential Uses

Clarifies that the parking requirements in Table 142-05H apply to all commercial development.

24. Residential Tandem Parking Overlay Zone

This amendment would repeal the Residential Tandem Overlay Zone and keep tandem parking regulations under Chapter 14, Parking Regulations.

25. Public Services of Notices

Allow for electronic noticing for enforcement purposes in addition to other required noticing.

26. Educational Facilities-Schools for Kindergarten to Grade 12

Increase enrollment for replacing an existing school to 600 students within a transit priority area.

27. Special Flood Hazard Areas Regulations (Attachment 6)

Amend regulations to be consistent with Federal Emergency Management Agency (FEMA) regulations.

**B. Landscaping**

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

28. When Landscape Regulations Apply

Establish landscape area and point requirements for high-density residential development and residential components of mixed-use development.

29. General Planting and Irrigation Requirements

Clean-up/corrections removing certain trees from the table and consolidating palms into one category.

30. Additional Yard Planting Area

Clarifying common open space options available to meet landscape requirements. Amend the five-foot planting requirement when commercial development abuts residential zones when commercial development allows zero setbacks.

31. Temporary Vehicular Use Area Requirements

Clarifying that vehicular use areas are subject to a construction permit rather than a building permit.

32. Water Conservation

Modifying language in compliance with the Model Water Efficient Landscape Ordinance (MWELI).

### 33. Development Regulations for Sensitive Biological Resources

Clarify Environmentally Sensitive Land regulations to coordinate with the Biology Guidelines, where brush management zone two is not acceptable as mitigation area.

#### **C. Minor Corrections**

There are 7 issue items that provide clarification and address incorrect terms and section references. Issue items numbered 34 through 40 are summarized in Attachment 1.

#### **D. Recommendations**

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

On September 11, 2019, the Code Monitoring Team took the following action: The motion to recommend approval of issue items numbered 1-2, 4, 6, 8-9, 11, 13, 17-24, 26, 27 and 34-39 passed by a vote of 9-0-1.

On October 9, 2019, the Code Monitoring Team took the following actions:

- Motion #1 to recommend approval of issue item No. 14, Downtown Community Sign Control District passed by a vote of 10-0-0.
- Motion #2 to recommend approval of issue item No. 5, Description of Use Categories and Subcategories passed by a vote of 10-0-0.
- Motion #3 to recommend approval of issue item No. 10, Use Regulations for Commercial Zones passed by a vote of 9-1-0.

On October 15, 2019, there was a special joint meeting of the Code Monitoring Team and the Technical Advisory Committee to discuss items 3, 7, 12, 15, 16, 25, 28-33, and 40. Below are the motions associated with each item.

- Motion #1 to recommend approval with modifications incorporated in the attached draft language for issue item No. 7, Development on a Premises with a Utilized Development Permit, passed by a vote of 9-0-1.
- Motion #2 to recommend approval with modifications incorporated in the attached draft language of issue item No. 15, Capital Improvement Projects (CIP) and Public Projects, passed by a vote of 8-1-1.
- Motion #3 to recommend approval with modifications incorporated in the attached draft language for issue item No. 16, Vehicle Storage Facilities as a Primary Use, passed by a vote of 8-1-1.
- Motion #4 to recommend approval with modifications incorporated in the attached draft language for issue item No. 3, When Environmentally Sensitive Lands Regulations Apply, passed by a vote of 9-0-1.

- Motion #5 was to break up issue item No. 12 into four separate motions:
  - Changing the term 'Marijuana' to 'Cannabis throughout the Municipal Code was approved by a vote of 8-0-1.
  - Add regulations for billboard advertising was approved by a vote of 8-0-1.
  - Change the distance requirement between uses was approved by a vote of 8-0-1.
  - The prohibiting of secondary window signs for Cannabis Outlets was approved by a vote of 8-0-1.
- Motion #6 to recommend approval with modifications incorporated in the attached draft language for issue items Nos. 28, and 31-33 passed by a vote of 7-0-0.
- Motion #7 to recommend approval with modifications incorporated in the attached draft language for issue item No. 29 passed by a vote of 7-0-0.
- Motion #8 to recommend approval with modifications incorporated in the attached draft language for issue item No. 30 passed by a vote of 6-0-1.
- Motion #9 to recommend approval with modifications incorporated in the attached draft language for issue items Nos. 25 and 40 passed by a vote of 7-0-0.

Technical Advisory Committee (TAC): TAC made recommendations at three separate meetings to adequately discuss each issue item.

On September 11, 2019, the Technical Advisory Committee took the following action: The motion to recommend approval of issue items numbered 1-2, 4, 6, 8-9, 11, 13, 17-24, 26, 27 and 34-39 passed by a vote of 10-0-0.

On October 9, 2019, the Technical Advisory Committee took the following actions:

- Motion #1 to recommend approval of issue items No. 14 and 5, passed by a vote of 11-0-0.
- Motion #2 to recommend approval of issue item No. 10, passed by a vote of 10-1-0.

On October 15, 2019, there was a special joint meeting of the Code Monitoring Team and the Technical Advisory Committee to discuss items 3, 7, 12, 15, 16, 25, 28-33, and 40. Below are the motions associated with each item.

- Motion #1 to recommend approval with modifications incorporated in the attached draft language for issue items Nos. 3, 7, 15, 28, 29, 31-33 passed by a vote of 8-0-0.
- Motion #2 to recommend approval with modifications incorporated in the attached draft language of issue item No. 16, Vehicle Storage Facilities as a Primary Use, passed by a vote of 7-1-0.

- Motion #3 was to break up issue item No. 12 into four separate motions:
  - Changing the term 'Marijuana' to 'Cannabis' throughout the Municipal Code was approved by a vote of 8-0-0.
  - Add regulations for billboard advertising was approved by a vote of 6-0-2.
  - Change the distance requirement between uses was approved by a vote of 6-1-1
  - The prohibiting of secondary window signs for Cannabis Outlets was approved by a vote of 7-0-1.
- Motion #4 to recommend approval with modifications incorporated in the attached draft language for issue item No. 30 passed by a vote of 7-1-0.
- Motion #5 to recommend approval with modifications incorporated in the attached draft language for issue items Nos. 25 and 40 passed by a vote of 8-0-0.

Community Planners Committee (CPC): On October 22, 2019, staff will be presenting this item to the Community Planners Committee. Results of the meeting will be presented by staff during the presentation at Planning Commission.

The Downtown Community Planning Council: On November 14, 2018, the Downtown Community Planning Council voted 13-0 to support issue Item No. 40.

## **ALTERNATIVES**

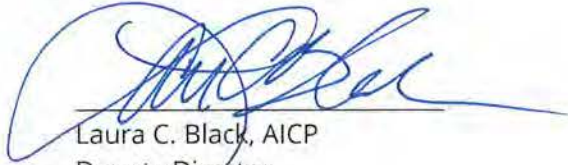
The Planning Commission may recommend to the City Council that it not adopt the Municipal Code amendments or that it adopts the Municipal Code changes with modifications.

## **CONCLUSION**

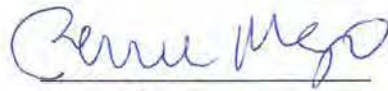
Staff recommends approval of the proposed ordinance changes. The code amendments are consistent with the adopted Land Development Code goals to simplify land development regulations, to make the code more adaptable, to eliminate redundancies and contradictions, to standardize the land development code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



Respectfully submitted,



Laura C. Black, AICP  
Deputy Director  
Planning Department



Renee Mezo  
Development Project Manager  
Planning Department

BLACK/EG

Attachments:

1. Issues Matrix
2. General zoning draft language
3. Item 7, General Development Permit Regulations
4. Item 12, Marijuana Regulations
5. Item 14, Downtown Sign Control District
6. Item 27, Special Flood Hazard
7. California Environmental Quality Act consistency evaluation

## Issues Matrix – 12<sup>th</sup> Code Update-Phase 2

## Attachment 1

The following is a summary of the 40 amendments organized into the following categories: Rules of Calculation, Environmental, Zoning, Landscaping and Minor Corrections. Within each category the amendments are listed in order of the associated code sections to be amended.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
<b>Rules of Calculations:</b> The following amendment clarifies measurements for attic and GFA.			
1	Regulatory Reform	113.0103 113.0210 113.0234	<b><u>Attic and Gross Floor Area</u></b> - Redefining Attic and Gross Floor Area consistent with the building code.
<b>Environmental:</b> The following 2 items clarify regulations to be consistent with CEQA guidelines and the VPHCP			
2	Regulatory Reform	128.0311	<b><u>Certification of an Environmental Document</u></b> - When relying on previously certified environmental documents, state law requires a decision maker's decision to rely on that document to be supported with substantial evidence. State law also sets forth the requirements for the City's actions as a responsible agency when making on a decision on a project. The section is proposed to be revised to clarify that such decisions will be made in accordance with CEQA and the CEQA Guidelines.
3	Regulatory Reform	143.0110	<b><u>When Environmentally Sensitive Lands Regulations Apply</u></b> <ul style="list-style-type: none"> <li>• Allow for a third party, local or state agency that is not subject to the City's discretionary land use authority to elect to utilize the City's land use permitting process for development that is within the City's jurisdictional boundary to gain incidental take authorization under the VPHCP through issuance of a Certificate of Inclusion.</li> <li>• Reduce separation distance for steep hillsides from 40 to 20 feet.</li> <li>• Clarifies that development on property that does not contain ESL, but that is located adjacent to property within the MHPA, must be consistent with the Land Use Adjacency Guidelines in MSCP Subarea Plan Section 1.4.3 and VPHCP Section 5.2.1. Compliance notes/conditions must be included the construction plans as appropriate.</li> </ul>
<b>Zoning:</b> The following 25 amendments improve and streamline the permit process and clarify regulations.			
4	Regulatory Reform	141.0612	<b><u>Mobile Food Truck Permit</u></b> - Allow standing tables, shade structure and six square foot signs within private property to help support the industry.
5	Regulatory Reform	131.0112 131.0602 131.0622 141.0602	<b><u>Description of Use Categories and Subcategories</u></b> - Amend the Industrial Use Category to expand R&D uses and amend the Industrial zones tables to allow agricultural, retail, and commercial flexibility to primary uses.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
6	Regulatory Reform	131.0422 Table 131-04B 131.0522 Table 131-05B 141.0303	<b><u>Continuing Care Retirement Communities (CCRC)</u></b> - Allow by-right-Limited use in zones that allow multi-family housing, subject to requirements. Not subject CCRC to density limitations of zone.
7	Regulatory Reform	121.0302 125.0150 126.0110 126.0112 126.0113 126.0114 126.0115 126.0206 126.0306 126.0405 126.0506 126.0606 126.0723 132.1515 141.0602 142.0530 143.0303 143.0375 143.0403 143.0473 156.0315	<b><u>Development on a Premises with a Utilized Development Permit-</u></b> Adds new section 'Development on a Premise with a Utilized Permit' which allows existing development capacity where permitted under the base zone without an amendment to the existing development permit.
8	Regulatory Reform	142.0103(b) 126.0502(c)(6)	<b><u>Housing Development Process Improvements-</u></b> Amend language to specify that multi-family residential development that involves grading to accommodate underground parking does not require a SDP pursuant to 142.0103.
9	Regulatory Reform	131.0431(b) Table 131-04D	<b><u>Development Regulations Table for Residential Zones-</u></b> Clarification that the minimum lot size in the RS-1-2 zones within Encanto and Southeastern San Diego community planning areas is 5,000 square feet.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
10	Regulatory Reform	131.0522 Tables 131-05B & 131-05D	<b><u>Use Regulations Table for Commercial Zones</u></b> <ul style="list-style-type: none"> <li>• Allow Homeless Facilities within the Coastal Overlay Zone, still subject to a CUP and CD.</li> <li>• Allow visitor accommodations in the CO-2-2 &amp; CO-2-1 zones.</li> <li>• Allow the sale of intoxicating beverages in eating and drinking establishment in the CN zone.</li> <li>• Correct inconsistency in development regulations table for CO-2 zones; Supplemental Residential Regulations should not apply in CO-2-1 and CO-2-2 zones.</li> </ul>
11	Regulatory Reform	131.0507	<b><u>Development Regulations Tables for Commercial Zones</u></b> <ul style="list-style-type: none"> <li>• Clarify limited residential use in commercial zones.</li> </ul>
12	Regulatory Reform	22.4033 34.0103 42.1301-42.1304 42.1502 43.1002 52.3305 58.0701-58.0704 113.0103, 113.0225 126.0303 131.0222, 131.0322 131.0422, 131.0522 131.0622 132.1510 132.1515 141.0504, 141.1004 151.0103 152.0312 153.0309, 153.0310 155.0238	<b><u>Marijuana Outlets and Production Facilities</u></b> <ul style="list-style-type: none"> <li>• Change Marijuana to Cannabis throughout the municipal code.</li> <li>• Change distance requirement to public direct physical access between uses and clarify the distance from residentially zoned property for cannabis outlets.</li> <li>• Add regulations for billboard advertising that apply to both licensed and unlicensed businesses.</li> <li>• Prohibit secondary window signs advertising cannabis.</li> </ul>
13	Regulatory Reform	142.0540	<b><u>Exception to Parking Regulations for Nonresidential Uses</u></b> Increase the small lot commercial parking exemption from 10,000 to 15,000. There are many commercial lots just over 10,000 that cannot utilize the exception that would be good redevelopment projects.
14	Regulatory Reform	142.1292	<b><u>Downtown Community Plan Sign Control District</u></b> - Allow signs relating to major event within the Downtown Community Plan.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
15	Regulatory Reform	112.0601 112.0602 112.0604 113.0103 126.0108(d) 126.0502(a)(1)(f)(g) 126.0707(a-c) 132.0402 Table 132-04A 143.0110 -Table 143-01A and (c)(10)	<b><u>Capital Improvement Projects (CIP) and Public Projects</u></b> Defining a Public Project and Reducing the CIP & Public Project process for the following: <ul style="list-style-type: none"> <li>• Discretionary process from a 5 to a 2 (does not apply to deviations from historical, ESL or archeological resources).</li> <li>• Projects that meet new SDP exemption criteria &amp; have appropriate CEQA review can be processed ministerially.</li> <li>• CIP &amp; Public Projects within the Coastal Overlay Appealable Area reduced from a Process 5 to a 2.</li> </ul>
16	Regulatory Reform	131.0112 131.0222 131.0422 131.0522 131.0622 141.0803 141.0901 142.0413	<b><u>Vehicle Storage Facilities as a Primary Use</u></b> <ul style="list-style-type: none"> <li>• Eliminating the Impound Storage Yard Use</li> <li>• Adding Vehicle Storage Facility (Separately Regulated Use) that allows of storage of operable vehicles as a primary use ministerially.</li> </ul>
17	Regulatory Reform	155.0238	<b><u>Use Regulations Table of CU Zones</u></b> - Allow Companion Units, Junior Units and guest quarters in the CU Zones where single-family units are allowed.
18	Regulatory Reform	142.0528	<b><u>Parking Standards Transit Priority Area Regulations</u></b> <ul style="list-style-type: none"> <li>• Clarify that bicycle parking is required and reformatting of existing language.</li> <li>• Add footnote to motorcycle parking.</li> <li>• Clarify definition of Parking Standards TPA.</li> </ul>
19	Regulatory Reform	131.0422 Table 131-04B	<b><u>Child Care Centers</u></b> -Change the permit process from a Conditional Use Permit to Limited Use for Child Care Centers in multi-family zones, consistent with the Mixed-Use Zones.
20	Regulatory Reform	142.0640	<b><u>Impact Fees for Financing Public Facilities</u></b> - Revisions, corrections and clarifications to the Impact Fee Program.
21	Regulatory Reform	155.0253(a)(1)	<b><u>Supplemental Development Regulations</u></b> - Eliminate the Site Development Permit requirement for mixed use project if a certain amount of park acreage has not been added in the Mid-City Community area.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
22	Regulatory Reform	141.0602	<b><u>Assembly and Entertainment Uses</u></b> –To provide parking flexibility, allows parking to be on or off-site.
23	Regulatory Reform	142.0540	<b><u>Exception to Parking Regulations for Nonresidential Uses</u></b> –Clarifies that the parking requirements in Table 142-05H apply to all commercial.
24	Regulatory Reform	Table of Contents- Remove Division 9 (this will come with the repeal of overlay zone)  126.0402 131.0449(b)(2) 132.0901-0905 142.0505- Table 142-05A 142.0527 142.0555 143.0302- Table 143.03A	<b><u>Tandem Parking</u></b> –Repeal of the Residential Tandem Overlay Zone, kept regulations under Parking Regulations.
25	Regulatory Reform	11.0301	<b><u>Service of Notices</u></b> -Include electronic noticing for enforcement purposes in addition to other required noticing.
26	Regulatory Reform	141.0407	<b><u>Educational Facilities-Schools for Kindergarten to Grade 12</u></b> - Increase enrollment for replacing an existing school to 600 students within a TPA.
27	Regulatory Reform	113.0103 143.0145 143.0146	<b><u>Special Flood Hazard Areas Regulations</u></b> - Amend regulations to be consistent with FEMA regulations.

<b>Landscaping:</b> The following 6 items clarify the Landscape Regulations and eliminate redundancies			
28	Regulatory Reform	142.0402, Table 142-04A 142.0404	<b><u>When Landscape Regulations Apply</u></b> - Establish landscape area and point requirements for high-density residential development and residential components of mixed-use development.
29	Regulatory Reform	142.0403 (b) & (d) Table 142-04B	<b><u>General Planting and Irrigation Requirements</u></b> -Clean-up/corrections removing certain trees from the table that shrubs and consolidating palms into one category.
30	Regulatory Reform	142.0404 Table 142-04C 142.0405(b)(2) 142.0405(c)(3)	<b><u>Additional Yard Planting Area</u></b> <ul style="list-style-type: none"> <li>• Clarifying common open space options available to meet landscape requirements.</li> <li>• Amend the 5-foot planting requirement when commercial development abuts residential zones when commercial development allows zero setbacks.</li> </ul>
31	Regulatory Reform	142.0408(a & c)	<b><u>Temporary Vehicular Use Area Requirements</u></b> Clarifying that vehicular use areas are subject to construction permit rather than building Permits.
32	Clarification	142.0413(b)(2), (c)(d)(1) and (e)(1)	<b><u>Water Conservation</u></b> - Modifying language in compliance with the Model Water Efficient Landscape Ordinance (MWELo).
33	Clarification	143.0141 (a)(B)(i,ii)	<b><u>Development Regulations for Sensitive Biological Resources</u></b> - Clarify ESL regulations to coordinate with the Biology Guidelines, where brush management zone two is not acceptable as mitigation area.

<b>Minor Corrections:</b> The following 7 items clarify regulations, correct formatting errors, incorrect terms, and incorrect section references.			
34	Incorrect Section	141.0505	<b><u>Plant Nurseries</u></b> - Section (d) incorrectly references 141.0504 the correct section is 141.0505.
35	Repealed Ordinance	123.0501 123.0502 123.0503 123.0504 123.0505 123.0506 131.0422 Table 131.04B 131.0431 131.0447 131.0457	<b><u>Residential High Occupancy Permit</u></b> - Remove repealed ordinance per Superior Court Judgment filed January 10, 2018.
36	Correction	157.0202(b)	<b><u>Overview of Decision Process</u></b> - Remove reference to Process Two by the City Manager I lieu of Planning Commission.
37	Repealed Ordinance	98.0202(a)(5)	<b><u>Mobilehomes, Recreational Vehicles and Commercial Coaches</u></b> - Remove reference to Chapter X, Article 1, Division 5 that was repealed.
38	Correction	1510. 0102 and Map No. C-403.4	<b><u>LJ Shores PDO Boundaries</u></b> Adding the existing referenced map within the LJ Shores PDO for ease of reference.
39	Regulatory Reform	22.4035 142.1210(b)(5)(E)	<b><u>Special Event Signs</u></b> -Eliminate section referencing incorrect Chapters and Police Department approval for signs.
40	Correction	156.0309(e) Figure B, C & D	<b><u>Centre City Planned District</u></b> -Update Figures to align with actions from Phase 1 Update and minor corrections to wording on 156.0309(e).



## General Zoning Code Language

### STRIKEOUT/UNDERLINE

#### Issue Item #1: Calculating Gross Floor Area

##### 113.0103 Definitions

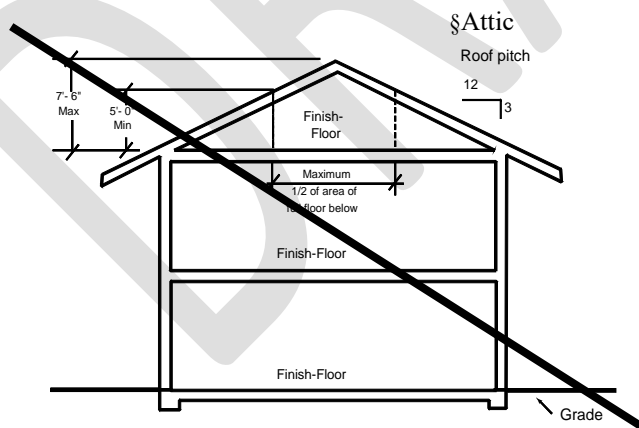
*Attic* means a portion of the space immediately below a sloped ~~pitched~~ roof that ~~has a pitch of at least 3:12 (3 vertical feet to 12 horizontal feet)~~ and above the highest finished *floor*. See Section 113.0210 for additional information on ~~determining~~ *attic*.

##### 113.0210 ~~Determining Attic~~

~~An *attic* is the area under a sloped roof that has a pitch of at least 3:12 (3 vertical feet to 12 horizontal feet) with a height of at least 5 feet and no more than 7 feet, 6 inches, measured from the highest finish *floor* elevation to the finish roof above. The *floor* area of an *attic* shall not exceed one half of the *floor* area of the nearest full *story* below.~~

~~This is illustrated in Diagram 113-02A.~~

**Diagram 113-02A**



##### 113.0234 Calculating Gross Floor Area

*Gross floor area* is calculated in relationship to the *structure* and *grade* adjacent to the exterior walls of a building. The elements included in the

*gross floor area* calculation differ according to the type of *development* proposed and are listed in Section 113.0234(a)-(c). *Gross floor area* does not include the elements listed in Section 113.0234(d). The total *gross floor area* for a *premises* is regulated by the *floor area ratio development* standard.

- (a) [No change in text.]
- (b) Additional Elements Included in *Gross Floor Area* in Residential Zones and for Residential Development in Other Zones. (Section 113.0234(b) does not apply to commercial *development*.)
  - (1) through (3) [No change in text.]
  - (4) *Gross floor area* includes any projected *floor* area and other phantom *floors* within the building's exterior walls where specified dimensions are met. Phantom floors are located within the space above or below actual *floors* within a building, and are measured separately above each actual *floor* or below the lowest actual *floor* for under *floor* area, described as follows:
    - (A) Phantom *Floors*. When the vertical distance between the finish-floor elevation and the ~~finish-floor~~ or flat roof immediately above does not exceed 15 feet, the area of one *floor* (the actual *floor*) is included in *gross floor area*, as shown in Diagram 113-02Q.

Diagram 113-02Q [No change in text.]

Diagram 113-02R Multiple Floors below Actual Floor and Flat Roof

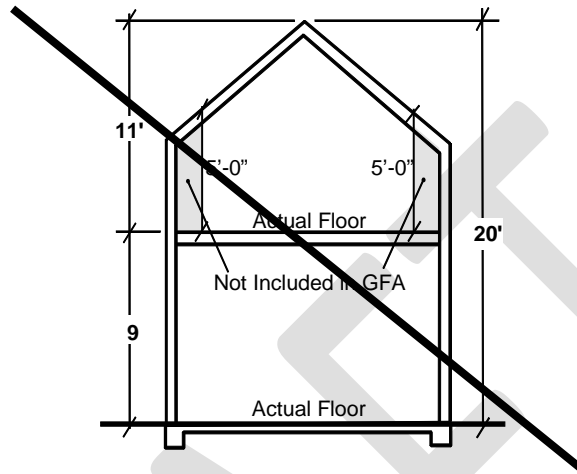
*Gross floor area* excludes those portions of actual *floors* and phantom *floors* where there is less than 5 feet of vertical distance between the actual or phantom *floor* and the ~~elevation ceiling of the roof~~ immediately above.

Diagram 113-02S [No change in text.]

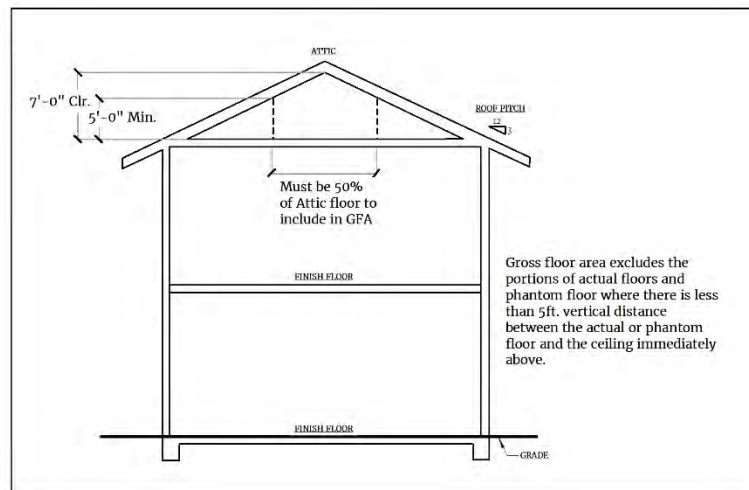
- (B) *Attic Space*. *Gross floor area* includes the *attic* space as shown in Diagram 113-02T, where there are at least 5 feet of vertical distance between the *attic floor* and the roof elevation immediately above. The location of any ceilings immediately below the roof does not affect the

measurement of phantom *floors* above the highest finish-  
*floor* elevation.

**Diagram 113-02T**  
**Attic Space**



**REPLACE EXISTING DIAGRAM 113-02T WITH BELOW:**



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

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

## **Issue Item #2: Certification of an Environmental Document**

### **§128.0311 Certification of an Environmental Document**

- (a) Consistent with CEQA and the State CEQA Guidelines, except as provided in Section 128.0311(b) and through (ed), before approving a development permit or other discretionary action, the decision maker shall certify that:
  - (1) The final environmental document has been completed in compliance with CEQA and the State CEQA Guidelines; and
  - (2) The information contained in the final environmental document reflects the independent judgment of the City of San Diego as the Lead Agency and has been reviewed and considered by the decision maker before approving the project.
- (b) If the environmental document has been previously certified because the decision is being heard on appeal, because the City is acting as a Responsible Agency, or because of reuse of a previously certified document, subsequent discretionary approvals on the same project shall not require recertification of any previously certified environmental document prepared in connection with the project. In this case, the decision maker need not certify as required by Section 128.0311(a)(1) but shall state the information contained in Section 128.0311(a)(2) for the record. Nothing in this section shall be deemed to preclude the Planning Director from reviewing the previously certified document to determine whether any supplemental information or document may be necessary. When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless required under CEQA and the State CEQA Guidelines.
- (c) If the decision maker is acting as a responsible agency, the decision maker shall act on the environmental document in accordance with CEQA and the State CEQA Guidelines.
- (ed) If the decision maker denies the project, the environmental document need not be certified.

## **Issue Item #3: When Environmentally Sensitive Lands Regulations Apply**

### **§143.0110 When Environmentally Sensitive Lands Regulations Apply**

This Division applies to all proposed *development* ~~when on a premises where environmentally sensitive lands are present on the premises.~~  
Development on premises that does not contain environmentally sensitive lands

but is located adjacent to a premises that contains environmentally sensitive lands is not subject to this Division, except that such development shall comply with Section 143.0110(d).

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

Table 143-01A [No change in text.]

(c) A Neighborhood Development Permit or Site Development Permit is not required for the following *development* activity:

(1) [No change in text.]

(2) Outside of the Coastal Overlay Zone, *development* on a *premises* containing *environmentally sensitive lands* where the *development*:

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

(E) Would either:

- (i) Maintain at least a 100 feet separation distance from *sensitive biological resources* and at least a ~~40~~ 20 feet separation distance from the top of slope of *steep hillsides*; or
- (ii) [No change in text.]

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

(d) Development on premises that does not contain environmentally sensitive lands but is located adjacent to a premises that contains environmentally sensitive lands shall comply with the Land Use Adjacency Guidelines in MSCP Subarea Plan Section 1.4.3 and the Avoidance and Minimization Measures in the VPHCP Section 5.2.1 and shall be listed on the construction documents. Compliance notes and or conditions shall be included on the construction plans as appropriate.

(d) (e) Where a third party local, state or federal agency that is not subject to the City's discretionary land use authority elects to utilize the City's land use permitting process for development that is within the City's jurisdictional boundary to gain incidental take authorization under the VPHCP. Through the issuance of a Certificate of Inclusion, in

accordance with Appendix F of the VPHCP, may be issued by the City for development that demonstrates compliance with the terms and conditions of the VPHCP and Permit to extend the City's Take coverage to such parties for Covered Activities carried out in accordance with the Take Authorizations under the Permit and in accordance with the terms and conditions thereof.

#### **Issue Item #4: Expiration of a Mobile Food Truck Permit**

##### **§141.0612 Mobile Food Trucks**

Mobile food trucks are temporarily parked, operable motorized vehicles that function as transportable retail food and beverage facilities that move daily. This use category includes mobile food trucks that provide sales to the general public of food and beverage (pre-packaged or prepared and served from the vehicle or an attached trailer) for consumption on or off the premises. They are health regulated businesses subject to Chapter 4, Article 2, Division 1. This use category does not include pushcarts as described in Section 141.0619, farmers' markets as described in Section 141.0503, or off-site food and beverage delivery services.

- (a) [No change in text.]
- (b) General Regulations.
  - (1) through (7) [No change in text.]
  - (8) No *signs* other than those exhibited on or in the mobile food truck; except for one temporary ground sign, located entirely on private property, with a maximum display area of six square feet, in compliance with section 141.0612 (b)(15) and (16);
  - (9) through (12) [No change in text.]
  - (13) No furniture, except for a maximum of two standing tables and a shade canopy with maximum dimensions of 10 feet by 10 feet, located entirely on private property; ~~umbrellas~~, generators, objects or *structures* outside of the vehicle except for signs as allowed in 141.0612(b)(8);
  - (14) through (16) [No change in text.]
- (c) [No change in text.]
- (d) Mobile Food Trucks on Private Property.

Property owners and permit holders shall comply with all of the following:

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

(5) mobile food trucks shall operate as follows:

(A) [No change in text.]

(B) ~~one~~ A mobile food truck requires ~~may operate on the a site for every minimum 525 square foot paved area, of at least paved area~~ of 35 feet by 15 feet in dimension. ~~Mobile food trucks greater than 27 feet in length require a space and at least 70 feet by 15 feet for trucks greater than 27 feet in length; and~~

(C) [No change in text.]

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

#### **Issue Item #5: Descriptions of Use Categories and Subcategories**

##### **§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) through (9) [No change in text.]

(10) Industrial Use Category

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced. The subcategories are:

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

(D) Research and Development — Uses engaged in scientific research including computational modeling, bio informatics, and testing leading to the development of new products and processes.

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

(11) [No change in text.]

(b) [No change in text.]

**§131.0602 Purpose of the IP (Industrial--Park) Zones**

- (a) The purpose of the IP zones is to provide for high quality science and business park *development*. The property *development* standards of this zone are intended to create a campus-like environment characterized by comprehensive site design, and substantial landscaping and amenities that serve the surrounding development in a manner that preserves the industrial nature of the zones. ~~Restrictions on permitted uses and signs are provided to minimize commercial influence.~~

(b) [No change in text.]

**§131.0622 Use Regulations Table for Industrial Zones**

The uses allowed in the industrial zones are shown in Table 131-06B.

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
<b>Open Space through Agricultural:</b> <b>Agricultural Processing</b> [No change in text.]											
<b>Aquaculture Facilities</b>	- <u>p</u> <sup>(19)</sup>	- <u>p</u> <sup>(19)</sup>	- <u>p</u> <sup>(19)</sup>	P	P	P	-	P	P	-	
<b>Dairies</b> [No change in text.]											
<b>Horticulture Nurseries &amp; Greenhouses</b>	- <u>p</u> <sup>(19)</sup>	- <u>p</u> <sup>(19)</sup>	- <u>p</u> <sup>(19)</sup>	P	- <u>p</u>	P	P	P	P	-	-
<b>Agricultural: Raising and Harvesting of Crops through Retail Sales: Building Supplies &amp; Equipment</b> [No change in text.]											
<b>Food, Beverages and Groceries</b>	- <u>p</u> <sup>(13,20)</sup>	- <u>p</u> <sup>(13,20)</sup>	- <u>p</u> <sup>(13,20)</sup>	- <u>p</u> <sup>(13,20)</sup>	- <u>p</u> <sup>(13,20)</sup>	- <u>p</u> <sup>(13,20)</sup>	P <sup>(13)</sup>	-	-	-	-
<b>Consumer Goods, Furniture, Appliances, Equipment through Pets &amp; Pet Supplies</b> [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	Zones									
	Designator	IP-			IL-			IH-		IS-	IBT-
	1st & 2nd	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	3rd	1	1	1	1	1	1	1	1	1	1
	4th	1	1	1	1	1	1	1	1	1	1
<b>Sundries, Pharmaceuticals &amp; Convenience Sales</b>	- <u>p(5,13)</u>	p(5,13)	p(5,13)	p(5,13)	p(5,13)	p(5,13)	p(13)	p(5,13)	p(5,13)	p(4,13)	-
<b>Wearing Apparel &amp; Accessories through Retail Sales Separately Regulated Uses:</b> Agriculture Relates Supplies & Equipment [No change in text.]											
Alcoholic Beverage Outlets	-	-	-	-	- <u>L</u>	L	-	-	-	-	-
Farmers' Markets [No change in text.]											
Weekly Farmers' Market	- <u>L</u>	- <u>L</u>	- <u>L</u>	- <u>L</u>	- <u>L</u>	L	-	-	-	-	-
Daily Farmers' Market Stands	-	-	-	- <u>L</u>	- <u>L</u>	L	-	-	-	-	-
<b>Marijuana Outlets through Commercial Services: Building Services</b> [No change in text.]											
<b>Business Support</b>	- <u>p(8)</u>	p(8)	p(8)	p(8)	P	P	-	p(8)	P	p(8)	
<b>Eating and Drinking Establishments</b>	- <u>p(7,16)</u>	p(7,16)	p(7,16)	p(7,16)	p(7,16)	p(16)	-	p(7)	p(4,16)	p(7,16)	
<b>Financial Institutions</b>	-	P	-	- <u>P</u>	P	P	-	-	P	P	
<b>Funeral &amp; Mortuary Services</b> [No change in text.]											
<b>Instructional Studios</b>	- <u>p(14)</u>	- <u>p(14)</u>	- <u>p(14)</u>	- <u>p(14)</u>	- <u>p(14)</u>	p(14)	-	-	P	-	
<b>Maintenance &amp; Repair through Off-Site Services</b> [No change in text.]											
<b>Personal Services</b>	- <u>p(9)</u>	- <u>p(9)</u>	- <u>p(9)</u>	- <u>p(9)</u>	p(9)	p(9)	-	-	-	-	
<b>Radio &amp; Television Studios</b> [No change in text.]											
<b>Tasting Rooms</b>	p(18)	p(18)	- <u>p(18)</u>	p(18)	p(18)	p(18)	p(18)	p(18)	p(18)	p(18)	p(18)
<b>Visitor Accommodations through Separately Regulated Commercial Services Uses: Sexual Encounter Establishment</b> [No change in text.]											
Assembly and Entertainment Uses, Including Places of Religious Assembly	- <u>L</u>	- <u>L</u>	- <u>L</u>	- <u>L</u>	L	L	-	-	L	-	

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone	Zones									
	Designator										
	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
Bed & Breakfast Establishments: 1-2 Guest Rooms through 6+ Guest Rooms [No change in text.]											
Boarding Kennels/Pet Day Care Facilities		-N	N	-N	N	L	L	N	N	N	N
Camping Parks through <b>Separately Regulated Signs</b> Uses: Theater Marquees [No change in text.]											

### Footnotes for Table 131-06B

<sup>1</sup> through <sup>13</sup> [No change in text.]

<sup>14</sup> ~~Instructional Studios are not permitted on a premises that is identified as Prime Industrial Land in a land use plan.~~ See Section 131.0623(n).

<sup>15</sup> through <sup>18</sup> [No change in text.]

<sup>19</sup> See Section 131.0623(l).

<sup>20</sup> See Section 131.0623(m).

### §131.0623 Additional Use Regulations of Industrial Zones

The additional use regulations identified in this Section are applicable to uses where indicated in Table 131-06B. In addition to the use-specific regulations below, the combined gross floor area for the uses identified in Sections 131.0623(a), (b), (d), (h), (k), (m) and (n) shall not exceed 35 percent of the allowable gross floor area of the premises.

(a) [No change in text.]

(b) Eating and drinking establishments are permitted subject to the following:

(1) The dining and serving areas of individual establishments are limited to 3,000 square feet of gross floor area, except where provided in accordance with Section 131.0623(i);

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

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

(j) Residential uses in the IP-3-1 zone are permitted subject to the following:

(A1) [No change in text.]

(B2) [No change in text.]

(C3) [No change in text.]

(k) Physical fitness facilities are permitted subject to the following:

(A1) [No change in text.]

(B2) The physical fitness facility is ~~exclusively~~primarily used by employees of the *premises* as an *accessory use*; and

(C3) [No change in text.]

(l) Aquaculture Facilities and Horticulture, Nurseries & Greenhouses are permitted in IP zones as follows:

(1) The aquaculture facility, horticulture facility, nursery or greenhouse shall directly support the research and development uses on the premises; and

(2) The aquaculture facility, horticulture facility, nursery or greenhouse shall be excluded from the gross floor area calculation of the structures on the premises.

(m) Food, Beverages and Groceries are permitted subject to the following:

(1) Individual establishments are limited to 20,000 square feet of gross floor area.

(n) Instructional Studios are permitted subject to the following:

(1) Individual establishments are limited to 5,000 square feet of gross floor area; and

(2) The total area occupied by these uses shall not exceed 25 percent of the gross floor area of the building in which they are located.

- (3) The instructional studio shall be primarily used by employees of the premises as an accessory use and shall not be a minor orientated use.

**§141.0602 Assembly and Entertainment Uses, Including Places of Religious Assembly**

This use category applies to facilities designed to accommodate at least 25 people at a time for recreation, physical fitness, entertainment, or other assembly, including places of religious assembly. Assembly and entertainment uses are permitted as a limited use in accordance with Process One in zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and are subject to the regulations in Sections 141.0602(a) and (b). Assembly and entertainment uses may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and are subject to the regulations in Sections 141.0602(a) and (c).

(a) General Regulations

- (1) Assembly and entertainment uses are not permitted:

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

~~(C) On a premises that is identified as Prime Industrial Land in a land use plan.~~

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

(b) Limited Use Regulations

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

(5) On a premises that is identified as Prime Industrial Land in a land use plan, the following regulations apply:

(A) Auditoriums that are an accessory use to a professional office of an industrial development are permitted.

(B) Other assembly and entertainment uses are permitted as ancillary uses provided that:

- (i) The use occurs outside of normal business or operating hours and shall not include minor orientated uses or activities.
- (ii) The use consists of temporary, non-permanent special events or activities and are limited to a total of 40 events or activities in a calendar year; and
- (ii) The space utilized for such use shall not exceed 25 percent of the gross floor area of the structure or structures in which the ancillary use is located.

(c) [No change in text.]

**Issue Item #6: Continuing Care Retirement Communities (CCRC)**

**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
Residential													
Separately Regulated Residential Uses													
Continuing Care Retirement Communities		€ <u>L</u>			€ <u>L</u>			L			L		L

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 <sup>(1)</sup> -						CR-		CO-						CV-	CP-
	3rd >>	1-						1-	2-	1-	2-	3-	1-	2-	3-	1-	2-
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1
<b>Residential</b>																	
<b>Separately Regulated Residential Uses</b>																	
Continuing Care Retirement Communities		C <sup>(2)</sup> L						C L	-	C L	-	C L	-	C <sup>(2)</sup> L	-	-	-

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
<b>Residential</b>																											
<b>Separately Regulated Residential Uses</b>																											
Continuing Care Retirement Communities		€ L			-			€ L						€ L						€ <sup>(4.5)</sup> L							

## §141.0303 Continuing Care Retirement Communities

Continuing ~~Care~~ ~~Retirement~~ ~~Communities~~ (CCRCs) are licensed by the state as both a ~~Residential~~ ~~Care~~ ~~Facility~~ for the ~~Elderly~~ and a ~~Skilled~~ ~~Nursing~~ ~~Facility~~, regulated under the California Health and Safety Code, and overseen by the California Department of Social Services. They provide residents with multiple living environments based on the changing level of care required by the resident. The communities typically provide independent-living *dwelling units*, assisted-living *dwelling units*, and convalescent and memory care rooms. A Continuing Care Retirement Community is a distinct residential use unto itself and should not be considered a sum of separate, multiple uses when determining compliance with permitted land uses.

Continuing ~~Care~~ ~~Retirement~~ ~~Communities~~ 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), or as a limited use in zones indicated with an “L” in

the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations.

- (a) Continuing ~~e~~Care ~~¶~~Retirement ~~e~~Communities are not permitted in agricultural zones in *Proposition A Lands*.
- (b) Convalescent and memory care rooms shall, at a minimum, comply with California Code of Regulations Title 22, Division 6, Chapter 8 (Residential Care Facilities for the Elderly).
- (c) Parking areas shall be lighted for the safety of tenants. Lighting shall be of a design that deters vandalism. The location, type, and size of the proposed lighting fixtures shall be specified on the *development permit* application.
- ~~(d)~~ ~~The number of vehicle trips shall be determined as follows:~~
  - ~~(1) Four trips per dwelling unit; and~~
  - ~~(2) Three trips per room for convalescent and memory care rooms.~~
- ~~(e)~~(d) Continuing ~~e~~Care ~~¶~~Retirement ~~e~~Communities shall be subject to the landscape regulations for commercial *development* in Table 142-04A.
- ~~(f)~~(e) Permitted Density As a distinct, separately regulated residential use, Continuing Care Retirement Communities are not subject to the density limitations of the applicable community plan and underlying base zone.
  - ~~(1) The density shall comply with the base zone.~~
  - ~~(2) Only independent and assisted living dwelling units shall be used to calculate density.~~
  - ~~(3) The density shall be calculated using the area of the entire development.~~

#### **Issue Item #7: Development on a Premises with a Utilized Development Permit**

See Attachment 3.



**Issue Item #8: Housing Development Process Improvements****142.0103 When a Permit Is Required for Grading**

- (a) [No change in text.]
- (b) A Site Development Permit is required for any *grading* that results in the creation of a slope with a gradient steeper than 25 percent (4 horizontal feet to 1 vertical foot) and a height of 25 feet or more in accordance with Chapter 12, Article 6, Division 5 (Site Development Permits), except that if the *grading* is for underground parking, then a Site Development Permit would not be required.

**126.0502 When a Site Development Permit is Required**

- (a) and (b) [No change in text.]
- (c) A Site Development Permit decided in accordance with Process Three is required for the following types of *development*.
  - (1) Through (5) [No change in text.]
  - (6) Development of manufactured slopes at a gradient steeper than 25 percent (4 horizontal feet to 1 vertical foot) and a height of 25 feet or more as described in Section 142.0103, except that if the *grading* is for underground parking, then a Site Development Permit would not be required.
- (d) [No change in text.]

**Issue Item #9: Development Regulations Table for Residential Zones****131.0431 Development Regulations Table for Residential Zones**

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

- (a) [No change in text.]
- b) RS Zones

**Table 131-04D**  
**Development Regulations for RS Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
		RS-						
		1-	1-	1-	1-	1-	1-	1-
		1	2	3	4	5	6	7
<b>Max permitted <i>density</i></b> (DU per <i>lot</i> ) [No change in text.]								
<b>Min lot area</b> (sf)		40,000	20,000 (7)	15,000	10,000	8,000	6,000	5,000
<b>Min lot dimensions</b> through <b>Visibility Area</b> [No change in text.]								

**Footnotes for Table 131-04D**

<sup>1</sup> through <sup>6</sup> [No change in text.]

<sup>7</sup> In the Encanto and Southeastern San Diego Community Planning the *lot* size shall be a minimum of 5,000 square feet.

**Issue Item #10: Use Regulations Table for Commercial Zones****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 <sup>(1)</sup> -						CR-		CO-						CV-	CP-
	3rd >>	1-						1-	2-	1-	2-	3-	1-	2-	1-	2-	1-
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1
<b>Open Space</b> <i>through</i> <b>Institutional, Historical Buildings</b> Used for Purposes Not Otherwise Allowed [No change in text.]																	
Homeless Facilities:																	
Congregate Meal Facilities		C <sup>(10)</sup>						C	-	C	C	C	C	C	C <sup>(10)</sup>	-	-
Emergency Shelters		C <sup>(10)</sup>						C	-	C	C	C	C	C	C <sup>(10)</sup>	-	-
Homeless Day Centers		C <sup>(10)</sup>						C	-	C	C	C	C	C	C <sup>(10)</sup>	-	-
Hospitals, Intermediate Care Facilities & Nursing Facilities <i>through</i> Tasting rooms [No change in text.]																	
<b>Visitor Accommodations</b>		P						P	P	-	-P	P	P	P	P	-	-
<b>Separately Regulated Commercial Services Uses</b> <i>through</i> Theater <i>Marquees</i> [No change in text.]																	

**Footnotes for Table 131-05B**

<sup>1</sup> through <sup>3</sup> [No change in text.]

<sup>4</sup> Live entertainment beyond 12:00 midnight ~~or the sale of intoxicating beverages other than beer and wine~~ is not permitted in the Commercial-Neighborhood (CN) zones, unless approval of a deviation is granted ~~via~~ with a Planned Development Permit in accordance with Section 126.0602(b)(1). ~~Within the North Park Community Plan area, the sale of intoxicating beverages are permitted in the CN zones.~~ All uses or activities shall be conducted entirely within an enclosed building and front onto the primary street with no uses or commercial activities conducted outdoors in the rear *yard* adjacent to residentially-zoned properties.

<sup>5</sup> through <sup>19</sup> [No change in text.]

**Table 131-05D**  
**Development Regulations for CR, CO, CV, CP Zones**

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones										
	1st & 2nd >>	CR-		CO-						CV-		CP-
	3rd >>	1-	2-	1-		2-		3-		1-		1-
	4th >>	1	1	2	1-	2-	1	2	3	1	2	1
Max Permitted Residential <i>Density</i> <sup>(1)</sup> [No change in text.]												
Supplemental Residential Regulations [See Section 131.0540]		applies	applies	applies	applies	applies	applies	applies	applies	applies	applies	--
Supplemental Commercial Regulations [See Section 131.0541] through Visibility Area [See Section 113.0273] [No change in text.]												

**Issue Item #11: Development Regulations for Commercial Zones**

**§131.0507 Purpose of the CC (Commercial--Community) Zones**

- (a) [No change in text.]
- (b) The CC zones are differentiated based on the uses allowed and regulations as follows:
  - (1) [No change in text.]
  - (2) The following zones allow community-serving uses with ~~no~~ limited residential uses:
    - CC-2-1 is intended to accommodate *development* with strip commercial characteristics
    - CC-2-2 is intended to accommodate *development* with high intensity, strip commercial characteristics
    - CC-2-3 is intended to accommodate *development* with an auto orientation
    - CC-2-4 is intended to accommodate *development* with a pedestrian orientation
    - CC-2-5 is intended to accommodate *development* with a high intensity, pedestrian orientation
  - (3) through (5) [No change in text.]

**Issue Item #12: Marijuana Regulations**

See Attachment 4.

### **Issue Item #13: Exceptions to Parking Regulations for Nonresidential Uses**

#### **142.0540 Exceptions to Parking Regulations for Nonresidential Uses**

- (a) Commercial Uses on Small Lots. Outside the beach impact area of the Parking Impact Overlay Zone, for *lots* that are 105,000 square feet or less, that existed before January 1, 2000, the parking requirements set forth in Table 142-05H may be applied to all commercial uses at the option of the *applicant* as an alternative to the requirements set forth in Section 142.0530. The type of access listed in Table 142-05H determines the minimum number of required *off-street parking spaces*.

### **Issue Item #14: Downtown Community Plan Signs**

See Attachment 5.

### **Issue Item #15: Criteria for CIP and defining Public Projects**

#### **112.0601 Overview of Decision Process**

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

#### **Diagram 112-06A**

#### **Decision Processes for Capital Improvement Program Projects and Public Projects**

**PROCESS CIP/Public Project -Two**  
**PROCESS CIP/Public Project -Five**

#### **112.0602 Process CIP/Public Project-Two**

An application for a Site Development Permit for a *capital improvement program project* or a public project determined to be in compliance with the

Environmentally Sensitive Lands Regulations and Historic Resources Regulations without deviation, or a City issued Coastal Development Permit in the *-non-appealable area* and *appealable area* of the Coastal Overlay Zone ~~for a capital improvement program project~~, shall be acted upon in accordance with Process CIP/Public Project-Two. An application for a Process CIP/Public Project-Two decision may be initially approved, conditionally approved, or denied by a staff person designated by the City Manager pursuant to Section 111.0205. A public hearing will not be held. An appeal hearing is available upon written request, in accordance with Section 112.0603. A Process CIP/Public Project-Two decision shall be made in the following manner.

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

#### **112.0603      Process CIP/Public Project-Two Appeal Hearing**

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

- (a)      Persons Who Can Appeal. The following persons may request an appeal hearing after the designated staff person's decision:
  - (A)      An *applicant*; or
  - (B)      Any other person who files an application for a Process CIP/Public Project-Two appeal hearing in accordance with Section 112.0603(b).
- (b)      Request for a Process CIP/Public Project-Two Appeal Hearing. A Process CIP/Public Project-Two decision may be appealed by filing an application for a Process CIP/Public Project-Two appeal hearing with the City Clerk no later than 12 *business days* after the *decision date*.
- (c)      Grounds for Appeal. A Process CIP/Public Project-Two decision may be appealed on any of the following grounds:
  - (A) through (4) [No change in text.]
- (d) through (f) [No change in text.]

#### **112.0604      Process CIP/Public Project-Five**

An application for a Site Development Permit for a *capital improvement program project* or a public project that deviates from the ~~Environmentally Sensitive Land Regulations or Historic Resources Regulations, or a City issued Coastal~~

~~Development Permit in the appealable area of the Coastal Overlay Zone~~, shall be acted upon in accordance with Process CIP/Public Project-Five. An application for a Process CIP/Public Project-Five decision may be approved, conditionally approved, or denied by the City Council. A Process CIP/Public Project-Five decision shall be made in the following manner.

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

#### **126.0108 Utilization of a Development Permit**

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

(d) *Development permits for capital improvement program or public projects* are exempt from the permit utilization requirement of Section 126.0108(a), except that:

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

#### **126.0502 When a Site Development Permit is Required**

(a) A Site Development Permit decided in accordance with Process Three is required where *environmentally sensitive lands* are present for the following types of *development*, except that if the *development* is affordable housing, an in-fill project, and/or a sustainable building, as described in Section 143.0915, it shall be processed in accordance with Section 126.0503:

~~(1) City public works projects, except for capital improvement program projects, on a premises containing environmentally sensitive lands, as described in Section 143.0110.~~

(2) [No change in text, change to numbers only.]

(3)

(4)

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

(f) A Site *Development* permit in accordance with Process CIP/Public Project-Two is required for the following types of *development*.

(1) *Capital improvement program projects or public projects on a premises containing environmentally sensitive lands or that deviate from the Environmentally Sensitive Lands Regulations pursuant to*



~~Section 143.0110, Table 142-01A, where the development is determined to be in compliance with the Environmentally Sensitive Lands Regulations without a deviation.~~

- (2) *Capital improvement program projects or public projects* on a premises containing *historical resources* where the *development* is complies ~~determined to be in compliance~~ with the Historical Resources Regulations without deviation, unless exempt under Section 143.0220.

~~(g)~~ A Site *Development* Permit in accordance with Process CIP/Public Project-Five is required for the following types of *development*.

- (1) ~~*Capital improvement program projects on a premises containing environmentally sensitive lands* that deviate from the Environmentally Sensitive Lands Regulations.~~
- (2) *Capital improvement program projects or public projects* on a premises containing *historical resources* that deviate from the Historical Resources Regulations, unless exempt under Section 143.0220.

#### **126.0504 Decision Processes for Site Development Permits**

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

(d) Process CIP/Public Project-Two

A decision on an application for a Site Development Permit for the types of *development* listed in Section 126.0502(f) shall be made in accordance with Process CIP/Public Project-Two.

(e) Process CIP/Public Project-Five

A decision on an application for a Site Development Permit for the types of *development* listed in Section 126.0502(g) shall be made in accordance with Process CIP/Public Project-Five.

#### **126.0707 Decision Process for a Coastal Development Permit**

- (a) A decision on an application for a City-issued Coastal *Development* Permit in the *non-appealable* area of the Coastal Overlay Zone shall be made in accordance with Process Two, except that a decision on an application for a *capital improvement program project or public project* in the *non-appealable* area of the Coastal Overlay Zone shall be made in

accordance with Section 126.0707(c). The decision may be appealed to the Planning Commission in accordance with Section 112.0504.

- (b) A decision on an application for a City-issued Coastal *Development* Permit in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Three, except that a decision on a *capital improvement program project* in the ~~appealable area~~ appealable area of the Coastal Overlay Zone shall be made in accordance with Section 126.0707(c) and a decision on a *companion unit* shall be made in accordance with Section 126.0707(a). The decision may be appealed to the Planning Commission in accordance with Section 112.0506.
- (c) A decision on an application for a City-issued Coastal *Development* Permit for a *capital improvement program project* or public project shall be made as follows:
  - (1) In the appealable area and the *non-appealable area* of the Coastal Overlay Zone, the decision shall be made in accordance with Process CIP/Public Project-Two. The decision may be appealed to the City Council in accordance with Section 112.0603.
  - ~~(2) In the *appealable area* of the Coastal Overlay Zone, the decision shall be made in accordance with Process CIP-Five.~~

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

#### **§132.0402 Where the Coastal Overlay Zone Applies**

- (a) [No change in text.]
- (b) Table 132-04A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone. Coastal Development Permit procedures are provided in Chapter 12, Article 6, Division 7. For purposes of this division public project means any *development* located on property owned, leased, or maintained by the City where the City is the *applicant* or where a private party is the *applicant* acting on behalf of the City.

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

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

**143.0110 When Environmentally Sensitive Lands Regulations Apply**

This Division applies to all proposed *development* when *environmentally sensitive lands* are present on the *premises*. For purposes of this division public project means any development located on property owned, leased, or maintained by the City where the City is the applicant or where a private party is the applicant acting on behalf of the City.

and (b) [No change in text.]

Table 143-01A

**Applicability of Environmentally Sensitive Lands Regulations**

<b><i>Environmentally Sensitive Lands Potentially Impacted by Project</i></b>						
<b>Type of Development Proposal</b>		<b>Wetlands, listed species habitat<sup>(1)</sup></b>	<b>Other Sensitive Biological Resources other than Wetlands and listed species habitat<sup>(6)</sup></b>	<b>Steep Hill-sides<sup>(6)</sup></b>	<b>Sensitive Coastal Bluffs and Coastal Beaches</b>	<b>Floodplains</b>
1. <i>Single dwelling units on individual lots equal to or less than 15,000 square feet<sup>(2)</sup> through 7.</i> [No change in text.]	R					
	P					
	U					
8. <i>Any capital improvement program project or public projects determined to be in compliance with the Environmentally Sensitive Lands Regulations without deviation</i>	R	143.0141(a), (b)	143.0141	143.0142	143.0143, 143.0144	143.0145, 143.0146
	P	SDP/ Process CIP/ <u>Public Project-Two</u>	SDP/ Process CIP/ <u>Public Project-Two</u>	SDP/ Process CIP/ <u>Public Project Two</u>	SDP/ Process CIP/ <u>Public Project-Two</u>	SDP/ Process CIP/ <u>Public Project-Two</u>
	U	143.0130(d), (e)	—	—	143.0130(a), (b)	143.0130(c)
9. <i>Any capital improvement program project or public project that deviates from the Environmentally Sensitive Lands Regulations</i>	R	143.0141(a), (b), 143.0150	143.0141, 143.0150	143.0142, 143.0150 <sup>(4)</sup>	143.0143, 143.0144, 143.0150	143.0145, 143.0146, 143.0150
	P	SDP/ Process CIP/ <u>Public Project-Five Two</u>	SDP/ Process CIP/ <u>Public Project-Five Two</u>	SDP/ Process CIP/ <u>Public Project-Five Two</u>	SDP/ Process CIP/ <u>Public Project-Five Two</u>	SDP/ Process CIP/ <u>Public Project-Five Two</u>
	U	143.0130(d), (e)	--	--	143.0130(a), (b)	143.0130(c)

Footnotes for Table 143-01A [No change in text.]

- (c) A Neighborhood Development Permit or Site Development Permit is not required for the following *development* activity:

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

(10) Outside the Coastal Overlay Zone, a *capital improvement project* or public project where the City is an applicant and the *development* has gone through the applicable California Environmental Quality Act review in accordance with Section 128.0205 and does not impact *wetlands*, require a *MHPA* boundary line adjustment or otherwise necessitate a *development permit* to ensure project conditions, if the Development Services Director determines one or more of the following applies:

- (A) The *development* will not impact *environmentally sensitive lands*; or
- (B) The *development* will impact *environmentally sensitive lands* and will implement restoration required in accordance with the Land Development Manual Biology Guidelines; or
- (C) The *development* has an environmental document which includes a mitigation, monitoring & reporting program that will be implemented for impacts to biological resources; or
- (D) Public trail *development* that will result in no net loss of biological resources.

#### **143.0210 When Historical Resources Regulations Apply**

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

(c) Table 143-02A shall be used to determine the appropriate regulations and the required decision for various types of *development* proposals when *historical resources* are located on the *premises*. For purposes of this division public project means any *development* located on property owned, leased, or maintained by the City where the City is the *applicant* or where a private party is the *applicant* acting on behalf of the City.

(d) [No change in text.]

- (e) A Neighborhood Development Permit or Site Development Permit is required for the following types of *development* proposals that do not qualify for an exemption in accordance with Section 143.0220:
- (1) [No change in text.]
  - (2) Site Development Permit in Accordance with Process Four.
    - (A) [No change in text.]
    - (B) *Multiple dwelling unit* residential, commercial, or industrial *development* on any size *lot*, or any *subdivision* on any size *lot*, or any City public works construction project other than any *capital improvement program project*, public projects or any project specific *land use plan* when a *historical resource* is present.
    - (C) *Development* that proposes to deviate from the development regulations for *historical resources* as described in this division, except for any *capital improvement program* or public projects project.
  - (3) Site Development Permit in Accordance with Process CIP/Public Project-Two. *Capital improvement program projects* or public projects that comply with the regulations of this division without deviation.
  - (4) Site Development Permit in Accordance with Process CIP/Public Project-Five. *Capital improvement program projects* or public projects that deviate from any of the regulations of this division.
- (f) [No change in text.]

**Legend to Table 143-02A** [No change in text.]

**Table 143-02A**  
**Applicability of Historical Resources Regulations**

Type of Development Proposal	Historical Resources Potentially Impacted by Project		
	<i>Designated Historical Resources or Historical Districts</i>	<i>Traditional Cultural Properties</i>	<i>Important Archaeological Sites</i>
1. through 2. [No change in text.]			

3. <i>Development on multiple dwelling units, non-residential development, subdivisions and public works construction projects on any size lot, other than capital improvement program projects or public projects, that is are exempt from obtaining a development permit in accordance with Section 143.0220, but includes a historic preservation development incentive in accordance with Section 143.0240</i>	R	143.0240; 143.0251	143.0240; 143.0251	143.0240; 143.0251
	P	Construction Permit/Process One or NDP/Process Two <sup>1</sup>	Construction Permit/Process One or NDP/Process Two <sup>1</sup>	Construction Permit/Process One or NDP/Process Two <sup>1</sup>
4. [No change in text.]				
5. <i>Multiple dwelling unit, non-residential development, subdivisions and public works construction projects on any size <del>L</del>lot, other than capital improvement program projects or public projects</i>				
6. [No change in text.]				
7. <i>Development, other than capital improvement program projects or public projects, that deviates from any of the regulations in this division.</i>				
8. <i>Capital improvement program projects or public projects that comply with the regulations of this division without deviation</i>	R	143.0251	143.0252	143.0253
	P	SDP/ Process CIP/Public Project-Two	SDP/ Process CIP/Public Project-Two	SDP/ Process CIP/Public Project-Two
9. <i>Capital improvement program projects or public projects that deviate from any of the regulations in this division</i>	R	143.0251	143.0252	143.0253
	P	SDP/ Process CIP/Public Project-Five	SDP/ Process CIP/Public Project-Five	SDP/ Process CIP/Public Project-Five

Footnotes for Table 143-02A [No change in text.]

**143.0240      Development Incentives for Preservation of Designated Historical Resources, Historical Districts, Traditional Cultural Properties and Important Archaeological Sites**

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

(c)      For *multiple dwelling unit* sites, non-residential *development, subdivisions, and public works construction projects on any size lot, other than capital improvement program projects or public projects*, that contain *designated*

*historical resources, traditional cultural properties, important archaeological sites, or a designated contributing resource to a historical district, the following development incentives are provided in accordance with the approval processes indicated:*

#### **143.0260 Deviations from the Historical Resources Regulations**

- (a) If a proposed *development* cannot to the maximum extent feasible comply with this division, a deviation may be considered in accordance with decision Process Four, or Process CIP-Five for *capital improvement program projects* or public projects.

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

#### **Issue Item #16: Vehicle Storage Facilities as a Primary Use**

#### **§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) through (9) [No change in text.]

(10) Industrial Use Category

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced. The subcategories are:

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

(F) Trucking and Transportation Terminals – Uses engaged in the dispatching ~~and long-term or short-term storage~~ of large vehicles to collect or deliver goods or materials, or to transport people. Minor repair, ~~and maintenance, and storage of fleet vehicles stored-used~~ on the *premises* is also included.

(11) [No change in text.]

- b) [No change in text.]



**§131.0222 Use Regulations Table for Open Space Zones**

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

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

**Table 131-02B**  
**Use Regulations Table for 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 >>	OP-		OC-		OR <sup>(1)</sup> -	
	3rd >>	1-	2-	1-		1-	1-
	4th >>	1	1	1	1	2	1
<b>Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses:</b>							
<u>Vehicle Storage Facilities as a Primary Use</u>		=	=	=	=	=	=
<b>Separately Regulated Distribution and Storage Uses:</b>							
<u>Impound Storage Yards</u>		-	-	-	-	-	-

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 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 >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
<b>Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses</b>					
<u>Vehicle Storage Facilities as a Primary Use</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 >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
<b>Separately Regulated Distribution and Storage Uses</b>					
<u>Impound Storage Yards</u>		-		-	

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
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses																									
<u>Vehicle Storage Facilities as a Primary Use</u>		=		=														=		=					
Separately Regulated Distribution and Storage Uses																									
<u>Impound Storage Yards</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
<b>Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses</b>													
<u>Vehicle Storage Facilities as a Primary Use</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
<b>Separately Regulated Distribution and Storage Uses</b>													
<del>Impound Storage Yards</del>		-			-			-			-		-

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 Residential Zones

Use Categories/Subcategories	Zone Designator	Zones																			
	1st & 2nd >>	CN <sup>(1)</sup> -						CR-		CO-						CV-		CP-			
	3rd >>	1-						1-	2-	1-		2-		3-		1-		1-			
	4th >>	1	2	3	4	5	6	1	1		1	2	1	2	1	2	3	1	2	1	
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses																					
<u>Vehicle Storage Facilities as a Primary Use</u>		=						=	=	=	=	=	=	=	=	=	=	=			
Separately Regulated Distribution and Storage Uses																					
Impound Storage Yards		-						-	€	-		-	-	-	-	-	-	-			

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
<b>Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses</b>																										
<u>Vehicle Storage Facilities as a Primary Use</u>		<div><div>=</div><div>=</div><div>=</div><div>=</div><div>=</div></div>																								

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 Distribution and Storage Uses																															
Impound Storage Yards		-	-			-			€			€																			

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 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
<b>Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses</b>											
<u>Vehicle Storage Facilities as a Primary Use</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<b>Separately Regulated Distribution and Storage Uses</b>											
<u>Impound Storage Yards</u>		-	-	-	P	P	P	P	P	P	-
<b>Industrial</b>											
<b>Trucking &amp; Transportation Terminals</b>		- <u>P</u>	- <u>P</u>	- <u>P</u>	P	- <u>P</u>	P	P	P	P	P

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

**§141.0803 Vehicle Storage Facilities as a Primary Use**

This use includes short or long-term storage of all types of operable motor vehicles as a *primary use*. This use may be 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) This use shall only occur upon a *premises* where every *street frontage* is improved to the prevailing standards of the City of San Diego as determined by the City Engineer.
- (b) The facility shall be *screened* from the *public right-of-way* by a *solid fence* with a minimum height of six feet. The fencing shall be screened with plant material that includes 24-inch box evergreen canopy form trees separated by a maximum distance of 30 feet along the street frontage.
- (c) The facility shall be *screened* from adjacent properties by 10-foot wide landscape strips that include 24-inch box evergreen species separated by a maximum distance of 30 feet along the side and rear *yards* provided the installation of the landscape strips shall not be required along the side or rear *yards* abutting parcels zoned as Open Space and or Agricultural.
- (d) The facility shall include a 6-inch-thick reinforced concrete or asphalt driveway of not less than 25 feet in length for automobile storage or 50 feet in length for truck storage, perpendicular to the *public right-of-way*, if the facility uses gravel, decomposed granite, or similar loose material as its paving surface.
- (e) The entire surface of the facility, excluding required landscape areas, shall be paved with asphalt, concrete, compacted gravel, compacted decomposed granite, or similar surface paving material of sufficient thickness to provide for vehicular movement that will not result in uncontrolled dust.
- (f) One or more approved commercial coaches, or other *accessory use* office structures shall be located on the site to provide for security, inventory control, or other directly related administrative functions and shall be placed or built upon a concrete slab or other permanent foundation subject to applicable *construction permits*.
- (g) No storage of vehicles shall be permitted until a Certificate of Occupancy has been issued for the administrative office use.
- (h) Vehicles must be stored in an orderly manner, in accordance with the site plan approved in connection with the *construction permit* for the administrative office *accessory use*.

- (i) Accessory uses such as performing minor repairs to vehicles held in inventory or the auctioning of vehicles from inventory are permitted on the premises, provided however, that no major mechanical repairs which could result in a discharge of fluids may occur, nor shall the dismantling of vehicles for the purpose of selling parts be permitted.
- (j) The washing of vehicle components that may contain oil, grease, or similar ground water contaminants shall not be performed except when the facility is equipped to prevent such materials from leaching into the water table as authorized by an approved permit.
- (k) The parking stalls for visitor and employee parking shall be subject to the landscape regulations.

#### **§141.0901 — Impound Storage Yards**

Impound storage yards 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) Storage of the following vehicles may be permitted: motor vehicles that are being held in legal custody and incidental storage of other vehicles and tow equipment.~~
- ~~(b) Automobile access to the facility shall be at points of low pedestrian activity and shall be located away from any adjacent residentially zoned property.~~
- ~~(c) The facility shall be screened from adjacent development and from the public right of way by fences or walls and landscaping.~~
- ~~(d) Limitations on the operation of the facility will be imposed by the decision maker to minimize impacts on surrounding development from noise and lights.~~
- ~~(e) Measures shall be taken to ensure that the ground water table is not adversely affected by the increase of impermeable surfaces due to the development of the facility.~~
- ~~(f) Measures shall be taken to ensure that water quality is not adversely affected by runoff containing fuel and lubricants or other pollutants.~~

**§142.0413 Water Conservation**

- (a) Landscape Area. For the purposes of Section 142.0413, landscape area means the entire *premises*, less the area of building footprints, non-irrigated portions of parking lots, driveways, *hardscapes*, designated storage areas, and areas designated for habitat preservation or brush management Zone Two.

**Issue Item #17: 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.]

<b>Table 155-02C</b> <b>Use Regulations Table for CU Zones</b> [No change in text.]										
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- <sup>(1)</sup>		2-			3-			
	4th >>	1	2	3	4	5	3 <sup>(2)(12)</sup>	6	7	8
<b>Separately Regulated Residential Uses</b> [No change in text.]										
<i>Companion Units</i>		L		- <u>L</u>			- <u>L</u>			
Guest Quarters		L		-			- <u>L</u>			
<i>Junior Units</i>		L		- <u>L</u>			- <u>L</u>			

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



**Issue Item #18: Parking Standards TPA Regulations****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 <sup>(9)</sup>	Bicycle <sup>(5)</sup> Spaces Required Per Dwelling Unit
	Basic <sup>(1)</sup>	Transit Area <sup>(2)</sup>	Parking Standards Transit Priority Area <sup>(9)</sup>	Parking Impact <sup>(4)</sup>		

**142.0528 Parking Standards Transit Priority Area Regulations**

The Parking Standards Transit Priority Area Regulations establish the parking requirements for multiple dwelling unit residential *development* where all or a portion of the premises is located within a Parking Standards Transit Priority Area. For purposes of this section, Parking Standards Transit Priority Area means the area defined in California Public Resources Code Section 21099, as may be amended, or an area within one-half mile of a major transit stop that is existing or planned, if the planned major transit stop is scheduled to be completed within the ~~planning horizon included in a~~ San Diego Association of Governments (SANDAG) Regional Transportation Improvement Program (RTIP). The RTIP covers five fiscal years and incrementally implements the long range Regional Transportation Plan for the San Diego region. Multiple dwelling unit residential *development* that involves four or fewer dwelling units, or that includes at least 20 percent on-site housing that is affordable to persons with a household income equal to or less than 50 percent of the area median income as determined in accordance with California Health and Safety Code section 50093 and is subject to an affordability restriction for a minimum of 55 years, is exempt from the unbundled parking requirement in subsection 142.0528(b)(1). Reasonable accommodations to these parking requirements below shall be granted if necessary to afford disabled persons equal housing opportunities under state or federal law, in accordance with Section 131.0466. Multiple dwelling unit residential *development* in the Centre City, Gaslamp, and Marina Planned

Districts is exempt from the transportation amenity requirement in subsection 142.0528(c).

(a) Parking Requirement.

(1) Off-street parking spaces are not required.

(2) Bicycle spaces shall comply with Table 142-05C

(b) Provided Parking. If one or more off-street parking spaces are provided in a *development*, then the following requirements apply:

(1) The off-street parking spaces shall consist only of unbundled parking.

(2) The number of accessible off-street parking spaces shall be provided in accordance with Title 24 of the California Code of Regulations (California Building Standards Code).

(3) The number of off-street electric vehicle charging spaces shall be provided in accordance with the California Green Building Standards Code.

(4) Bicycle spaces shall comply with Table 142-05C.

(5) Motorcycle spaces shall comply with Table 142-05C.

~~(6) Reasonable accommodations to these parking requirements shall be granted if necessary to afford disabled persons equal housing opportunities under state or federal law, in accordance with Section 131.0466.~~

**Issue Item #19: Child Care Centers****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
<b>Open Space through Separately Regulated Commercial Services Uses Camping Parks</b> [No change in text.]													
<i>Child Care Facilities:</i>													
Child Care Centers		€ <u>L</u>			€ <u>L</u>			€ <u>L</u>			€ <u>L</u>		<u>-L</u>
Large Family Child Care Homes		L			L			L			L		-
Small Family Child Care Homes		L			L			L			L		-
Eating and Drinking Establishments with a Drive-in or Drive-through Component <i>through</i> Theater Marquees [No change in text.]		-			-			-			-		-

**Issue Item #20: Impact Fee for Financing Public Facilities****142.0640 Impact Fees for Financing Public Facilities****(a) Purpose**

The purpose of this Section is to implement the City's General Plan which contains policies related to the maintenance of an effective facilities financing program to ensure the impact of new *development* is mitigated through appropriate fees. This Section applies to communities identified as "Facilities Benefit Assessment (FBA)" communities and "Development Impact Fee (DIF)" communities in the City's General Plan. Facilities Benefit Assessments and Development Impact Fees are collectively identified as Development Impact Fees. Nothing in this Section shall be construed to prohibit the City from imposing additional Development Impact Fees on a particular project.

**(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 DIF ~~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).

**(1) Exemptions:**

**(A) Accessory dwelling units, including dwelling units defined as companion units, junior units, or guest quarters are exempt from Development Impact Fees.**

**(B) Permanent Supportive Housing and transitional housing facilities are exempt from Development Impact Fees.**

**(c) Automatic Annual Increases**

For communities identified as Development Impact Fee communities in the General Plan, unless otherwise specified in the applicable City Council resolution(s) establishing the Development Impact Fees, the amount of the Development Impact Fee shall be increased, starting on July 1, 2010, and on each July 1st thereafter, based on the one-year change (from March to March) in the Construction Cost Index (CCI) for Los Angeles as published monthly in the Engineering News-Record. Such increases to Development Impact Fees consistent with the Construction Cost Index in Los Angeles shall be automatic and shall not require further action of the City Council. In the event the one-year change in the CCI for any given year is less than 0.2%, the City Manager or designee may elect to keep the Development Impact Fees for Development Impact Fee communities unchanged. For communities identified as Facilities Benefit Assessment communities in the General Plan, the Development Impact Fee shall be the amount identified in the applicable fee schedule adopted by City Council resolution.

(d) Fee Deferral

Notwithstanding Section 142.0640(b), Building Permits or *construction permits*, as applicable, may be issued if the City Manager defers payment of the Development Impact Fees in accordance with this Subsection. Development Impact Fees due pursuant to the City's Regional Transportation Congestion Improvement Program shall not be deferred under any circumstance.

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

(4) If payment of the Development Impact Fee is deferred, the deferred Development Impact Fee due shall be determined in accordance with Section 142.0640(b)-(c), except that, if the Development Impact Fee is paid prior to the end of the deferral period as set forth in Section 142.0640(d)(1), the amount of the Development Impact Fee shall be determined by the Development Impact Fee rate for the year in which the Development Impact Fee is actually paid as set forth in the Development Impact Fee schedule in effect when the Fee Deferral Agreement was executed by the City, or a subsequently-approved Development Impact Fee schedule, whichever schedule is lower, plus an automatic increase consistent with Section 142.0640(c) if applicable. If the Development Impact Fee is not paid timely ~~timely paid~~ as provided for in the Fee Deferral Agreement, the amount of the Development Impact Fee shall be determined in accordance with the Development Impact Fee schedule in effect when the Development Impact Fee is actually paid, or the schedule in effect at the end of the deferral period as set forth in Section 142.0640(d)(1), plus

automatic increases consistent with Section 142.0640(c),  
whichever amount is greater.

(e) Waiver, ~~Adjustment~~, or Reduction of Fees

Any party on whom Development Impact Fees are imposed, may file an application for a waiver, ~~adjustment~~, or reduction of the Development Impact Fees with the City Manager in accordance with this Subsection. Nothing in this Subsection shall affect the requirements set forth in Section 142.0640(b). The procedures provided in this Subsection are additional to any other procedure authorized by law for protesting or challenging Development Impact Fees.

- (1) An application for a waiver, ~~adjustment~~, or reduction of Development Impact Fees shall set forth the factual and legal basis to support the application for a waiver, adjustment, or reduction of Development Impact Fees.
- (2) An application for a waiver, ~~adjustment~~, or reduction of Development Impact Fees shall only be processed after the applicable fee or amount of deposit, as adopted by City Council resolution, has been paid in full. If a deposit is required, and the deposit as adopted by City Council resolution is insufficient to cover the actual cost to the City to process the application, an additional deposit, in an amount determined by the City Manager, shall be required. Any unused portion of a deposit shall be returned to the applicant. If the City Council grants the application for a waiver, ~~adjustment~~, or reduction of the Development Impact Fees, then the fee or the amount of the deposit expended shall be returned in full, minus a five-hundred-dollar processing fee.
- (3) An application for a waiver, ~~adjustment~~, or reduction of Development Impact Fees shall be filed no later than ten (10) calendar days after either the Development Impact Fees are imposed or ten (10) calendar days after the Development Impact Fees are paid or associated Fee Deferral Agreement has been fully executed by the City, whichever occurs earlier.
- (4) The decision on an application for a waiver, ~~adjustment~~, or reduction of Development Impact Fees shall be decided by the City Council within sixty (60) calendar days of the date that the application is received by the City Manager, but failure of the City Council to hold a hearing within this time frame does not limit the authority of the City Council to consider the application. The *applicant* shall bear the burden of presenting evidence to support

the application for a waiver,~~adjustment~~, or reduction of Development Impact Fees.

- (5) Notice of the time and place of the City Council hearing, including a general explanation of the matter to be considered shall be mailed at least 14 calendar days prior to the hearing to the *applicant*, and any interested party who files a written request with the City Manager requesting mailed notice of all applications for a Development Impact Fee waiver,~~adjustment~~, or reduction. Written requests for such notice shall be valid for one year from the date on which it is filed unless a renewal request is filed prior to the end of the one-year term. ~~If established by resolution of the City Council, an annual charge for sending notices based on the estimated cost of providing the service, shall be required prior to the requestor's name being placed on a notice list.~~
- (6) An application for a waiver,~~adjustment~~, or reduction of Development Impact Fees may only be granted if:
  - (A) The City Council makes the following *finding*: there is no reasonable relationship between the amount of the Development Impact Fee and the cost of the public facilities attributable to the *development* on which the fee is imposed.
  - ~~(B) The landowner enters into an agreement with the City providing that an intensification of use of the *development* shall subject the *applicant* or landowner to full payment of the Development Impact Fee to the satisfaction of the City Manager. The agreement shall be recorded with the Office of the San Diego County Recorder and shall constitute a lien against the applicable property for the payment of the Development Impact Fee. The agreement shall be binding upon, and the benefits of the agreement shall inure, to the parties and all successors in interest to the parties to the agreement.~~
- (7) If an application for a waiver,~~adjustment~~, or reduction of Development Impact Fees is granted, any Development Impact Fees previously paid with respect to the application at issue shall be refunded in accordance with the resolution adopted by the City Council granting the application, ~~plus any interest earned by the City on the fee, as applicable.~~

(f) Adjustments to Development Impact Fees for Residential Development

The City Manager or designee is authorized to adjust Development Impact Fees for residential *development* to reflect residential uses not identified in the adopted fee schedule.

- (fg) Developer Reimbursement Agreements (DRA) [added acronym only, no change in text.]

## **Issue Item #21: Supplemental Development Regulations**

### **155.0253 Supplemental Development Regulations**

The following additional supplemental *development* regulations apply in the Central Urbanized Planned District. These regulations shall supersede any regulations contained in Land *Development* Code Chapter 14, Article 3 that are inconsistent with or not expressly incorporated into the Central Urbanized Planned District regulations.

Table 155-02F [No change in text.]

- (a) Residential and Mixed Commercial-Residential Development in Facility-Deficient Neighborhoods. A Site Development Permit decided in accordance with Process 3 is required for residential and mixed residential-commercial projects within the facility deficient neighborhoods as shown on Map Number C-896 and Diagram 155-2AB, that propose the addition of three or more dwelling units per lot, unless:
- ~~(1) — At least three acres of the following improved park acreage in the Mid-City Communities Plan have been added since August 4, 1998:~~
- ~~(A) City owned improved parkland, except the initial 4 acres of 39<sup>th</sup> Street Park, the initial 6.9 acres of Park De La Cruz, and the initial 4 acres of Teralta Park; or~~
  - ~~(B) Improved recreational area owned by a governmental entity for which there is a joint use agreement with the City of San Diego for public recreational use; or~~
  - ~~(C) Other improved park or recreational use area that is open to the public at no cost.~~
- (21) [No change in text.]
- (32) [No change in text.]



**Issue #22: Assembly and Entertainment Uses****141.0602 Assembly and Entertainment Uses, Including Places of Religious Assembly**

This use category applies to facilities designed to accommodate at least 25 people at a time for recreation, physical fitness, entertainment, or other assembly, including places of religious assembly. Assembly and entertainment uses are permitted as a limited use in accordance with Process One in zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and are subject to the regulations in Sections 141.0602(a) and (b). Assembly and entertainment uses may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and are subject to the regulations in Sections 141.0602(a) and (c).

(a) [No change in text.]

(b) Limited Use Regulations

(1) [No change in text.]

(2) [No change in text.]

~~(3) Parking shall be accommodated on-site.~~

(3) Deviations from Section 141.0602(b) may be permitted with a Conditional Use Permit decided in accordance with Process Three.

(c) [No change in text.]

**Issue Item #23: Exception to Parking Regulations for Nonresidential Uses****142.0540 Exceptions to Parking Regulations for Nonresidential Uses**

- (a) Commercial Uses on Small Lots. Outside the beach impact area of the Parking Impact Overlay Zone, for *lots* that are 10,000 square feet or less, that existed before January 1, 2000, the parking requirements set forth in Table 142-05H may be applied to all commercial uses identified in Tables 142-05E, 142-05F and 142-05G at the option of the *applicant* as an alternative to the requirements set forth in Section 142.0530. The type of access listed in Table 142-05H determines the minimum number of required *off-street parking spaces*.

**Issue Item #24: Tandem Parking Repeal****§126.0402 When a Neighborhood Development Permit Is Required**

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

~~(n) — A Neighborhood Development 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 n)~~ through ~~(p q)~~ [Change of letter only.]

**142.0505 When Parking Regulations Apply**

These regulations apply in all base zones and planned districts, with the exception of those areas specifically identified as being exempt from the regulations, whether or not a permit or other approval is required.

Table 142-05A identifies the applicable regulations and the type of permit required by this division, if any, for the type of *development* shown.

**Table 142-05A  
Parking Regulations Applicability**

<b>Type of Development Proposal</b>	<b>Applicable Regulations</b>	<b>Required Permit Type/ Decision Process</b>
Any <i>single dwelling unit</i> residential development through <i>Shared parking</i> for nonspecified uses [No change in text]	[No change in text]	[No change in text]
Tandem Parking for commercial uses	Section 142.0555(b)	<i>Neighborhood Development Permit/ Process Two</i>

**~~Article 2: Overlay Zones~~**

~~§~~

**~~Division 9: Residential Tandem Parking Overlay Zone~~**

~~(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000)~~

**~~§132.0901 Purpose of the Residential Tandem Parking Overlay Zone~~**

~~The purpose of the Residential Tandem Parking Overlay Zone is to identify the conditions under which tandem parking may be counted as two parking spaces in the calculation of required parking.~~

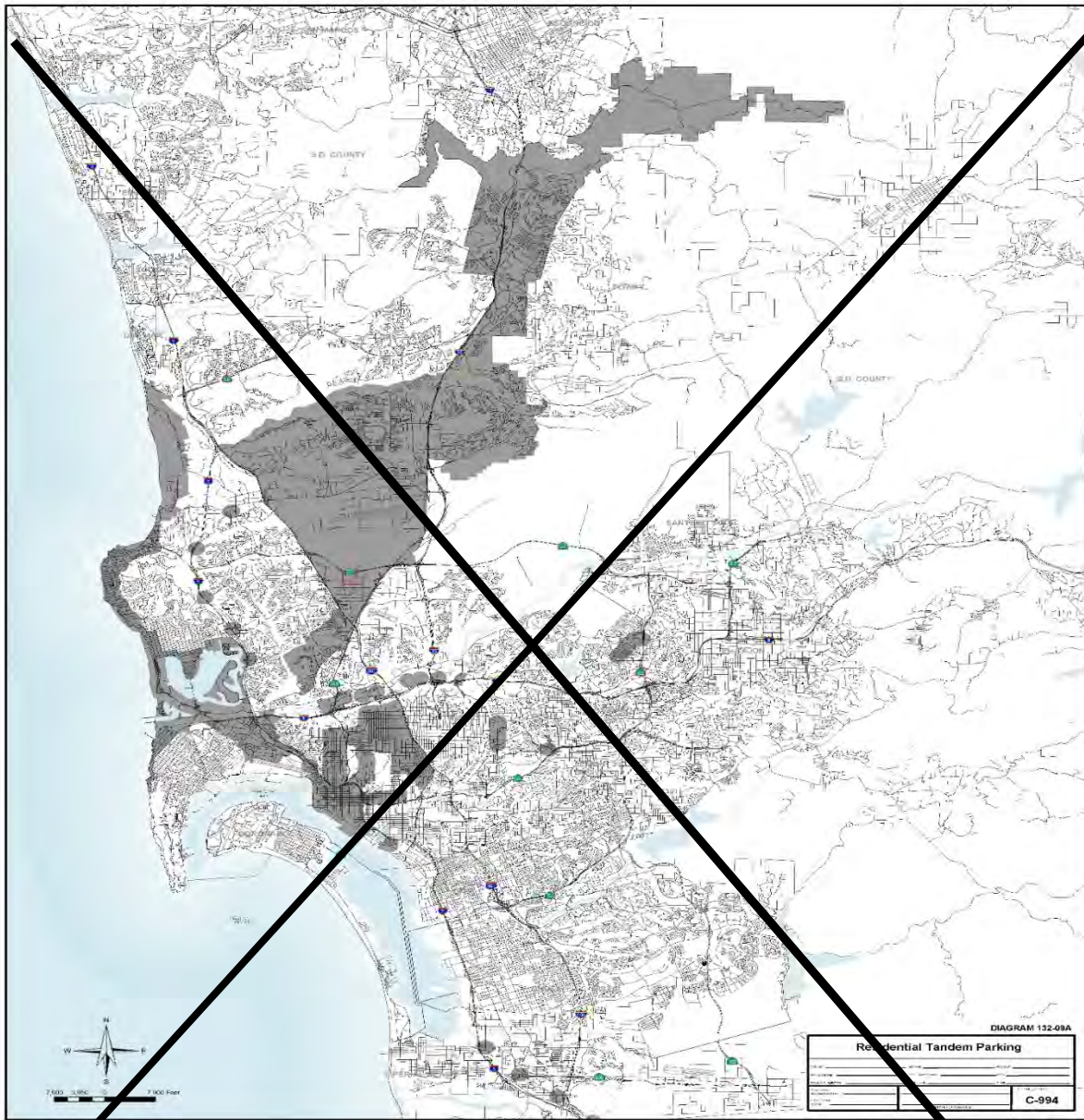
~~(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)~~

**~~§132.0902 — Where the Residential Tandem Parking Overlay Zone Applies~~**

- (a) ~~This overlay zone applies to property shown on Map No. C-994, filed in the office of the City Clerk under Document No. OO-21014. These areas are shown generally on Diagram 132-09A.~~
- (b) ~~Table 132-09A shows the sections that contain the supplemental regulations for specific types of *development* proposals in this overlay zone.~~

**Table 132-09A**  
**Residential Tandem Parking Overlay Zone Applicability**

<b>Type of <i>Development</i> Proposal</b>	<b>Supplemental <i>Development</i> Regulations</b>	<b>Required Permit Type/ Decision Process</b>
<del>Any <i>development</i> proposing tandem parking in a single dwelling unit or multiple dwelling unit zone located within this overlay zone</del>	<del>See Section 132.0905</del>	<del>No permit required by this division</del>



# **DIAGRAM 132-09A**

## **Residential Tandem Parking**

This is a reproduction of Map No. C-994 for illustration purposes only.

**~~§132.0905~~ Supplemental *Development* Regulations of the Residential Tandem Parking Overlay Zone**

- (a) ~~Tandem parking may be counted as two parking spaces toward the off-street parking required by Chapter 14, Article 2, Division 5 (Parking Regulations) only in the following locations and circumstances:~~
  - (1) ~~In the Golden Hill Community Plan area, the La Jolla Community Plan area, the Mission Beach Precise Plan area, the Mission Valley Community Plan area, the North Park Community Plan area, the Uptown Community Plan area, the Mira Mesa Community Plan area, the Scripps Miramar Ranch Community Plan area, the Miramar Ranch North Community Plan area, the Sabre Springs Community Plan area, the Carmel Mountain Ranch Community Plan area, the Rancho Bernardo Community Plan area, the San Pasqual Community Plan area, the Midway Pacific Highway Community Plan area, and the Old Town San Diego Community Plan area.~~
  - (2) ~~In the City Heights neighborhood of the Mid-City Community Plan Area only for *structures* with one or two dwelling units.~~
  - (3) ~~If at least 25 percent of the project area is located within the Transit Area Overlay Zone as shown in Diagram 132-10A and the project area is not located in the Pacific Beach Community Plan area, the Southeast San Diego Community Plan area, the Skyline/Paradise Hills Community Plan Area, or the Mid-City Communities Plan area other than the City Heights neighborhood.~~
  - (4) ~~Within the beach impact area of the Parking Impact Area Overlay Zone where access is provided to the tandem space from an abutting *alley*.~~
  - (5) ~~If a Neighborhood *Development* Permit is granted in accordance with Section 126.0402 to count tandem parking as two parking spaces toward the off-street parking requirement in any location not provided for in Section 132.0905(a)(1) through (4).~~
- (b) ~~At least one of the two parking spaces shall be within a completely enclosed *structure*.~~
- (c) ~~Both of the tandem spaces shall be assigned to the same dwelling unit.~~
- (d) ~~The tandem parking spaces shall be assigned, and the use restrictions shall be enforced, by the owner of the *premises* or the owner's assigned representative.~~

### §131.0449 **Garage Regulations in Residential Zones**

(a) [No change in text]

(b) Garages in RT Zones

(1) [No change in text]

~~(2) Notwithstanding Chapter 13, Article 2, Division 9 (Residential Tandem Parking Overlay Zone), a two-car garage may provide parking in tandem spaces.~~

~~(3)~~ Access to required parking shall be from an *alley* abutting the *premises*. In lieu of public *alleys* in new *subdivisions*, private easements may be used to provide access for abutting residents and authorized service vehicles only.

**RENUMBER the rest in this section**

### §142.0527 **Affordable Housing Parking Regulations**

The Affordable Housing Parking Regulations establish the minimum number of on-site parking spaces required for affordable housing *dwelling units* that meet the criteria in Section 142.0527(a)(3).

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

(e) Supplemental Regulations.

~~(1) All required parking shall be provided in non-tandem parking spaces.~~

~~(2)~~ (1) Affordable housing *dwelling units* shall not be subject to the parking regulations of the Transit Overlay Zone and shall not be entitled to parking reductions provided for in Section 142.0550 (Parking Assessment District Calculation Exception).

~~(3)~~ (2) The number of accessible parking spaces provided in accordance with Title 24 of the California Code of Regulations (California Building Standards Code) for Housing for Senior Citizens and housing for *disabled persons* shall be the number of spaces required in accordance with the basic parking ratio for multiple *dwelling units* in Table 142-05C.

- ~~(4)~~ (3) An *applicant* that demonstrates compliance with Section 142.0527 shall receive a determination of *substantial conformance* with respect to the parking requirements specified in Section 142.0527 when such a determination is requested in accordance with Section 126.0112, provided that the *applicant* enters into a *shared parking* agreement with respect to the spaces determined to be surplus as a result of the *substantial conformance* review, pursuant to Section 142.0545.

#### **§142.0555 Tandem Parking Regulations**

- (a) Tandem Parking for Residential Uses. ~~Tandem parking regulations for residential uses are described in Chapter 13, Article 2, Division 9 (Residential Tandem Parking Overlay Zone)~~ shall be counted as two parking spaces toward the off-street parking space required by this division subject to the following requirements:
- (1) Within the beach impact area of the Parking Impact Area Overlay Zone access to the tandem space must be provided from an abutting alley.
  - (2) The tandem parking spaces shall be assigned to the same dwelling unit and the use restrictions shall be enforced, by the owner of the premises or the owner's assigned representative.
- (b) Tandem Parking for Commercial Uses. Tandem parking shall be counted as two parking spaces toward the off-street parking required by this division and only allowed for the following purposes: ~~Tandem parking for commercial uses may be approved through a Neighborhood Development Permit provided the tandem parking is limited to the following purposes:~~
- (1) Assigned employee parking spaces;
  - (2) Valet parking associated with restaurant use; and
  - (3) Bed and breakfast establishments.

#### **§143.0301 Purpose of Supplemental Neighborhood Development Permit and Site Development Permit Regulations**

The purpose of these regulations is to provide standards for the evaluation of projects which, because of their size, location, community significance, or other identified characteristic, are required to obtain a Neighborhood *Development* Permit or Site *Development* Permit. It is intended that these supplemental regulations, in combination with the *development* regulations of the applicable zone, create the type of *development* envisioned by the applicable *land use plan*.

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

Table 143-03A

**Supplemental Neighborhood Development Permit or Site Development Permit  
Regulations Applicability**

<b>Type of <i>Development</i> Proposal</b>	<b>Applicable Sections</b>	<b>Required <i>Development</i> Permit/Decision Process</b>
Affordable housing, in-fill projects, and sustainable buildings projects with deviations through Shared Parking for Uses Not Listed in Section 142.0545(c) [No change in text]	[No change in text]	[No change in text]
<del>Commercial Development With Tandem Parking</del>	142.0555(b), 143.0303, 143.0305, 143.0375	<del>NDP/Process Two</del>
<i>Previously Conforming Parking</i> for a discontinued use through Clairemont Mesa Height Limit Overlay Zone [No change in text]	[No change in text]	[No change in text]

**Issue Item #25: Service of Notices**

**§11.0301 Service of Notices**

- (a) Whenever a notice is required to be given under the Municipal Code for enforcement purposes, the notice shall be served by any of the following methods unless different provisions are otherwise specifically stated to apply:
  - (1) Through (3) [No change in text.]
  - (4) Electronic service by electronic notification or electronic transmission with consent of the parties or in conjunction with another method of notice listed in this section.
- (b) Service by certified or regular mail in the manner described above shall be effective on the date of mailing. Electronic service shall be effective on the date the electronic notification or transmission if the parties have consented to electronic service or if the party being served replies to the electronic notice.



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

**Issue Item #26: Educational Facilities**

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

Educational facilities are facilities that are designed or used to provide specialized training or education. This section distinguishes between kindergarten to grade 12 schools, colleges and universities, and vocational schools and trade schools. Educational facilities are permitted by right in zones indicated with a “P”, as a limited use in the zones indicated with an “L”, and may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) [No change in text.]

(b) Schools for Kindergarten to Grade 12

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

(3) Limited use regulations. Schools for kindergarten to grade 12 are permitted as limited uses in zones indicated by a “L” subject to the following:

(A) Outside of a Transit Priority Area, the facility design shall not accommodate more than 300 students, except that a new school may replace an existing school with current enrollment over 300 students if the result is no increase in the number of students.

(B) Within a Transit Priority Area, the facility design shall not accommodate more than 600 students, except that a new school may replace an existing school with current enrollment over 600 students if the result is no increase in the number of students.

(~~BC~~) Parking shall be provided in accordance with Table 142-05G.

(~~CD~~) Deviations from Section 141.0407(b)(3)(A) or (B) may be permitted with a Conditional Use Permit decided in accordance with Process Three and subject to the conditional use regulations in Section 141.0407(b)(5).

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

(c) Through (e) [No change in text.]

**Issue Item #27: Special Flood Hazard Areas Regulations**

See Attachment 6.

**Issue Item #28: When Landscape Regulations Apply**

**142.0402 When Landscape Regulations Apply**

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

**Table 142-04A**  
**Landscape Regulations Applicability**

<b>Type of Development Proposal</b>			<b>Applicable Regulations</b>	<b>Required Permit Type/ Decision Process</b>
<b>Column A</b>	<b>Column B</b>	<b>Column C<sup>(1)</sup></b>		
1. New <i>structures</i> that equal or exceed the <i>gross floor area</i> shown (Column B), and are proposing the type of <i>development</i> shown (Column C)	1,000 square feet	<i>Multiple Dwelling Unit Residential Development, Mixed-Use Development</i> or <i>Commercial Development</i>	142.0403-142.0407, 142.0409, and 142.0413	<del>Building Permit Process One</del>
	5,000 square feet	<i>Industrial Development</i>		
2. Additions to <i>structures</i> or additional <i>structures</i> on developed properties that exceed the <i>gross floor area</i> shown or that increase the <i>gross floor area</i> by the percent shown (Column B), and are proposing the type of <i>development</i> shown (Column C)	1,000 square feet or a 20 percent increase in <i>gross floor area</i>	<i>Multiple Dwelling Unit Residential Development, Residential Components of Mixed-Use Development</i>	142.0403-142.0407, 142.0409, 142.0410 (a), and 142.0413	<del>Building Permit Process One</del>
	1,000 square feet or a 10 percent increase in <i>gross floor area</i>	<i>Commercial Development, Commercial Components of Mixed-Use Development</i>		
	5,000 square feet or a 20 percent increase in <i>gross floor area</i>	<i>Industrial Development</i>		
3. New permanent parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a single lot in <i>single dwelling unit</i> zones and small lot subdivisions in accordance with Section 143.0365			142.0403, 142.0406-142.0409, and 142.0413	<del>Construction Permit/ Process One</del>
4. New temporary parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a single lot in <i>single dwelling unit</i> zones			142.0403, 142.0408, 142.0409, and 142.0413	<del>Construction Permit/ Process One</del>

Type of <i>Development Proposal</i>	Applicable Regulations	Required Permit Type/ Decision Process
5. Additions or modifications to existing permanent or temporary parking and <i>vehicular use area</i> that increase the number of parking spaces by four or more	142.0403, 142.0408, 142.0409, 142.0410 (b), and 142.0413	<del>Construction Permit/</del> Process One
6. <i>Single dwelling unit</i> residential use projects proposing new private or <i>public rights-of-way</i>	142.0403, 142.0409, and 142.0413	<del>Construction Permit/</del> Process One
7. Projects proposing slopes with gradients steeper than 4:1 (4 horizontal feet to 1 vertical foot) that are 5 feet or greater in height.	142.0403, 142.0411, and 142.0413	<del>Construction Permit/</del> Process One
8. Projects creating disturbed areas of bare soils, or projects with existing disturbed areas.	142.0403, 142.0411, and 142.0413	No permit required by this division
9. All City owned property, dedicated in perpetuity for park or recreation purposes, within 100 feet of a structure.	142.0403, 142.0412, 142.0413	No permit required by this division if work is performed in accordance with applicable regulations
10. Publicly or privately-owned <i>premises</i> , that are within 100 feet of a <i>structure</i> , and contain native or naturalized vegetation.	142.0403, 142.0412, and 142.0413	No permit required by this division if work is performed in accordance with applicable regulations
11. New <i>structures</i> , additions to <i>structures</i> , or subdivisions that create <i>lots</i> where new <i>structures</i> could be located on <i>premises</i> adjacent to native or naturalized vegetation.	142.0403, 142.0412, and 142.0413	Building Permit Process One

12. New Trees or shrubs planted in the <i>public right-of-way</i> .	62.0603, 129.0702, 142.0403 142.0409 and 142.0610	<del>Public Right of Way Permit or Street Tree Permit/ Process One</del>
13. <i>Condominium Conversions</i> .	142.0403, 142.0404, 142.0405 (b)(1) 142.0409 (a), 142.0412, and 142.0413	<del>No permit required by this division</del>
<del>14. Commercial development with at least 1,000 square feet of landscape area.</del>	<del>142.0403 142.0413</del>	<del>No permit required by this division</del>
15. <i>Small Lot Subdivision</i> .	142.0403 142.0404 142.0413	<del>No permit required by this division</del>

Footnote to Table 142-04A [No change in text.]

### **Issue Item #29: General Planting and Irrigation**

#### **§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) Plant Point Schedule

Table 142-04B assigns plant points based on plant type and size and applies where plant points are required by this division.

**Table 142-04B  
Plant Point Schedule**

<b>Proposed Plant Material</b>		<b>Plant Points Achieved per Plant</b>
<b>Plant Type</b>	<b>Plant Size</b>	
Proposed Shrub	1-gallon	1.0
	5-gallon	2.0
	15-gallon or larger	10.0
Proposed Dwarf Palm	Per foot of brown trunk height	5.0
Proposed Tree	5-gallon	5.0
	15-gallon	10.0
	24-inch box	20.0
	36-inch box	50.0
	48-inch box and larger	100.0
Proposed Broad Headed Feather Palm Tree	Per foot of brown trunk height	5.0
Proposed Feather Palm Tree	Per foot of brown trunk height up to 20 feet in height	3.0
	each feather-palm tree over 20 feet in height	60.0
Proposed Fan Palm Tree	Per foot of brown trunk height up to 20 feet in height	1.5
	each fan palm tree over 20 feet in height	30.0

Existing Plant Material		Plant Points Achieved per Plant
Plant Type	Plant Size	
Existing Shrub	12-inch to 24-inch spread and height	4.0
	24-inch and larger spread and height	15.0
Existing Native Tree	2-inch caliper measured at 4 feet above <i>grade</i>	100.0
	each additional inch beyond 2 inches	50.0
Existing Non-Native Tree	2-inch caliper measured at 4 feet above <i>grade</i>	50.0
	each additional inch beyond 2 inches	25.0
<del>Existing Broad Headed Feather Palm Tree</del>	<del>Per foot of brown trunk height</del>	<del>5.0</del>
Existing Feather Palm Tree	Per foot of brown trunk height up to 20 feet in height	3.0
	each feather palm tree over 20 feet in height	60.0
<del>Existing Fan Palm Tree</del>	<del>Per foot of brown trunk height up to 20 feet in height</del>	<del>1.5</del>
	<del>each fan palm tree over 20 feet in height</del>	<del>30.0</del>

## (b) Plant Material Requirements

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

(5) A minimum distance of four feet shall be provided between any canopy tree and building.

(56) A minimum root zone of 40 square feet in area shall be provided for all trees. The minimum dimension for this area shall be 5 feet. This minimum dimension and root zone area may be reduced with the use of structural soil or where the combination of soil conditions, root zone area, adjacent improvements, and selected tree species can be demonstrated to provide conditions for healthy tree growth that will not damage adjacent improvements.

(67) Plant material shall be maintained in a healthy, disease-free, growing condition at all times.

(78) All pruning shall comply with the standards of the National Arborist Association.

- (89) Any plant material required by this division that dies within 3 years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan. Required shrubs that die 3 years or more after installation shall be replaced with 15-gallon size, and required trees that die 3 years or more after installation shall be replaced with 60-inch box size material. The City Manager may authorize adjustment of the size and quantity of replacement material where material replacement would occur in inaccessible areas or where the existing plant being replaced is larger than a 15-gallon shrub or 60-inch box tree.
- (910) Trees required by this division shall be self-supporting, woody plants with at least one well defined trunk and shall normally attain a mature height and spread of at least 15 feet.
- (101) Trees required by this division shall be maintained so that all branches over pedestrian walkways are 6 feet above the walkway *grade* and so that all branches over vehicular travel ways are 16 feet above the *grade* of the travel way.
- (142) Shrubs required by this division shall be woody or perennial plants that are low branching or have multiple stems.
- (123) Tree root barriers or structural soil shall be installed where trees are placed within 5 feet of *public improvements* including walks, curbs, or *street* pavement or where new public improvements are placed adjacent to existing trees. The City Manager may waive this requirement where the combination of soil conditions, root zone area, adjacent improvements, and selected tree species can be demonstrated to provide conditions for healthy tree growth that will not damage public improvements.
- (134) Native plants shall be locally indigenous.
- (145) Naturalized plant material shall be plantings that can survive without irrigation after initial plant establishment.
- (156) Plant materials shall be grouped into hydrozones that consist of plant species having similar water demand and by their soil, sun, and shade requirements.
- (167) Plant material shall be selected to meet a ~~m~~Maximum ~~a~~Appplied ~~w~~Water ~~a~~Allowance as determined by the water budget formula and specifications in Section 142.0413(d).

(c) [No change in text.]

(d) Planting Area Requirements



- (1) and (2) [No change in text.]
- (3) Built-in or permanently affixed planters and pots on structural podiums may be counted toward the planting area and points required by this division. Planters and pots for trees shall have a minimum inside dimension of 48 inches. Planters and pots for all other plant material shall have a minimum inside dimension of 24 inches.
- (34) All required planting areas shall be maintained free of weeds, debris, and litter.

### **Issue Item #30: Additional Yard Planting Area**

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

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

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

<b>Type of Development Proposal <sup>(6)</sup></b>	<b>Type of Yard</b>	<b>Planting Area Required</b> (Percentage of total yard area unless otherwise noted below) <sup>(1)</sup>	<b>Plant Points Required <sup>(1)</sup></b>
<i>Multiple Dwelling Unit Residential Development, <u>Residential Components of Mixed-Use Development</u></i>	<i>Street Yard</i>	50% <sup>(2)</sup>	0.05 points <u>per square foot of total <i>street yard</i> area</u>
	<i>Remaining Yard/<u>Common Open Space</u></i>	<del>A minimum of 40 square feet shall be provided per required tree</del> See Section <u>142.0405(b)(2)</u>	<del>60 points shall be provided for each residential building</del> <sup>(2)</sup> See Section <u>142.0405(b)(2)</u>
<i>Condominium Conversion</i>	<i>Street Yard</i>	50% <sup>(5)</sup>	0.05 points <u>per square foot of total <i>street yard</i> area</u>
	<i>Remaining Yard/</i>	N/A	N/A

Type of Development Proposal <sup>(6)</sup>	Type of Yard	Planting Area Required (Percentage of total yard area unless otherwise noted below) <sup>(1)</sup>	Plant Points Required <sup>(1)</sup>
	<u>Common Open Space</u>		
Small Lot Subdivision	Street Yard	50% <sup>(5)</sup>	0.05 points per square foot of total <i>street yard</i> area
	Remaining Yard/ <u>Common Open Space</u>	N/A	<u>N/A</u>
Commercial Development, or Industrial Development in Commercial Zones, <u>Commercial Components of Mixed-Use Development</u>	Street Yard	25% <sup>(3)</sup>	0.05 points per square foot of total <i>street yard</i> to be achieved with trees only <sup>(3)</sup>
	Remaining Yard	30% <sup>(3)</sup>	0.05 points per square foot of total <i>remaining yard</i>
Industrial Development in any zone other than Commercial Zones [No change in text.]	Street Yard	25% <sup>(4)</sup>	0.05 points per square foot of total <i>street yard</i>
	Remaining Yard	See Section 142.0405 (d)	0.05 points per square foot of total <i>remaining yard</i>
Large retail establishments in any Commercial Zone. [No change in text.]	Street Yard	100% <sup>(3)</sup> of minimum building front and street side setbacks (except access points and with encroachments allowed into the landscaped area for building articulation elements as defined in section 143.0355(a)(b))  25% of the balance of <i>street yard</i>	0.05 points <u>per square foot of total <i>street yard</i> area</u> , exclusive of palms
	Remaining Yard	30% <sup>(3)</sup>	0.05 points <u>per square foot of total <i>remaining yard</i></u>
Large retail establishments in any Industrial Zone. [No change in text.]	Street Yard	25% <sup>(4)</sup>	0.05 points <u>per square foot of total <i>street yard</i> area</u> , exclusive of palms
	Remaining Yard	30%	0.05 points <u>per square foot of total <i>remaining yard</i></u>

Footnotes to Table 142-04C [No change in text.]

#### 142.0405 Additional Yard Planting Area and Point Requirements

- (a) [No change in text.]
- (b) Additional residential *yard* requirements:

- (1) [No change in text.]
- (2) Remaining Yard/Common Open Space:
  - (A) ~~Residential development with only two dwelling units on a lot shall be subject to a minimum of 60 points in the remaining yard regardless of the number of buildings on the lot.~~ Residential development with four dwelling units or less shall provide a minimum of 60 points per residential structure. Planting shall be distributed within a 10-foot offset from the structural envelope or within the remaining yard
  - (B) ~~Planting for residential developments with a single building shall be provided within the remaining yard on the side of building access, or where no side access is provided, shall be distributed equally between each side of the building. A minimum distance of 4 feet shall be provided between any tree and building.~~ Residential development with five dwelling units or more shall provide one or more of the following:
    - (i) A minimum of 30 percent of the total area within a 10-foot offset from the structural envelope of each residential structure shall be provided in planting area and shall be planted at a rate of 0.05 points per square foot of total area within the offset.
    - (ii) Where common open space areas are provided in the form of plazas, paseos, or courtyards, 20% of the total common open space area shall be provided in planting area and shall be planted at a rate of 0.05 points per square foot of the total area.
- (c) Additional commercial yard and large retail establishment requirements:
  - (1) and (2) [No change in text.]
  - (3) Where setbacks are required for commercial development ~~abuts a residential zone abutting residentially zoned properties,~~ a 5-foot wide area along the entire abutting property line shall be planted with trees ~~for to achieve~~ a minimum of 0.05 points per square foot of area in addition to the points required in the remaining yard.
  - (4) [No change in text.]
- (d) [No change in text.]

**Issue Item #31: Temporary Vehicular Use Area****142.0408 Temporary Vehicular Use Area Requirements**

When new temporary *vehicular use areas* are subject to this section in accordance with Table 142-04A, the planting requirements of this section shall apply.

- (a) *Vehicular use areas* that have a specified time limit for discontinuance that is less than 5 years after the date of ~~Building Construction Permit~~ Building Construction Permit issuance are considered temporary vehicle use areas.
- (b) [No change in text.]
- (c) *Vehicular use areas* that do not have a specified time limit for discontinuance or that are proposed to exist more than 5 years after the date of ~~Building Construction Permit~~ Building Construction Permit issuance, are subject to the requirements for a permanent *vehicular use area* contained in Sections 142.0406 and 142.0407.

**Issue Item #32: Water Conservation****142.0413 Water Conservation**

- (a) [No change in text.]
- (b) Lawn Requirements.
  - (1) [No change in text.]
  - (2) Lawn areas bounded by impervious surfaces on two or more sides must have minimum dimensions of 8 10 feet in all directions unless subsurface or low volume irrigation is used.
  - (3) [No change in text.]
- (c) [No change in text.]
- (d) Water Budget.
  - (1) All new *development* with a landscape area of 500 square feet or greater and landscape rehabilitation projects with a landscape area of 2,500 square feet or greater, shall be subject to a Maximum Applied Water Allowance (MAWA) Water Budget, except as provided in Section 142.0413(h).
  - (2) through (4) [No change in text.]
- (e) Water Meters.

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

(1) Residential:

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

(2) Non-Residential:

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

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

~~(2) Landscape irrigation submeters shall be required in the following developments:~~

~~(A) New single dwelling unit development;~~

~~(B) Improvements to existing industrial, commercial and multiple dwelling unit development when:~~

~~(i) The improvement requires a building permit as identified in Table 142-04A; and~~

~~(ii) The landscape area is 1,000 square feet and greater.~~

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

**Issue Item #33: Development Regulations for Sensitive Biological Resources****143.0141 Development Regulations for Sensitive Biological Resources**

*Development* that proposes *encroachment* into *sensitive biological resources* requires a *development permit* in accordance with Section 143.0110, unless exempted pursuant to Section 143.0110(c) and is subject to the following regulations and the Biology Guidelines in the Land Development Manual.

(a) General Regulations for *Sensitive Biological Resources*

- (1) All *development* occurring in *sensitive biological resources* is subject to a site-specific impact analysis conducted by a qualified Biologist, in accordance with the Biology Guidelines in the Land Development Manual. The impact analysis shall evaluate impacts to *sensitive biological resources* and CEQA sensitive species. The analysis shall determine the corresponding mitigation, where appropriate, and the requirements for protection and management. Mitigation may include any of the following, as appropriate to the nature and extent of the impact:
  - (A) [No change in text.]
  - (B) Dedication of a covenant of easement in favor of the City of San Diego, the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service for either:
    - (i) An off-site location with long-term viability and biological values equal to or greater than the impacted site, and with limited right of entry for habitat management, as necessary. Where applicable, Zone Two brush management shall be placed within a covenant of easement, but may not qualify for mitigation purposes; or
    - (ii) On-site creation of new habitat, preservation of existing habitat, or enhancement of existing degraded habitat, with limited right of entry for habitat management, as necessary. The location of the easement must have long-term viability and biological values equal to or greater than the impacted site. Where applicable, Zone Two brush

management shall be placed within a covenant of easement, but may not qualify for mitigation purposes.

### **Issue Item #34: Plant Nurseries**

#### **§141.0505 Plant Nurseries**

For the purpose of Section 141.0504, plant nurseries are commercial establishments where plants are cultivated and grown for transplant, distribution, and sale that have a sales transaction area greater than 300 square feet. Plant nurseries are permitted in the zones indicated with a “P” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones). Plant nurseries 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 (c) [No change in text.]
- (d) Section 141.0504~~5~~ shall not apply to the sale of plants from a garden center or other retail store, which is permitted in zones that allow the sale of consumer goods.

### **Issue Item #35: Residential High Occupancy Permit Repeal**

#### **Article 3: Zoning**

#### **Division 5: Residential High Occupancy Permit**

#### **~~§123.0501 Purpose of Residential High Occupancy Permit~~**

~~The purpose of these procedures is to provide for annual review of high occupancy *single dwelling units* for conformance with the applicable zoning regulations by ensuring that high occupancy units provide adequate parking and minimize impacts to adjacent properties.~~

#### **~~§123.0502 When a Residential High Occupancy Permit Is Required~~**

- ~~(a) A Residential High Occupancy Permit is required for a *single dwelling unit* when the occupancy of the *dwelling unit* would consist of six or more persons eighteen years of age and older residing in the *dwelling unit* for a period of 30 or more consecutive days.~~

- (1) ~~Prior to the rental or sale of a *single dwelling unit*, the property owner shall disclose the requirement for a Residential High Occupancy Permit to prospective tenants or buyers.~~
- (2) ~~The Residential High Occupancy Permit requirement shall apply to a *single dwelling unit* described in Section 123.0502(a) regardless of whether six or more persons eighteen years of age and older resided in the *dwelling unit* prior to the effective date of this ordinance.~~
- (b) ~~Housing for senior citizens, residential care facilities, and transitional housing facilities are exempt from the requirement for a Residential High Occupancy Permit, but are otherwise subject to the use regulations in Chapter 14, Article 1.~~

**~~§123.0503 — How to Apply for a Residential High Occupancy Permit~~**

- (a) ~~Within 30 days of an increase in *single dwelling unit* occupancy that results in six or more persons eighteen years of age and older residing in a *single dwelling unit* for a period of 30 or more consecutive days, a property owner shall apply for a Residential High Occupancy Permit in accordance with Section 112.0102.~~
- (b) ~~The Residential High Occupancy Permit application and applicable fees shall be resubmitted annually by the property owner to ensure compliance with the provisions of this division.~~
- (c) ~~A fee waiver for economic hardship may be requested with the permit application and shall be granted in accordance with Process One where a property owner demonstrates to the satisfaction of the City Manager that their annual income is less than the Area Median Income.~~
- (d) ~~It is unlawful for any Responsible Person to violate any requirement of this Division.~~

**~~§123.0504 — Decision on a Residential High Occupancy Permit~~**

- (a) ~~A decision on an application for a Residential High Occupancy Permit shall be approved in accordance with Process One.~~
- (b) ~~The applicant shall demonstrate on submitted plans that one off-street parking space per occupant eighteen years of age and older, less one will be accommodated on the *premises*. In cases where an occupant eighteen years of age and older does not have a vehicle or a valid driver's license,~~



~~the applicant shall provide evidence to the satisfaction of the City Manager to demonstrate the need for a lower parking requirement, which shall be documented in the permit record.~~

~~(c) In case of conflict between the requirements of this section and the Parking Impact Overlay Zone, the higher of the applicable parking requirements shall apply.~~

~~(d) Parking spaces shall conform to regulations in Chapter 14, Article 2.~~

#### **§123.0505 Issuance of a Residential High Occupancy Permit**

~~(a) The City Manager shall issue the Residential High Occupancy Permit when the required fees have been paid (or a fee waiver is granted), a copy of the lease agreement(s) has been provided where applicable, and the permit has been approved.~~

~~(b) A Residential High Occupancy Permit shall not be issued to a property with a pending code violation case.~~

~~(c) The permit shall be valid for a 12-month period, except that an increase in occupancy or the number of vehicles in excess of that authorized under the permit shall require a new permit application and fees.~~

#### **§123.0506 Enforcement and Administrative Remedies**

~~(a) Violations of this Division are subject to the judicial and administrative enforcement remedies identified in Section 121.0311 of this Code.~~

~~(b) Violations of this Division may also result in the revocation of a previously approved Residential High Occupancy Permit, in the event of two or more code violations, within the last twelve months, have been determined to exist either prior to or pursuant to the final adjudication of any of the enforcement remedies available under Section 123.0311 of this Code.~~

#### **§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] [No change in text.]	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
Residential																									
Single Dwelling Units		P	P <sup>(9)</sup>												P <sup>(9)</sup>		P <sup>(9)</sup>								

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
Residential													
Single Dwelling Units		P <sup>(+2)</sup> <u>(11)</u>			P <sup>(+2)</sup> <u>(11)</u>			P <sup>(+2)</sup> <u>(11)</u>			P <sup>(+2)</sup> <u>(11)</u>		P <sup>(+2)</sup> <u>(11)</u>
Separately Regulated Residential Uses													
Guest Quarters		L <sup>(+0)</sup> <u>(9)</u>			-			-			-		-
Separately Regulated Commercial Services Uses													
Mobile Food Trucks		-			L <sup>(+1)</sup> <u>(10)</u>			L <sup>(+1)</sup> <u>(10)</u>			L <sup>(+1)</sup> <u>(10)</u>		L <sup>(+1)</sup> <u>(10)</u>

## Footnotes for Table 131-04B

1 through 8

[No change in text.]

<sup>9</sup> — ~~A Residential High Occupancy Permit is required in accordance with Section 123.0502 for a single dwelling unit when the occupancy of the dwelling unit would consist of six or more persons eighteen years of age and older residing in the dwelling unit for a period of 30 or more consecutive days.~~

- <sup>10</sup> 9 A guest quarters or habitable accessory building is permitted in accordance with Section 141.0307 only as an *accessory use* to a *single dwelling unit*.
- <sup>11</sup> 10 Mobile food trucks are permitted by right on the property of a *school*, university, hospital, religious facility, *previously conforming commercial premises* in a residential zone, or construction site. Mobile food trucks on any other *premises* are subject to the limited use regulations set forth in Section 141.0612.
- <sup>12</sup> 11 Development of a small lot subdivision is permitted in accordance with Section 143.0365.

### §131.0431 Development Regulations Table for Residential Zones

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

- (a) [No change in text.]

Table 131-04C

Development Regulations for RE Zones [No change in text.]

- (b) RS Zones

Table 131-04D

Development Regulations for RS Zones

Development Regulations	Zone Designator	Zones						
[See Section 131.0430 for Development Regulations of Residential Zones]	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
<b>Supplemental requirements</b> [See Section 131.0464(a)] [No change in text.]		applies	applies	applies	applies	applies	applies	applies
<b>Bedroom regulation</b> [See Section 131.0457]		applies	applies	applies	applies	applies	applies	applies
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805] [No change in text.]		applies	applies	applies	applies	applies	applies	applies

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	8	9	10	11	12	13	14
<b>Supplemental requirements</b> [See Section 131.0464(a)]		applies	applies	applies	applies	applies	applies	applies
<del><b>Bedroom Regulation</b></del> <del>[See Section 131.0457]</del>		applies	applies	applies	applies	applies	applies	<del>applies</del>
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805]		applies	applies	applies	applies	applies	applies	applies

## Footnotes for Table 131-04D

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

**§131.0447 Maximum Paving and Hardscape in RS Zones**

Paving and *hardscape* on *single dwelling unit lots* located in the RS zones shall be minimized as follows:

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

~~(e) — In order to maintain the character of the RS zone, paving and *hardscape* for vehicular use shall be further limited as follows:~~

- ~~(1) — A maximum of four *off-street parking spaces* not located within a garage shall be permitted on *lots* less than 10,000 square feet;~~
- ~~(2) — A maximum of six *off-street parking spaces* not located within a garage shall be permitted on *lots* 10,000 square feet and greater;~~
- ~~(3) — Additional paving and *hardscape* shall be permitted for non-vehicular use or where necessary to provide vehicular access to garage parking;~~

- (4) ~~For purposes of this subsection, notwithstanding Section 113.0237, unless *development* only occurs on the RS-1-1 zoned portion of a lot, the lot size shall not include the RS-1-1 zoned portion of a lot with more than one zoning designation.~~

**~~§131.0457 — Bedroom Regulation in RS Zones~~**

~~To maintain the character of the RS zone, *single dwelling units* in the RS zones shall be subject to the following regulations:~~

- (a) ~~On lots less than 10,000 square feet, a *single dwelling unit* shall be limited to a maximum of six *bedrooms*.~~
- (b) ~~Within the College Area Community Plan area, except in the RS-1-1 zone, the following additional regulations shall apply:~~
- (1) ~~On lots less than 10,000 square feet, a *single dwelling unit* shall be limited to a maximum of five *bedrooms*.~~
- (2) ~~On lots 10,000 square feet or greater, a *single dwelling unit* shall be limited to a maximum of six *bedrooms*.~~
- (3) ~~The combined *gross floor area* of all *bedrooms* shall not exceed 60 percent of the *gross floor area*, excluding any garage.~~
- (c) ~~For purposes of this Section, notwithstanding Section 113.0237, unless *development* only occurs on the RS-1-1 zoned portion of a lot, the lot size shall not include the RS-1-1 zoned portion of a lot with more than one zoning designation.~~

**Issue Item #36: Overview of Decision Process**

**§157.0202 Overview of Decision Process**

Applications for permits and approvals pursuant to subsections (a) and (b) of Section 157.0201 shall be processed in accordance with one of the Process levels established as follows:

- (a) [No change in text.]
- (b) Process Two An application for a permit or approval processed in accordance with Process Two may be approved, conditionally approved, or denied by the City Manager, or his or her designee, consistent with Section 112.0503 of the Land Development Code. Applicants may appeal

Process Two decisions in accordance with Section 112.0504 of the Land Development Code, ~~but Process Two appeals shall be considered by the City Manager in lieu of the Planning Commission.~~

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

**Issue Item #37: Mobilehome Parks and Special Occupancy Parks**

**98.0202 Mobilehomes, Recreational Vehicles and Commercial Coaches Located Outside Licensed Mobilehome and Special Occupancy Parks— Special Permit— Fee**

(a) No person shall use or occupy any mobilehome, commercial coach or recreational vehicle on private property not licensed as a mobilehome park or special occupancy park except as follows:

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

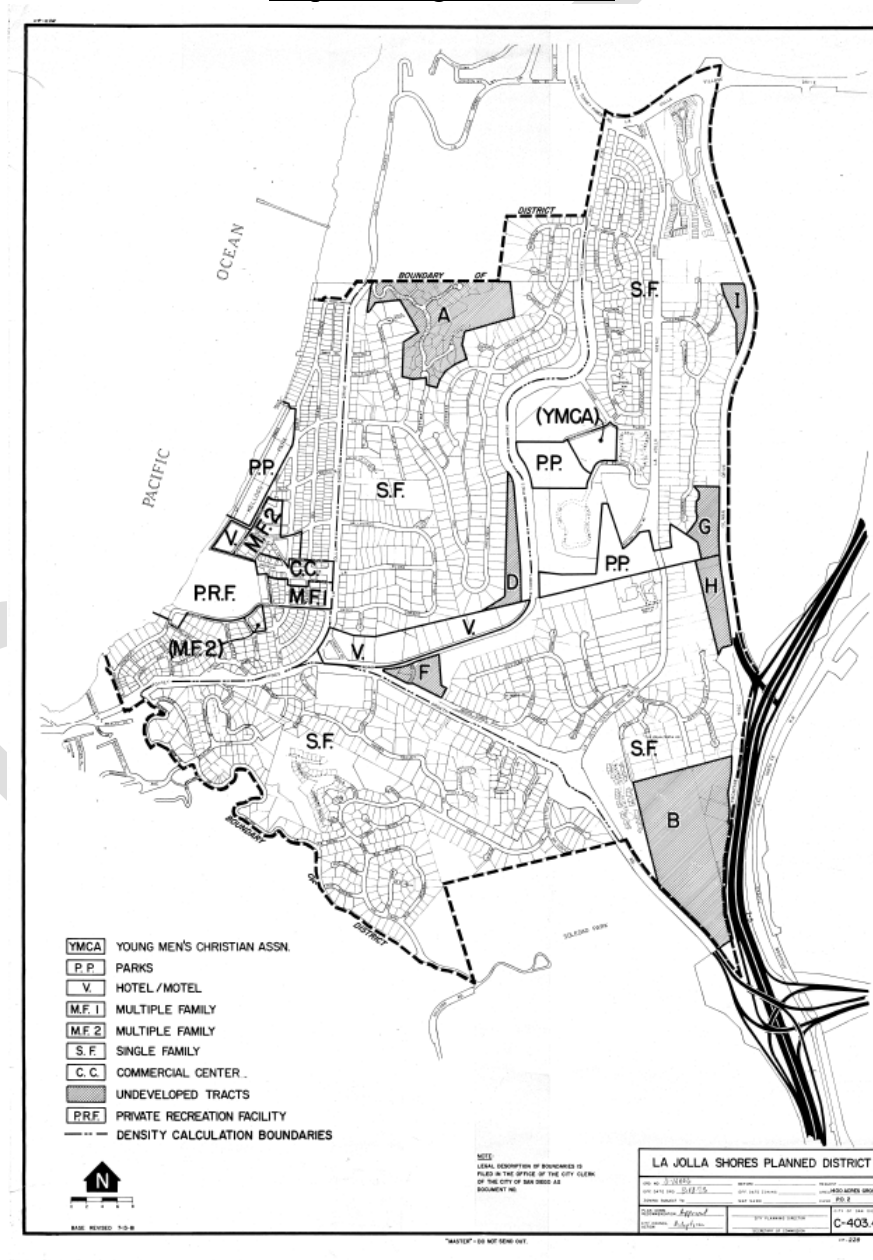
~~(5) For residential uses authorized by Conditional Use Permit pursuant to the provisions of Chapter X, Article 1, Division 5 of this Code.~~

~~(6)~~ [ No change in text]

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

**Issue Item #38: La Jolla Shores Planned District Boundary map****1510.0102 Boundaries**

The regulations as defined herein shall apply in the La Jolla Shores Planned District which is within the boundaries of the La Jolla Shores Area in the City of San Diego, California, designated on that certain Map Drawing, No. C-403.4 and described in the appended boundary description, filed in the office of the City Clerk under Document No. OO-16006.

Map Drawing No. C-403.4

**Issue Item #39: Special Event Signs****~~§22.4035~~ — ~~Unlawful to Display Signs in Special Event Venue~~**

~~It is unlawful for any Person to place, post, paint, erect, display, secure, or maintain any Sign or advertising in violation of those provisions of Chapter 9 and 10 of this Code, regulating Signs and advertising displays.~~

**§142.1210 General Sign Regulations**

This section is divided into subsections for copy regulations, locational regulations, structural regulations, and *sign* maintenance regulations.

- (a) [No change in text.]
- (b) Locational Regulations
  - (1) through (4) [No change in text.]
  - (5) *Signs on Public Property and in Public Rights-of-Way*
    - (A) through (D) [No change in text.]
    - ~~(E)~~ *Signs for street fairs and special events shall be approved by the Police Department or other appropriate permitting agency that is responsible for issuing the permits.*
    - ~~(F)~~(E) Community entry *signs* within the *public right-of-way* shall conform to Section 141.1101.
- (c) and (d) [No change in text.]

**Issue Item #40: Centre City Planned District****§156.0309 FAR Regulations and TDRs**

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

- (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, except as set forth in Section 143.0720(i)(7).

In compliance with the State Density Bonus Law (California Government Code Section 65915), *applicants* may earn *FAR bonus* subject to the following:

(A) [ No change in text.]

(B) *Development* 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. [No change in text.]
- ii. The *FAR bonus* for *development* containing affordable housing shall be calculated as follows:

Permitted *FAR* = Base GSF - NR GSF x Affordable Bonus % + Base GSF /Site Area, where:

Permitted *FAR* = Base Gross Square Feet (GSF) permitted on the site (maximum *base FAR* from Figure H times the site area) minus the GSF of nonresidential (NR) area, multiplied by affordable bonus percentage (%) ~~as specified in Table 156-0309-B,~~ plus Base GSF permitted on the site, divided by site area. NR GSF shall not include nonresidential area that is earned through one of the

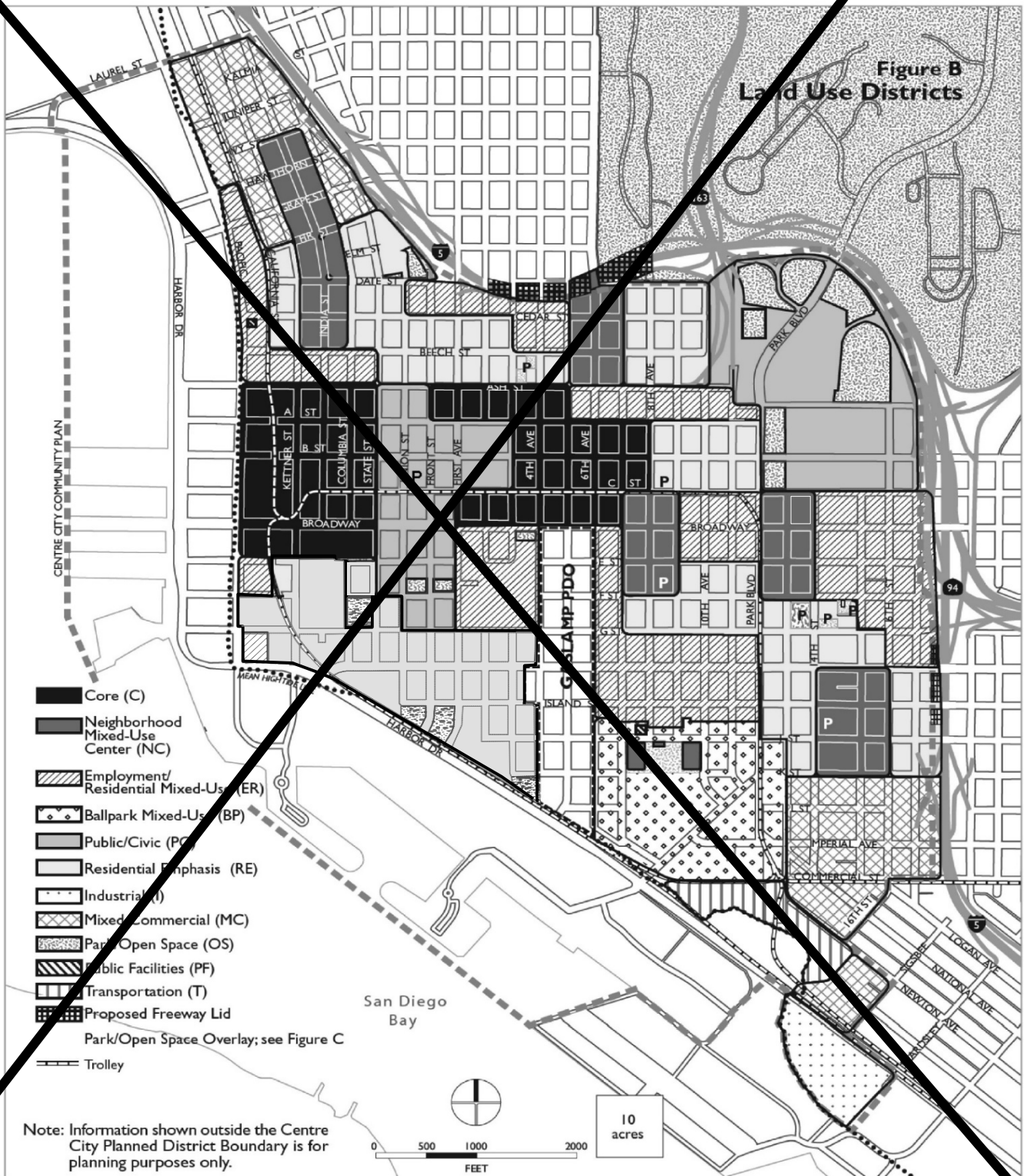
other *FAR Bonus* programs such as *urban open space*, *eco-roofs*, public parking, or *FAR Payment Program*.

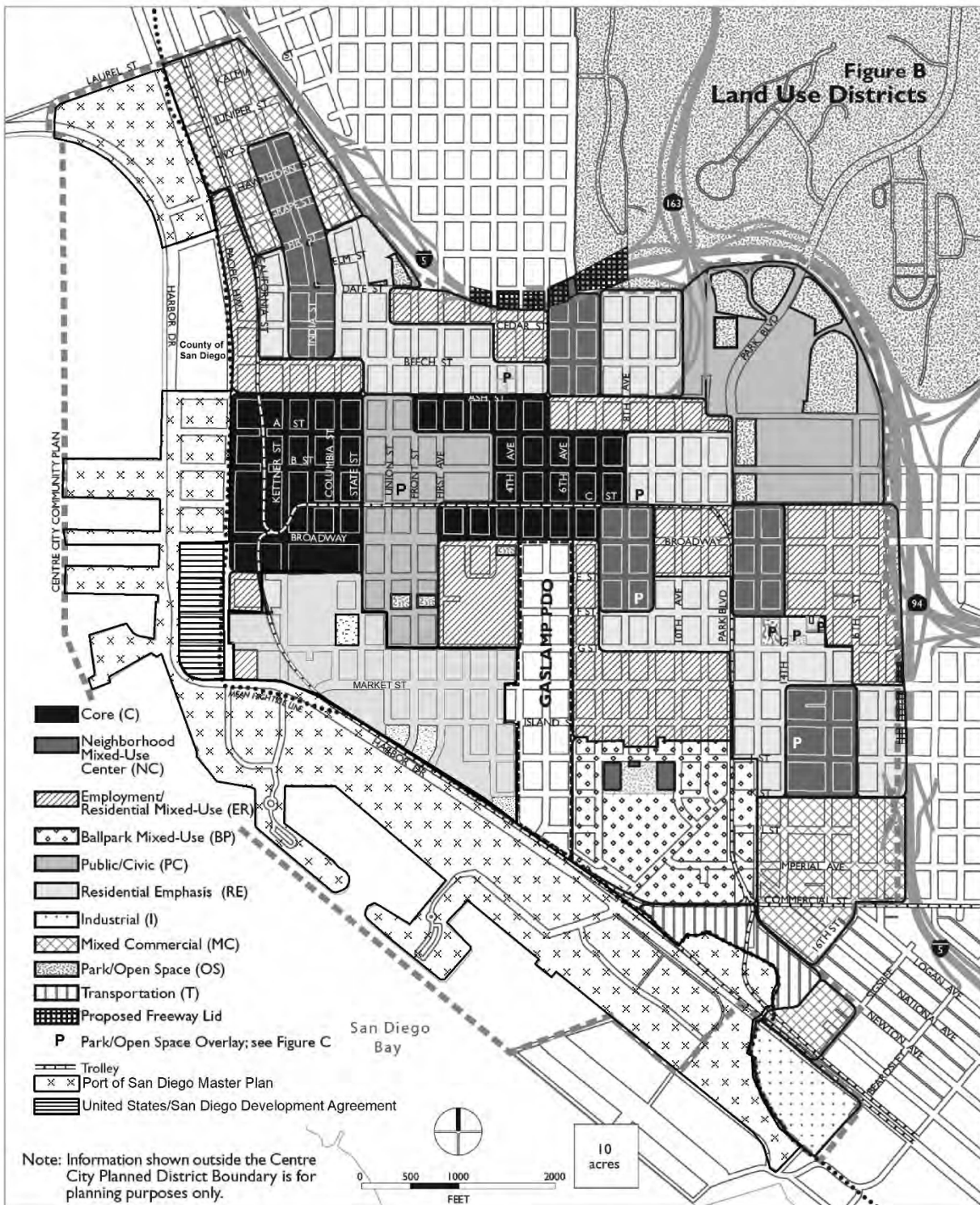
iii. and iv. [No change in text.]

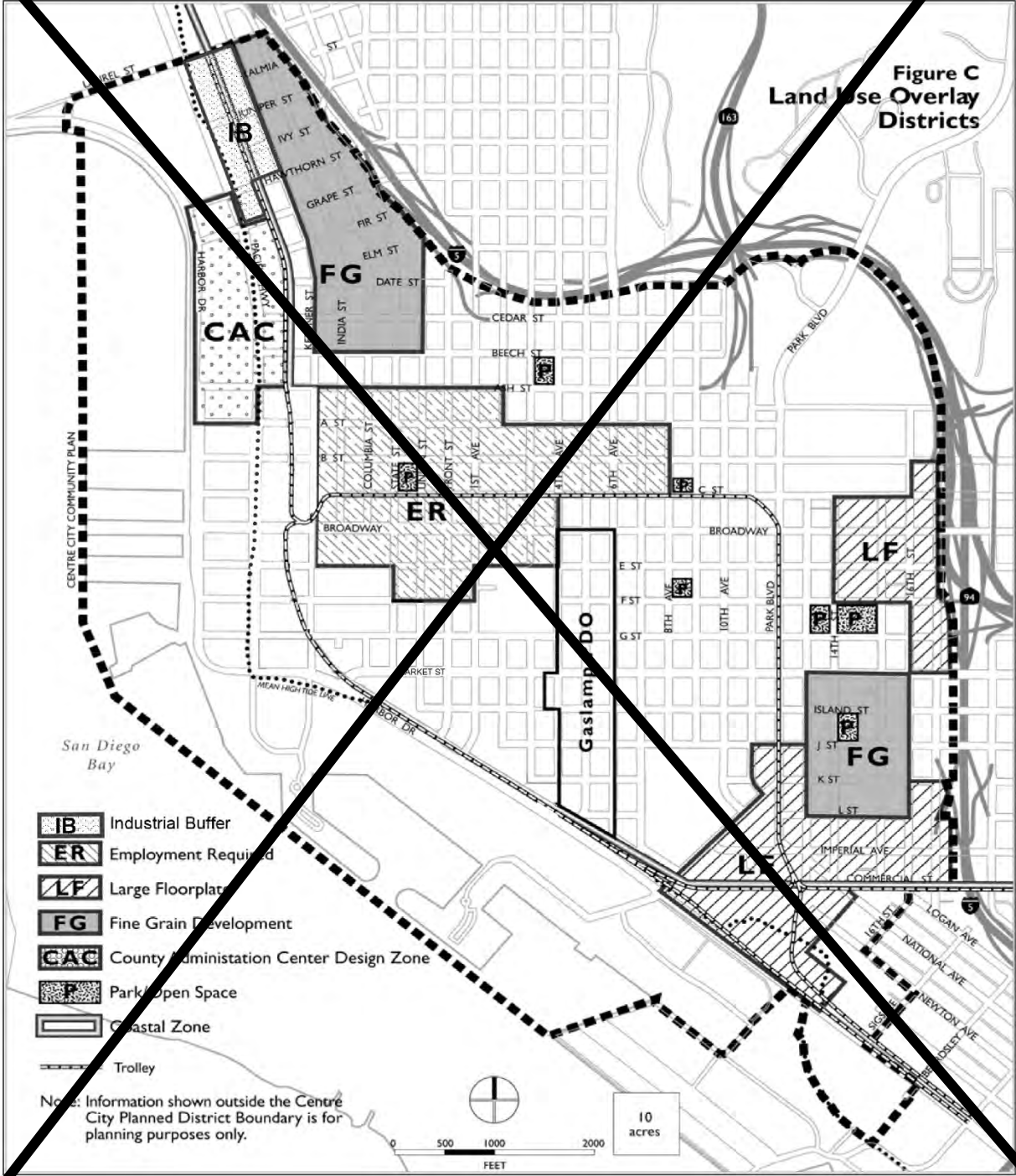
(2) *Urban Open Space*. ~~Applicants~~ Developments that reserve a portion of their site for the *development* of public *urban open space* may qualify for a *FAR bonus* of 1.0 or 2.0, as specified in Table 156-0309-A, subject to the following criteria:

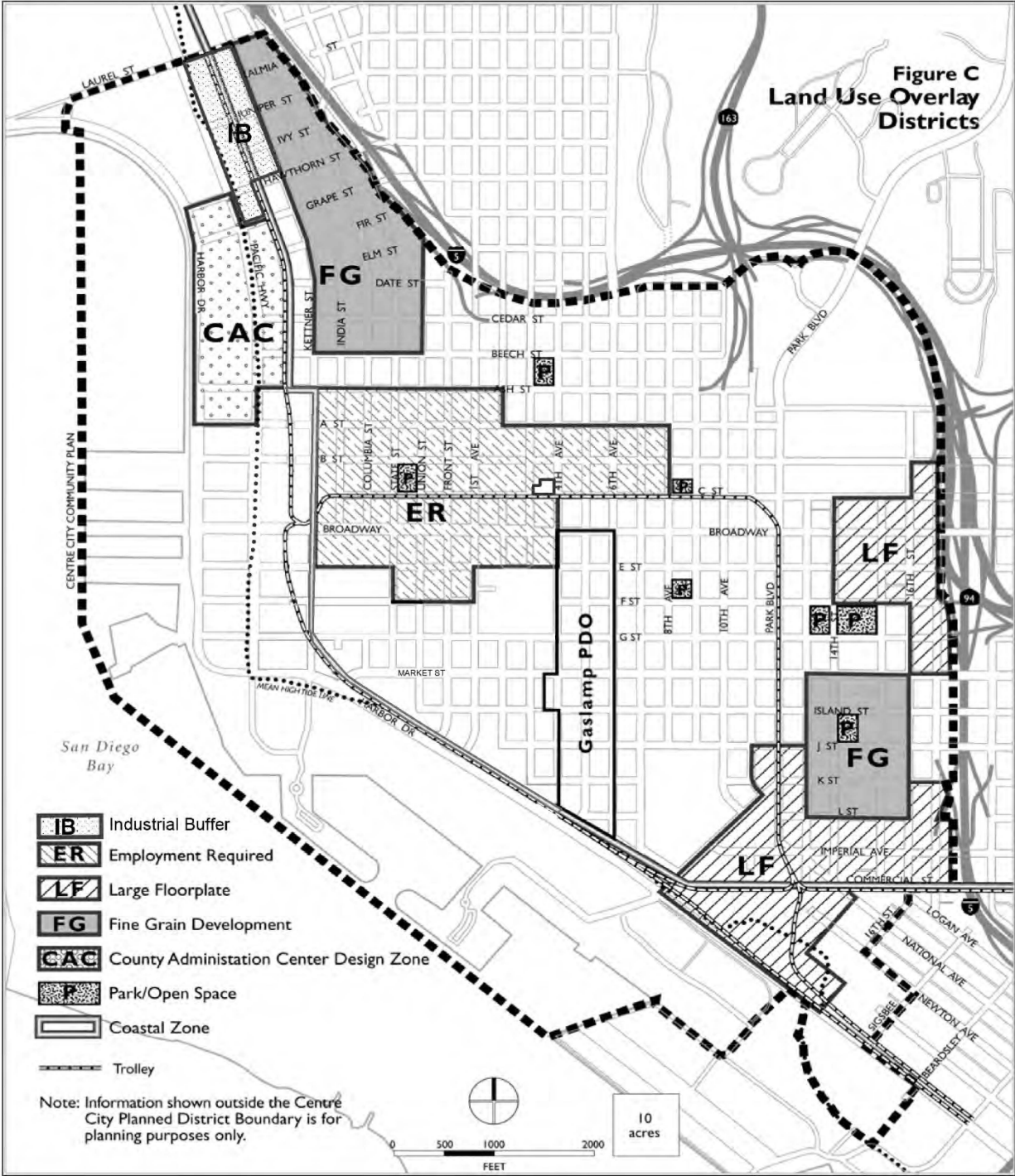
(A) [No change in text.]

(B) The *urban open space* shall be open to the general public at least between the hours of ~~6~~7:00 a.m. and ~~10~~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.

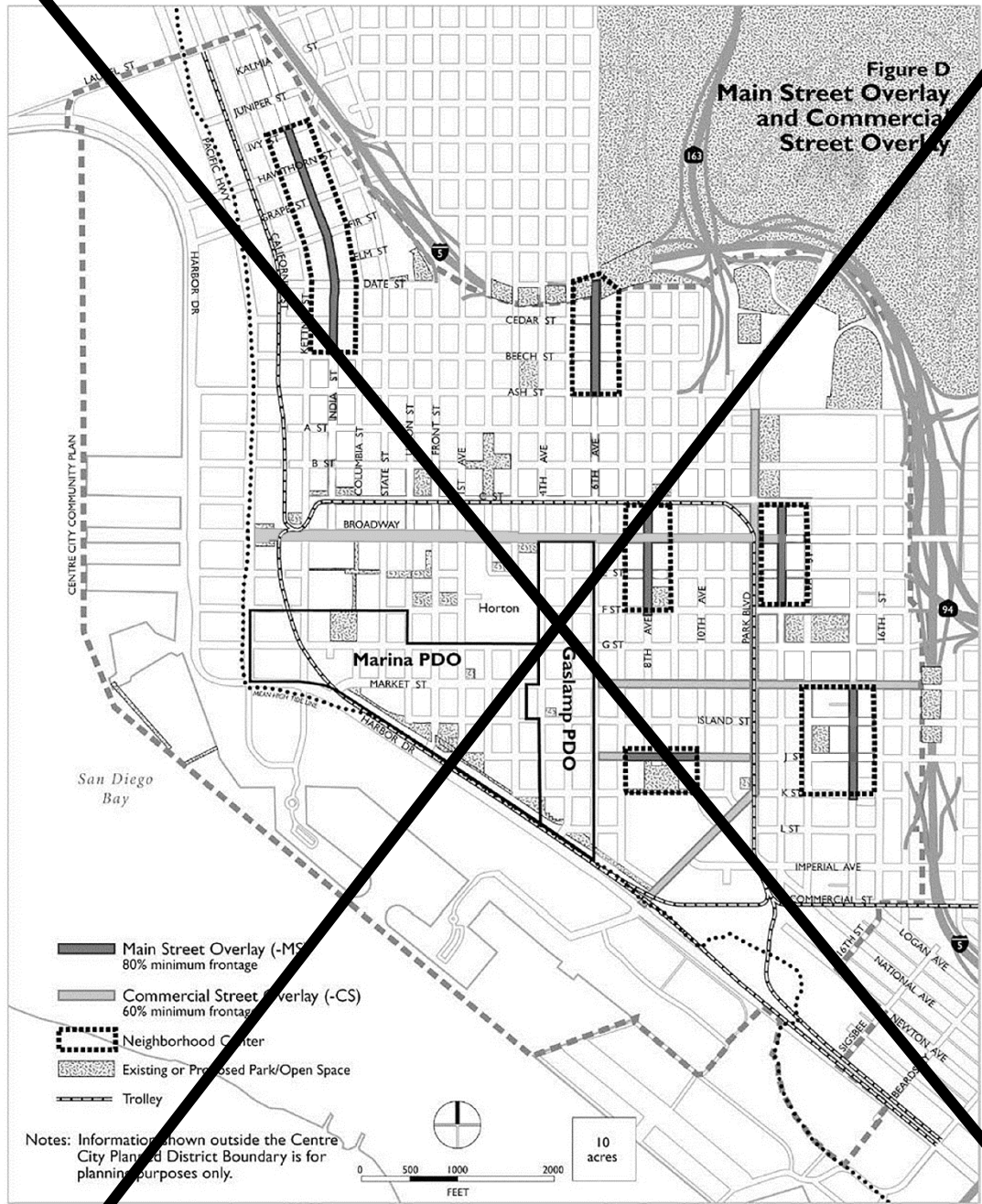


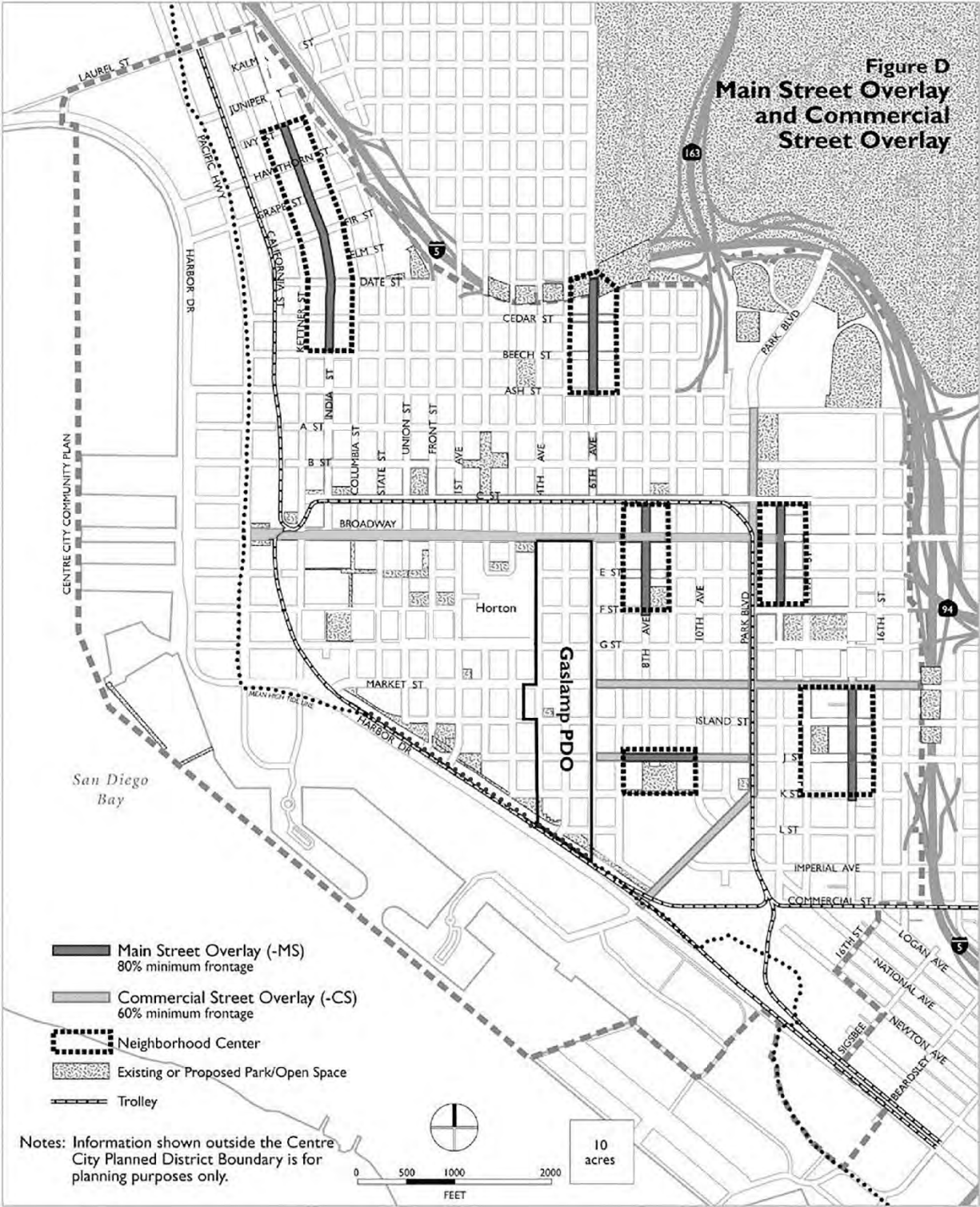














## **DRAFT Proposed Municipal Code Amendments Regarding Development on a Premises with a Utilized Development Permit**

### **Background**

When a property obtains a development permit<sup>1</sup> it is recorded against the property and once it is utilized it runs with the land in perpetuity unless it is rescinded or (in the case of some use permits) expires. Subsequent projects are reviewed for conformance with the development permit, and projects that differ from the scope outlined in the permit are reviewed for substantial conformance<sup>2</sup> with the development permit. Projects found to not be in substantial conformance require further discretionary review and action, often in the form of an amendment to the existing development permit. This is true even if the new development proposed is a permitted use in the base zone, complies with all applicable development regulations, and does not otherwise require a development permit.

### **Issue**

When the allowable land uses and development intensity for an area are established through the adoption of a community plan and associated zoning actions, the environmental impacts of those land use decisions are fully analyzed and mitigated to the extent feasible or a Statement of Overriding Considerations is adopted. Requiring additional development that fully complies with those land use actions and does not require a development permit to go through a discretionary process simply because there is an existing utilized development permit creates unnecessary delays and costs for applicants. This is true for development of all types, and recently surfaced as an issue for church properties looking to construct affordable housing on site. Churches are often located in zones that allow residential uses by right, but the church use<sup>3</sup> requires a Conditional Use Permit (CUP) which limits the use of their property without an amendment to the CUP. Such regulatory requirements only serve to exacerbate the housing shortage and drive up housing costs.

### **Objective**

To encourage the build-out of communities as planned for and assist in meeting the City's Regional Housing Needs Assessment (RHNA) goals by providing regulatory relief for properties with existing utilized development permits.

### **Solution**

The proposed Municipal Code amendments will facilitate the construction of new development on a property with a utilized development permit without the need to amend the existing permit, provided that proposed development meets the following requirements:

- ✓ The proposed use is permitted by-right or as a limited use and complies with all limited use regulations.
- ✓ The development complies with all applicable development regulations.
- ✓ The proposed development does not require additional development permits.

---

<sup>1</sup> Defined by the Municipal Code as Neighborhood Use Permits, Conditional Use Permits, Neighborhood Development Permits, Site Development Permits, Planned Development Permits, Coastal Development Permits, and Variances.

<sup>2</sup> Defined by the Municipal Code as a revision to a development that was approved through a permit or tentative map and complies with the objectives, standards, guidelines, and conditions for that permit or tentative map.

<sup>3</sup> Classified in the Code as a Separately Regulated Use under "Assembly and Entertainment, Including Places of Religious Assembly"

- ✓ The premises complies with all applicable conditions of the utilized development permit, except as permitted by the Code.

## Proposed Amendments

To achieve this, a new Code section titled “Development on a Premises with a Utilized Development Permit” has been added to the General Development Permit Procedures in Chapter 12, Article 6, Division 1. Additionally, other code sections addressing development permits have been amended as needed to ensure consistency with the proposed section. Lastly, given the strong interest in constructing housing on church properties, specific amendments to the Separately Regulated Use Regulations and Parking Regulations related to “Assembly and Entertainment, Including Places of Religious Assembly” are provided. All proposed amendments are specified below, and are organized to provide the more substantive amendments first, followed by the minor consistency and “clean-up” amendments.

### ◆ ◆ ◆ SUBSTANTIVE AMENDMENTS ◆ ◆ ◆

#### **§126.0113 Development on a Premises with a Utilized Development Permit**

The purpose of this Section is to allow *development* to occur on a *premises* that has an existing utilized *development permit* in accordance with Section 126.0108, when the proposed *development* is not included in the scope of the utilized *development permit* but complies with the use and *development* regulations of the applicable base zone or overlay zone.

- (a) *Development* that is not included in the scope of an existing utilized *development permit* may be approved without an amendment to the *development permit* in accordance with a Process One, subject to all of the following:
  - (1) The proposed use(s) are listed as a permitted use in the applicable base zone and overlay zone(s), or as a limited use and the *development* complies with all limited use regulations;
  - (2) The proposed *development* complies with all *development* regulations of the applicable base zone and overlay zone(s), any except as provided in Chapter 14, Article 3, Division 7, through the use of incentives or waivers;
  - (3) The proposed *development* does not require additional *development permits*; and
  - (4) Except as permitted by Section 126.0112, all *development* within the scope of the utilized *development permit* that has received a *construction permit* complies with the applicable conditions of the *development permit*.

- (b) If the utilized *development permit* was approved concurrently with an individual, project-specific rezone action, a proposed *development* cannot apply the provisions of Section 126.0113(a) unless:
- (1) A comprehensive Community Plan Update has occurred subsequent to the approval of the utilized *development permit*; or
  - (2) The utilized *development permit* allowed the maximum development allowed under the base zone and/or applicable overlay zones, accounting for any undevelopable easements required as part of the project.

**§141.0602 Assembly and Entertainment Uses, Including Places of Religious Assembly**

This use category applies to facilities designed to accommodate at least 25 people at a time for recreation, physical fitness, entertainment, or other assembly, including places of religious assembly. Assembly and entertainment uses are permitted as a limited use in accordance with Process One in zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and are subject to the regulations in Sections 141.0602(a) and (b). Assembly and entertainment uses may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and are subject to the regulations in Sections 141.0602(a) and (c).

(a) General Regulations

- (1) [No change in text.]
  - (2) Assembly and entertainment uses shall provide off-street parking according to the following:
    - (A) through (B) [No change in text.]
    - (C) Within Transit Priority Areas parking may be reduced below the minimum required in order to construct residential *development*. The reduction in parking allowed shall be limited to the footprint of the residential *structures* and any required landscape or open space for the residential *development*.
  - (3) [No change in text.]
- (b) through (c) [No change in text.]

**§142.0530 Nonresidential Uses – Parking Ratios**

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

- (c) Nonresidential Uses. Table 142-05G establishes the required ratio of parking spaces to building *floor* area for the nonresidential uses shown that are not covered by the parking requirements in Section 142.0530(a) and (b).

**Table 142-05G Parking Ratios for Specified Non-Residential Uses**

Use	Parking Spaces Required per 1,000 Square Feet of <i>Floor</i> Area Unless Otherwise Noted ( <i>Floor</i> Area Includes <i>Gross Floor Area</i> plus below <i>Grade Floor</i> Area, and Excludes <i>Floor</i> Area Devoted to Parking)		
	Required Automobile Parking Spaces <sup>(1)</sup>		
	Minimum Required Outside a <i>Transit Area</i> or <i>Transit Priority Area</i>	Minimum Required Within a <i>Transit Area</i> or <i>Transit Priority Area</i> <sup>(2)</sup>	Maximum Permitted
<b>Commercial Services</b>			
<b>Public assembly &amp; entertainment</b>			
All other assembly and entertainment	<del>1 per 3 seats or 1 per 60 inches of bench or pew seating, whichever is greater; or 310</del> per 1,000 square feet of assembly area if seating is not fixed	85% of Minimum <sup>7</sup>	[No change in text]

**Footnotes For Table 142-05G**

<sup>1</sup> through <sup>6</sup> [No change in text]

<sup>7</sup> Except as provided in Section 141.0602(a)(2)(C)

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

**§126.0112 ~~Minor~~ Modifications to a Development Permit**

- (a) A proposed ~~minor~~ modification to an approved *development permit* may be submitted to the City Manager to determine if the revision is in *substantial conformance* with the approved permit.
- (b) [No change in text.]
- (c) Where a *development permit* requires compliance with a regulation in effect on the date of approval, but that regulation is subsequently amended, the *permit holder* may utilize the amended regulation without obtaining an amendment to

its *development permit* if it obtains a ~~Process Two Neighborhood Development Permit~~, or the permit holder can demonstrate to the satisfaction of the City Manager that the resulting *development* is in *substantial conformance* with the approved *development permit*. Utilizing reduced parking requirements shall not preclude a determination of *substantial conformance*.

(d) If a determination of *substantial conformance* cannot be made for a *development* seeking to utilize an amended regulation in accordance with Section 126.0112(c), the *permit holder* may utilize the amended regulation if a Process Two Neighborhood Development Permit is obtained.

~~(d)~~(e) Within the Coastal Overlay Zone, any *substantial conformance* determination shall be decided in accordance with Process Two, except that a *substantial conformance* determination for a *capital improvement program project* shall be reached through a Process CIP-Two review.

◆ ◆ ◆ **MINOR CONSISTENCY AMENDMENTS** ◆ ◆ ◆

**§126.01134 Amendments to a Development Permit**

(a) [No change in text.]

(b) A proposed change in use from one use category to another or the change, addition, or deletion of a use within the same use category may require an amendment to a Neighborhood Use Permit or a Conditional Use Permit, depending on the uses allowed by the permit; except as provided in Sections 126.0112 and 126.0113.

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

(e) Within the Coastal Overlay Zone, a proposed change in use which will result in ~~a change in intensity~~ an intensification of use requires an amendment or a new Coastal Development Permit.

(f) [No change in text.]

**§121.0302 Required Compliance with the Land Development Code**

(a) It is unlawful for any person to maintain or use any premises in violation of any of the provisions of the Land Development Code, without a required permit, contrary to permit conditions except as provided in Sections 126.0112 and 126.0113, or without a required variance.

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

**126.0206 Violations of a Neighborhood Use Permit**

It is unlawful for any person to maintain, use, or develop any premises without a Neighborhood Use Permit if such a permit is required for that use or development or to maintain, use, or develop any premises contrary to the requirements or conditions of the Neighborhood Use Permit, except as provided in Sections 126.0112 and 126.0113. Violation of any provision of this division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violations of this division shall be treated as strict liability offenses regardless of intent.

**§126.0306 Violations of a Conditional Use Permit**

It is unlawful for any person to maintain, use, or develop any *premises* without a Conditional Use Permit if such a permit is required for that use or *development* or to maintain, use, or develop any *premises* contrary to the requirements or conditions of an existing Conditional Use Permit, except as provided in Sections 126.0112 and 126.0113. Violation of any provision of this division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violations of this division shall be treated as strict liability offenses regardless of intent.

**§126.0405 Violations of a Neighborhood Development Permit**

It is unlawful for any person to maintain, use, or develop any premises without a Neighborhood Development Permit if such a permit is required for that use or development or to maintain, use or develop any premises contrary to the requirements or conditions of an existing Neighborhood Development Permit, except as provided in Sections 126.0112 and 126.0113. Violation of any provision of this division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violations of this division shall be treated as strict liability offenses regardless of intent.

**§126.0506 Violations of a Site Development Permit**

It is unlawful for any person to maintain, use, or develop any premises without a Site Development Permit if such a permit is required for the use or development, or to maintain, use, or develop any premises contrary to the requirements or conditions of an existing Site Development Permit, except as provided in Sections 126.0112 and 126.0113. Violation of any provision of this division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violations of this division shall be treated as strict liability offenses regardless of intent.

**§126.0606 Violations of a Planned Development Permit**

It is unlawful for any person to maintain, use, or develop any premises without a Planned Development Permit if such a permit is required for the use or development, or to maintain, use, or develop any premises contrary to the requirements or conditions of an existing Planned Development Permit, except as provided in Sections 126.0112 and

126.0113. Violations of any provision of this division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violation of this division shall be treated as strict liability offenses regardless of intent.

**§126.0723 Violations of a Coastal Development Permit**

It is unlawful for any person to maintain, use, or undertake coastal development on any lot or premises without a Coastal Development Permit if such a permit is required for the use or development or to maintain, use, or develop any premises contrary to the requirements or conditions of an existing Coastal Development Permit, except as provided in Sections 126.0112 and 126.0113. Violation of any provision of this division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violations of this division shall be treated as strict liability offenses regardless of intent.

**§143.0303 Permitted Uses with Neighborhood Development Permits and Site Development Permits**

The following regulations apply to all Neighborhood Development Permits or Site Development Permits.

(a) [No change in text.]

(b) Changes of use on a *premises* do not require an amendment of the approved Neighborhood Development Permit or Site Development Permit if the proposed use is permitted in the applicable zone and ~~no exterior modifications to the existing structures or associated exterior facilities are being made required to accommodate the proposed use change~~ complies with Sections 126.0112 or 126.0113. ~~Proposed changes of use that require exterior modifications to the existing structures require an amendment to the approved Neighborhood Development Permit or Site Development Permit when the modifications are not in substantial conformance with the approved permit.~~

(c) [No change in text.]

**§143.0375 Maintenance Requirements for Neighborhood Development Permits and Site Development Permits**

All development approved with a Neighborhood Development Permit or Site Development Permit is subject to the following regulations.

(a) All developments shall be constructed and maintained in accordance with the approved plans and conditions contained in the Neighborhood Development Permit or Site Development Permit, except as provided in Sections 126.0112 and 126.0113.

(b) [No change in text.]



**§143.0403 Permitted Uses with a Planned Development Permit**

The following regulations apply to all Planned Development Permits

- (a) [No change in text.]
- (b) Changes of use on a *premises* ~~will do~~ not require an amendment of the approved Planned Development Permit; if the proposed use is permitted in the applicable zone and ~~no exterior modifications to the existing structures or associated exterior facilities will be required to accommodate the proposed use change~~ complies with Sections 126.0112 or 126.0113. ~~Proposed changes of use that require exterior modifications to the existing structures require an amendment to the approved Planned Development Permit when the modifications are not insubstantial conformance with the approved Planned Development Permit.~~
- (c) [No change in text.]

**§143.0473 Maintenance Requirements for Planned Development Permits**

All approved Planned Development Permits must be maintained in compliance with the following regulations:

- (a) All developments shall be constructed and maintained in accordance with the approved plans and conditions contained within the approved Planned Development Permit, except as provided in Sections 126.0112 and 126.0113.
- (b) [No change in text.]

◆ ◆ ◆ NUMBERING CLEAN-UP AMENDMENTS ◆ ◆ ◆

**§126.01145 Closing of a Development Permit Application**

[No change in text.]

**§126.01156 Tolling of a Development Permit**

[No change in text.]

**§126.0716 Modifications and Amendments to a Coastal Development Permit**

Minor modifications and amendments to a previously approved Coastal Development Permit issued by the City shall be decided in accordance with Sections 126.0112 and 126.01134.

**§132.1515 Safety Compatibility**

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



- (d) An *applicant* may request approval of a Neighborhood Development Permit for a non-residential *development* where an alternative method of calculation is requested to demonstrate compliance with the maximum intensity (people per acre).

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

- (3) The *development permit* shall specify the maximum intensity for the site, and shall require amendment of the *development permit* in accordance with Section 126.01134 for any future *development* that would exceed the maximum intensity specified in the permit.

(4) [No change in text.]

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

#### **§156.0315 Separately Regulated Uses**

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

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

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

The initial term for a Conditional Use Permit permitting *Alternative Interim Uses* shall not exceed a ten-year period. Extensions may be approved in accordance with Section 126.01134, but shall not exceed an additional ten-year period.

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

#### **§125.0150 Tolling of Tentative Maps and Associated Development Permits**

- (a) Pursuant to *Subdivision Map Act* Section 66452.6(c), an *applicant* may request a tolling of the expiration of an approved or conditionally approved *tentative map* for up to 5 years while a lawsuit involving the approval or conditional approval of the *tentative map* is or was pending in a court of competent jurisdiction. Associated *development permits* may also be tolled in accordance with Sections 125.0150 and 126.01156.

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

**Issue Item #12: Marijuana Regulations****Changing Marijuana to Cannabis (throughout the code)****§22.4033 Sales or Distribution of Goods in Special Event Venue**

- (a) [No change in text.]
- (b) It is unlawful to sell, resell, offer to sell, or distribute ~~marijuana~~ cannabis or ~~marijuana~~ cannabis products within a Special Event Venue.

**§34.0103 Definitions**

Except where the context otherwise requires, the definitions given in this section shall govern the application and interpretation of this Article. Each word or phrase defined in this Division appears in the text of this Division in italicized letters.

- (a) [No change in text.]
- (b) “*Cannabis Business*” means any activity which entails the distribution, delivery, dispensing, exchanging, bartering or sale of non-medical *Cannabis*, including but not limited to, transporting, manufacturing, cultivating, compounding, converting, processing, preparing, storing, packaging, wholesale, or retail sales of *Cannabis* and any ancillary products in the City, whether or not carried on for gain or profit. Medical marijuana activities authorized under Health and Safety Code section 11362.765, as it may be amended from time to time, are not *Cannabis Business* under this Article. ~~Medical marijuana consumer cooperatives permitted pursuant to this Code are not *Cannabis Businesses* under this Article.~~
- (c) through (k) [No change in text.]

**Division 13: ~~Marijuana~~ Cannabis Regulations****§42.1301 Purpose and Intent**

- (a) through (c) [No change in text.]
- (d) This Division shall be interpreted in a manner consistent with state law. Nothing in this Division is intended to authorize the sale, distribution, possession, planting, cultivation, harvesting, drying, processing, manufacturing, compounding, converting, producing, deriving, or preparing of ~~marijuana~~ cannabis, or any other transaction, in violation of state law.

## §42.1302 Definitions

For the purpose of this Division the following definitions shall apply and appear in italicized letters:

*~~Marijuana~~ Cannabis* has the same meaning as in California Health and Safety Code section 11018.

*~~Marijuana~~ Cannabis processing* means the creation or manufacturing of ~~marijuana cannabis~~ concentrate, ~~including concentrated cannabis or an~~ edible or topical product containing ~~marijuana or~~ concentrated cannabis and other ingredients.

*~~Marijuana~~ Cannabis products* has the same meaning as in California Health and Safety Code section 11018.1.

*Primary caregiver* means the individual designated by the *qualified patient* who has consistently assumed responsibility for the housing, health, or safety of the *qualified patient*, in accordance with state law, including California Health and Safety Code section 11362.5. As explained in *People v. Mentch*, 45 Cal. 4th 274 (2008), a *primary caregiver* is a person who consistently provides caregiving to a *qualified patient*, independent of any assistance in taking medical ~~marijuana~~ cannabis, at or before the time he or she assumed responsibility for assisting with medical ~~marijuana~~ cannabis.

*Private residence* has the same meaning as in California Health and Safety Code section 11362.2(b)(5).

*Qualified patient* means a California resident having the right to obtain and use ~~marijuana~~ cannabis for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of ~~marijuana~~ cannabis in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which ~~marijuana~~ cannabis provides relief in accordance with state law, including California Health and Safety Code section 11362.5.

*Vaping* has the same meaning as in section 43.1001 of this Code.

*Volatile solvents* means volatile organic compounds, including explosive gases, such as butane, propane, xylene, styrene, gasoline, kerosene, O<sub>2</sub> or H<sub>2</sub>, and dangerous poisons, toxins or carcinogens, such as methanol, iso-propyl alcohol, methylene chloride, acetone, benzene, toluene, and trichloro-ethylene.

**§42.1303 Smoking and Vaping ~~Marijuana~~ Cannabis or ~~Marijuana~~ Cannabis Products**

Smoking, *vaping*, and ingesting of ~~marijuana~~ cannabis or ~~marijuana~~ cannabis *products* is prohibited in any public place or in any place open to the public. Any person who violates this section is guilty of an infraction.

**§42.1304 ~~Marijuana~~ Cannabis Cultivation**

- (a) Personal indoor ~~marijuana~~ cannabis cultivation is subject to the following regulations:
- (1) Indoor ~~marijuana~~ cannabis cultivation for personal use, in a manner and amount consistent with state law, may occur in an area of no more than 64 square feet.
  - (2) For purposes of this section, indoor ~~marijuana~~ cannabis cultivation includes cultivation in a fully enclosed and secure accessory *structure* to a *private residence* located upon the grounds of a *private residence*, consistent with state law.
  - (3) The use of gas products or *volatile solvents*, including carbon dioxide (CO<sub>2</sub>), methane, or any other flammable or non-flammable gas, for ~~marijuana~~ cannabis cultivation or ~~marijuana~~ cannabis *processing* is prohibited.
- (b) No person shall plant, cultivate, harvest, dry, or process ~~marijuana~~ cannabis plants outdoors in anything other than a secured *structure* upon the grounds of a *private residence*.

**Chapter 4****Article 2: Health Regulated Businesses and Activities****Division 15: ~~Marijuana~~ Cannabis Outlets, ~~Marijuana~~ Cannabis Production Facilities, and Transportation of ~~Marijuana~~ Cannabis****§42.1501 Purpose and Intent**

It is the intent of this Division to promote and protect the public health, safety, and welfare of the citizens of San Diego by allowing but strictly regulating the retail sale of cannabis ~~marijuana~~ at cannabis ~~marijuana~~ outlets, and the raising, harvesting, processing, wholesaling, distributing, storing, and producing of cannabis ~~marijuana~~ and cannabis ~~marijuana~~ products at cannabis ~~marijuana~~ production facilities in accordance with state law. It is further the intent of this Division to ensure that cannabis ~~marijuana~~ is not diverted for illegal purposes, and to limit its use to those persons authorized under state law. Nothing in this

Division is intended to authorize the cultivation, sale, distribution, possession of cannabis ~~marijuana~~, or other transaction, in violation of state law. It is not the intent of this Division to supersede or conflict with state law, but to implement the Compassionate Use Act (California Health and Safety Code section 11362.5), the Medical Marijuana Program Act (California Health and Safety Code sections 11362.7-11362.83), the Medicinal and Adult-Use Cannabis Regulation and Safety Act, and the Adult Use of Marijuana Act.

## **§42.1502 Definitions**

~~Marijuana~~ Cannabis *production facility* means individual or combined uses, operating with a Conditional Use Permit in accordance with section 141.1004, engaged in the agricultural raising, harvesting, and processing of *marijuana*; wholesale distribution and storage of *marijuana* and *marijuana* products; and production of goods from *marijuana* and *marijuana* products consistent with the requirements of State of California Statutes and the California Departments of Food and Agriculture, Consumer Affairs, and Public Health regulations.

*Primary caregiver* through *Qualified patient* [No change in text.]

*Responsible person* has the same meaning as in San Diego Municipal Code section 11.0210, and includes an employee of a cannabis outlet or a cannabis production facility, ~~and each person upon whom a duty, requirement or obligation is imposed by this Division, or who is otherwise~~ and persons responsible for the operation, management, direction, or policy of a ~~marijuana~~ cannabis outlet or a ~~marijuana-cannabis production facility~~. ~~It also includes an employee who is in apparent charge of a marijuana outlet or a marijuana production facility.~~

## **§43.1002 Prohibitions**

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

(h) It is unlawful to smoke, vape, and ingest ~~marijuana~~ cannabis or ~~marijuana~~ cannabis products at Special Events.

(i) It is unlawful to vape ~~marijuana~~ cannabis or ~~marijuana~~ cannabis products in a vaping lounge.

## **§52.3305 Evidentiary Factors**

The following factors, in addition to the specific circumstances of each situation, may be considered to determine if a violation of this Division has occurred:

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

- (5) Similarity to Illicit Street Drugs: The product resembles the form or consistency of an illicit street drug (such as cocaine, methamphetamine, or ~~marijuana~~ cannabis);
- (6) through (10) [No change in text.]

## Chapter 5

### Article 8: Minors

#### Division 7: Restricting the Advertising of Cannabis and Cannabis Products to Youth

##### §58.0701 Purpose and Intent

It is the purpose and intent of this Division to promote and protect the health, safety, and welfare of youth in the City of San Diego by regulating the location of billboards advertising cannabis or cannabis products in areas where youth play and attend school. It is further the intent of this Division to reduce youth's exposure to billboards advertising cannabis or cannabis products by establishing additional regulations beyond those provided in state law to include an expanded list of prohibited locations, and criminal and civil consequences for non-compliance. It is not the intent of this Division to supersede or conflict with state law, but to implement a local ordinance allowing the City of San Diego greater ability to enforce restrictions on billboards advertising cannabis or cannabis products to youth to help reduce the illegal consumption and purchase of cannabis or cannabis products by youth.

##### §58.0702 Definitions

For purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

*Advertising* has the same meaning as in San Diego Municipal Code section 58.0301.

*Billboard* has the same meaning as in San Diego Municipal Code section 58.0501.

*Cannabis* has the same meaning as in California Health and Safety Code section 11018.

*Cannabis products* has the same meaning as in California Health and Safety Code section 11018.1.

*Day care center* has the same meaning as in California Health and Safety Code section 1596.76.

Playground has the same meaning as in San Diego Municipal Code section 113.0103.

Property Line means a line that defines the boundaries of a lot or premises for purposes of applying development regulations. See San Diego Municipal Code section 113.0246 for additional information on determining *property lines*.

Public park has the same meaning as in San Diego Municipal Code section 113.0103.

School means any public or licensed private facility providing instruction in kindergarten or any grades 1 to 12, inclusive.

Youth center has the same meaning as in California Health and Safety Code section 11353.1.

#### **§58.0703 Measure of Distance**

The distance between any billboard and any school, playground, public park, day care center, or youth center shall be measured in a straight line, without regard to intervening structures, from the billboard to the closest property line of the school, playground, public park, day care center, or youth center.

#### **§58.0704 Advertising Restrictions**

It is unlawful for any person, business, or retailer to place or maintain, or cause to be placed or maintained, any advertising of cannabis or cannabis products on a billboard that is within 1,000 feet of a school, playground, public park, day care center, or youth center. This section does not apply to any noncommercial message.

#### **§113.0103 Definitions**

*Abutting Property through Map, tentative* [No change in text.]

~~Marijuana~~ Cannabis outlet means a retail establishment operating with a Conditional Use Permit in accordance with Section 141.0504, where ~~marijuana~~ cannabis, ~~marijuana~~ cannabis products, and ~~marijuana~~ cannabis accessories, as defined in California Health and Safety Code sections 11018, 11018.1, and 11018.2, are sold to the public in accordance with dispensary or retailer licensing requirements pursuant to the California Business and Professions Code. A ~~marijuana~~ cannabis outlet does not include clinics licensed by the State of California pursuant to California Health and Safety Code Division 2, Chapters 1, 2, 3.01, 3.2, or 8.

Cannabis production facility means individual or combined uses, operating with a Conditional Use Permit in accordance with section 141.1004, engaged in the agricultural raising, harvesting, and processing of cannabis wholesale distribution and storage of cannabis and cannabis products; and production of goods from cannabis and cannabis products consistent with the requirements of State of California Statutes and the California Departments of Food and Agriculture, Consumer Affairs, and Public Health regulations.

*Market value through Yard* [No change in text.]

### **§113.0225 Measuring Distance Between Uses**

When there is a separation requirement between uses, the distance of the separation shall be measured as follows, except as specified by state law. See Diagram 113-02E.

Diagram 113-02E  
Distance Between Uses [No change in text.]

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

- (c) When measuring distance for separation requirements for ~~marijuana outlets~~ cannabis outlets or ~~marijuana production facilities~~ cannabis production facilities, the measurement of distance between the uses ~~shall take into account natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct and legal pedestrian path of travel between property lines. For this purpose, the direct and legal pedestrian path of travel includes the crossing of streets only at street corners or via marked crosswalks where available. route around the barrier in a manner that establishes direct access.~~

### **§126.0303 When a Conditional Use Permit Is Required**

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

- (a) Conditional Use Permits Decided by Process Three

Bed and breakfast establishments (under circumstances described in Section 141.0603)

Cannabis outlet

Cannabis production facilities



Major transmission, relay, or communication switching station  
~~Marijuana outlets~~  
~~Marijuana production facilities~~  
 Museums

### §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 <sup>(1)</sup> -	
		1-		1-		1-	
		1	1	1	1	2	1
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]  [No change in text.]	1st & 2nd >>						
	3rd >>						
	4th >>						
<b>Separately Regulated Retail Sales Uses</b>							
<del>Marijuana</del> <u>Cannabis Outlets</u>		-	-	-	-	-	-
<b>Separately Regulated Industrial Uses</b>							
<del>Marijuana Facilities Production</del> <u>Cannabis Production Facilities</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 Retail Sales Uses [No change in text.]					
<del>Marijuana</del> <u>Cannabis</u> Outlets		-		-	
Plant Nurseries		C		C	
Separately Regulated Industrial Uses					
<del>Marijuana Facilities Production</del> <u>Cannabis Production Facilities</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] [No change in text.]	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 Retail Sales Uses																									
<del>Marijuana</del> <u>Cannabis</u> Outlets		-	-														-		-						
Separately Regulated Industrial Uses																									
<del>Marijuana Facilities Production</del> <u>Cannabis Production Facilities</u>		-	-														-		-						

Use Categories/ Subcategories  [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] [No change in text.]	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 Retail Sales Uses																													
<del>Marijuana</del> <u>Cannabis Outlets</u>		-					-					-					-					-							
Separately Regulated Industrial Uses																													
<del>Marijuana Facilities Production</del> <u>Cannabis Production Facilities</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** [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] [No change in text.]	Zone Designator	Zones																	
	1st & 2nd >>	CN <sup>(1)</sup> -						CR-		CO-						CV-		CP-	
	3rd >>	1-						1-	2-	1-	2-		3-		1-	1-			
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Separately Regulated Retail Sales Uses																			
<del>Marijuana</del> <u>Cannabis Outlets</u>		-						-	C	-		C		-		-	-		
Separately Regulated Industrial Uses																			
<del>Marijuana Facilities Production</del> <u>Cannabis Production Facilities</u>		-						-	-	-		-		-		-	-		
	Zone Designator	Zones																	
	1st & 2nd >>	CC-																	

Use Categories/Subcategories  [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] [No change in text.]	Zone Designator	Zones																									
	1st & 2nd >>	CN <sup>(1)</sup> -						CR-		CO-						CV-		CP-									
	3rd >>	1-						1-	2-	1-	2-	3-	1-	1-													
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1								
Use Categories/Subcategories  [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	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 Retail Sales Uses																											
<del>Marijuana</del> <u>Cannabis</u> Outlets		-		C				-				-				-											
Separately Regulated Industrial Uses																											
<del>Marijuana Facilities Production</del> <u>Cannabis Production Facilities</u>		-		-				-				-				-											

### §131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B. [No change in text.]

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

**Table 131-06B**

#### Use Regulations Table for Industrial Zones

Use Categories/ Subcategories	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
<b>Separately Regulated Retail Sales Uses</b>											

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
<del>Marijuana</del> <u>Cannabis Outlets</u>		-	-	-	-	-	C	-	-	C	C
<b>Separately Regulated Industrial Uses</b>											
<del>Marijuana Facilities Production</del> <u>Cannabis Production Facilities</u>		-	-	-	C	C	C	C	C	-	-

### §132.1510 Noise Compatibility

Noise compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated as follows:

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

**Legend for Table 132-15D** [No change in text.]

**Table 132-15D  
Noise Compatibility Criteria**

Use Categories/ Subcategories  [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] [No change in text.]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
<b>Separately Regulated Industrial Uses</b>				
<del>Marijuana Facilities Production</del> <u>Cannabis Production Facilities</u>	P	P	P <sup>1</sup>	-

### §132.1515 Safety Compatibility

Safety compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated in accordance with this Section.

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

**Legend for Table 132-15F** [No change in text.]

**Table 132-15F**  
**Safety Compatibility Criteria for MCAS Miramar**

Use Categories/ Subcategories  [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	APZ I	APZ II	TZ
Maximum People Per Acre [No change in text.]	25	50	300
<b>Separately Regulated Industrial Uses</b>			
<del>Marijuana Facilities Production</del> <u>Cannabis Production Facilities</u> [490 sq ft per person]	L/.28 <sup>8</sup>	L/.56 <sup>8</sup>	P

(g) Safety Compatibility Review for Brown Field and Montgomery Field.

(1) [No change in text.]

(2) [No change in text.]

**Legend for Table 132-15G** [No change in text.]

**Table 132-15G**  
**Safety Compatibility Criteria for Brown Field and Montgomery Field**

Use Categories/ Subcategories  [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre [No change in text.]	N/A	70	130	130	200	No limit
Maximum <i>Lot Coverage</i> <sup>11</sup> [No change in text.]	N/A	50%	60%	70%	70%	N/A
<b>Trucking &amp; Transportation Terminals</b>	-	P <sup>9</sup>	P	P	P <sup>9</sup>	P
<b>Separately Regulated Industrial Uses</b>						
<del>Marijuana Facilities Production</del> <u>Cannabis Production Facilities</u> [300 sq ft per person]	-	L/.48 <sup>8</sup>	L/.90 <sup>8</sup>	L/.90 <sup>8</sup>	L/1.38 <sup>8</sup>	P

## §141.0504 **Marijuana Cannabis Outlets**

*Marijuana Cannabis outlets* that are consistent with the requirements for retailer or dispensary license requirements in the California Business and Professions Code may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), provided that no more than four *marijuana cannabis outlets* are permitted in each City Council District. *Marijuana cannabis outlets* are subject to the following regulations.

- (a) *Marijuana Cannabis outlets* shall maintain the following minimum separation between uses, as measured between *property lines*. ~~as measured between property lines, in accordance with Section 113.0225.~~
  - (1) 1,000 feet from resource and population-based city parks, other *marijuana cannabis outlets*, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools. For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes. The distance shall be measured between property lines, in accordance with Section 113.0225 (c).
  - (2) 100 feet from a residential zone. The distance shall be measured horizontally in a straight line between the two closest points of the property lines without regard to topography or structures that would interfere with a straight-line measurement.
- (b) Lighting shall be provided to illuminate the interior, façade, and the immediate surrounding area of the *marijuana cannabis outlet*, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.
- (c) Security shall be provided at the *marijuana cannabis outlet* which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard shall only be engaged in activities related to providing security for the facility, except on an incidental basis.
- (d) Primary signs shall be posted on the outside of the *marijuana cannabis outlet* and shall only contain the name of the business, which shall contain

only alphabetic characters, and shall be limited to two colors. Secondary signs, including window signs, advertising *cannabis* shall not be permitted.

- (e) The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside the ~~*marijuana*~~ *cannabis* outlet in character size at least two inches in height.
- (f) The ~~*marijuana*~~ *cannabis* outlet shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
- (g) The use of vending machines which allow access to ~~*marijuana*~~ *cannabis* and ~~*marijuana*~~ *cannabis* products except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this Section, a vending machine is any device which allows access to ~~*marijuana*~~ *cannabis* and ~~*marijuana*~~ *cannabis* products without a human intermediary.
- (h) [No change in text.]
- (i) A Conditional Use Permit for a ~~*marijuana*~~ *cannabis* outlet shall expire no later than five years from the date of issuance.
- (j) Deliveries shall be permitted as an accessory use only from ~~*marijuana*~~ *cannabis* outlets with a valid Conditional Use Permit unless otherwise allowed pursuant to the Compassionate Use Act of 1996.
- (k) The ~~*marijuana*~~ *cannabis* outlet, adjacent public sidewalks, and areas under the control of the ~~*marijuana*~~ *cannabis* outlet, shall be maintained free of litter and graffiti at all times.
- (l) The ~~*marijuana*~~ *cannabis* outlet shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
- (m) Consultations by medical professionals shall not be a permitted accessory use at a ~~*marijuana*~~ *cannabis* outlet.
- (n) An extension of time for a Conditional Use Permit granted to a ~~*marijuana*~~ *cannabis* outlet shall comply with the requirements of Section 126.0111, with the following exceptions:

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



## §141.1004 **Marijuana Cannabis Production Facilities**

~~Marijuana production facility are individual or combined uses engaged in the agricultural raising, harvesting, and processing of marijuana; wholesale distribution and storage of marijuana and marijuana products; and production of goods from marijuana and marijuana products consistent with the requirements of State of California Statutes and the California Departments of Food and Agriculture, Consumer Affairs, and Public Health regulations.~~

A ~~marijuana production facility~~ cannabis production facility 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), provided that no more than 40 ~~marijuana~~ cannabis production facilities are permitted in the City of San Diego. ~~Marijuana Cannabis~~ production facilities are subject to the following regulations.

- (a) ~~Marijuana production facility~~ Cannabis production facilities shall maintain the following minimum separation between uses, ~~as measured between property lines, in accordance with Section 113.0225:~~
  - (1) 1,000 feet from resource and population-based city parks, other ~~marijuana cannabis~~ outlets, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools. For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes. The distance shall be measured between property lines, in accordance with Section 113.0225 (c).
  - (2) 100 feet from a residential zone. The distance shall be measured horizontally in a straight line between the two closest points of the property lines without regard to topography or structures that would interfere with a straight-line measurement.
- (b) through (d) [No change in text.]
- (e) The name and emergency contact phone number of an operator or manager shall be posted outside the ~~marijuana production facility~~ cannabis production facility in a location visible to the public from the *public right-of-way* in character size at least two inches in height. The permittee shall provide this contact information to the San Diego Police Department. The operator or manager shall also be available 24 hours a

day to address public nuisance complaints and interact with local, state, and federal law enforcement authorities. Other than the contact information, a ~~marijuana production facility~~ cannabis production facility shall limit signage on the exterior of the property visible from the public *right-of-way* to the address.

- (f) [No change in text.]
- (g) A Conditional Use Permit for a ~~marijuana production facility~~ cannabis production facility shall expire no later than five (5) years from the date of issuance.
- (h) [No change in text.]
- (i) The sale of ~~marijuana~~ cannabis and ~~marijuana~~ cannabis products shall only be conducted by a ~~marijuana~~ cannabis outlet in accordance with Section 141.0504. A ~~marijuana production facility~~ cannabis production facility is prohibited from providing ~~marijuana~~ cannabis and ~~marijuana~~ cannabis products to any person other than another ~~marijuana production facility~~ cannabis production facility, a testing lab, or a ~~marijuana~~ cannabis outlet.
- (j) The ~~marijuana production facility~~ cannabis production facility, adjacent public sidewalks, and areas under the control of the ~~marijuana production facility~~ cannabis production facility shall be maintained free of litter and graffiti at all times.
- (k) The ~~marijuana production facility~~ cannabis production facility shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
- (l) Off-site advertising shall be prohibited.

### **§151.0103 Applicable Regulations**

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
  - (1) through (8) [No change in text.]
  - (9) Marijuana Cannabis outlet regulations contained in Section 141.0504 when the use is specifically allowed by the Planned District Ordinance.

- (10) ~~Marijuana production facilities~~ Cannabis production facilities regulations contained in Section 141.1004, when the use is specifically allowed by the Planned District Ordinance.

**§152.0312 Subdistrict D Permitted Uses**

- (a) and (b) [No change in text.]
- (c) ~~Marijuana~~ Cannabis outlets are permitted in accordance with Section 141.0504.
- (d) [No change in text.]
- (e) ~~Marijuana production facilities~~ Cannabis production facilities are permitted in accordance with Section 141.1004.

**§153.0309 Employment Center (EC)**

- (a) [No change in text.]
- (1) through (10) [No change in text.]
- (11) ~~Marijuana~~ Cannabis outlets are permitted in accordance with Section 141.0504.
- (12) through (14) [No change in text.]

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

**§153.0310 Special Use Area (SP)**

- (a) [No change in text.]
- (b) Permitted Uses
- The following uses are permitted in the Special Use Area:
- (1) through (11) [No change in text.]
- (12) ~~Marijuana~~ Cannabis outlets are permitted in accordance with Section 141.0504.
- (13) [No change in text.]
- (c) and (d) [No change in text.]

**§155.0238 Use Regulations Table of CU Zones**

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

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

**Table 155-02C**  
**Use Regulations Table for CU Zones**

Use Categories/Subcategories  [See Land <i>Development</i> 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	
Separately Regulated Retail Sales Uses											
<del>Marijuana</del> <u>Cannabis Outlets</u>		-		-			-				
Separately Regulated Industrial Uses											
<del>Marijuana Facilities Production</del> <u>Cannabis Production Facilities</u>		-		-			-				

**Item # 14: Downtown Community Plan****§142.1292 ~~Centre City~~ Downtown Community Plan Sign Control District****(a) Purpose and Intent**

It is the intent of this sign district to preserve and promote the unique aesthetic and economic values of the Downtown Community Plan area ~~Centre City~~; to provide a systematic and comprehensive approach toward meeting the sign needs of the community; to promote efficient vehicular traffic movement; to promote traffic safety; ~~and to facilitate implementation of the Comprehensive Downtown Parking Plan, as adopted by the City Council on December 2, 1997, and on file in the Office of the City Clerk as Document No. RR-289520 and, to celebrate~~ major events that are of general public interest and attract visitors and residents into the Downtown area to celebrate and participate in unique major events, both within the major event itself as well as within the surrounding neighborhood. The allowance of major event advertising event signs helps create a festival and celebratory atmosphere that is unique to such major events in Downtown which is a major tourist destination as well as the major public gathering spot for the region.

**(b) Definitions and Qualifying Criteria**

All defined terms appear in italics in this division. For purposes of this division:

*District* means the Downtown Community Plan ~~Centre City~~ Sign Control District.

*Major Event* means an organized event or activity that generates general public interest; is anticipated to attract over 40,000 people; and is primarily located in the San Diego Convention Center, Petco Park, or within Downtown with a special event permit. Major events include Comic-Con; Major League Baseball Playoffs, World Series, or All-Star Game; or, any other event determined by the City Manager to meet the above criteria.

*Traffic Destination Point* [No change in text.]

*Parking Facility* [No change in text.]

**(c) Applicability of Division** Certain types of *signs* are specifically permitted in the *District*, as set forth in this division. The *signs* permitted under this division are in addition to those types of *signs* currently permitted by the Centre City Planned District Ordinance, ~~Marina Planned District~~

~~Ordinance, and Gaslamp Quarter Planned District Ordinance, and City sign regulations.~~

(d) Boundaries of *District*

The boundaries of the *District* are coterminous with the Downtown Community Plan area, Centre City Community Plan Boundary, as shown on Figure 1 of Chapter 10, Article 3, Division 19 of the San Diego Municipal Code.

(e) Directional ~~Types of Permitted~~ Signs

Directional Signs are permitted on public property and in public rights-of-way for the purpose of directing vehicular traffic to the following location:

- (1) Public places that are owned, leased or operated by federal, state or local governments or their agencies.
- (2) Privately owned or operated scenic, cultural, scientific, educational, tourist-attraction facilities, or any combination of these facilities that qualify as *Traffic Destination Points*.
- (3) Privately owned or operated parking facilities open to the general public that qualify as *Parking Facilities*.

(f) Temporary Major Event advertising display signs on private property:

- (1) A sign permit is required for all major event advertising display signs.
- (2) The sign copy must relate to the major event, such as promoting the major event itself and/or content of the major event. The permit applicant shall be required to demonstrate that the temporary advertising display sign promotes the major event or an event that is included in the program of the major event to the satisfaction of the City Manager. Any product sponsorship of the major event on the temporary advertising display sign must be limited to no more than 15% of the temporary advertising display sign or 100 square feet, whichever is smaller.
- (3) The temporary advertising display sign shall be located within a half-mile radius of the primary venue of the major event (for instance, the San Diego Convention Center or Petco Park)
- (4) The sign may be installed no sooner than 96 hours prior to the first official event associated with the major event and shall be removed

within 72 hours of the last official event associated with the *major event*.

(5) No *premises* shall display any *major event advertising display signs* for more than a cumulative 30 days in any calendar year.

(fg) Permitted Signs to Conform to Other Laws

*Signs* permitted under this division shall be maintained or erected in conformance with all applicable building regulations in Land Development Code Chapter 14, Article 5, and the applicable regulations concerning total permitted sign area.

## STRIKEOUT ORDINANCE

### Item #27 Special Flood Hazard Areas Regulations

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

#### §113.0103 Definitions

*Abutting property through Solid fence* [No change in text.]

*Special Flood Hazard Area or SFHA*, means any area inundated during a *base flood* as shown on the Federal Insurance Rate Map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E (also referred to as the 100-year *floodplain*).

*Specified anatomical areas through Yard* [No change in text.]

#### §143.0145 Development Regulations for Special Flood Hazard Areas

(a) Purpose and Intent.

(1) The Legislature of the State of California has, in Government Code sections 65302(g), 65560(h)(4), and 65800, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry, including regulations governing *development within Special Flood Hazard Areas.*

(2) It is the intent of the City that these regulations shall not create liability on the part of the City, any officer or employee of the City, or the Federal Emergency Management Agency (FEMA), for any *flood* damages that result from reliance on this chapter or any associated administrative decision lawfully made.



(3) These regulations are not intended to repeal, abrogate, or impair any existing ordinances, easements, covenants, or deed restrictions. However, where these regulations and another ordinance, easement, covenant, or deed restriction conflict or overlap, the more stringent shall prevail.

(ab) *Special Flood Hazard Areas* within the City of San Diego are established in accordance with the report ~~entitled~~ titled “*Flood Insurance Study, San Diego County, California,*” dated ~~June 16, 1999~~ August 15, 1983, and the accompanying *Flood Insurance Rate Maps (FIRM)*, published by ~~the Federal Emergency Management Agency (FEMA)~~ FEMA, on file in the office of the City Clerk as Document Nos. 18910-1 and 18910-2, including any supplements, amendments, and revisions which are properly promulgated by FEMA or the Federal Insurance Administrator.

(bc) For the purpose of ~~S~~sections 143.0145 and 143.0146, the City Engineer is the designated Floodplain Administrator and shall administer, implement, and enforce these regulations.

(ed) The degree of *flood* protection required by ~~this~~ sections 143.0145 and 143.0146 ~~is considered reasonable for regulatory purposes and is based on scientific and engineering considerations, and is considered reasonable for regulatory purposes.~~ Larger *floods* can and will occur on rare occasions. It is possible that increased *flood* heights may result from man-made or natural causes. ~~This section~~ Section 143.0145 and section 143.0146 do ~~does~~ not imply that land outside a *Special Flood Hazard Area* or uses

permitted within such areas will be free from *flooding* or *flood* damages.

~~This section shall not create liability on the part of the City, any officer or employee thereof, or the FEMA, for any *flood* damages that result from reliance on this chapter or any administrative decision lawfully made there under.~~

(e) The Floodplain Management FEMA Definitions in the Land Development Manual Appendix S apply only to the provisions of San Diego Municipal Code sections 143.0145 and 143.0146. If there is a conflict between the definitions in Appendix S and any other definitions in the San Diego Municipal Code, the definitions in Appendix S shall apply.

(d~~f~~) The following development regulations, the Floodplain Management FEMA Definitions in the Land Development Manual Appendix S, and all other applicable requirements and regulations of FEMA apply to all *development* proposing to encroach into a *Special Flood Hazard Area*, including both the *floodway* and *flood fringe* areas, or that does not qualify for an exemption pursuant to ~~S~~section 143.0110(c);

(e~~g~~) *Floodways*

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

(f~~h~~) *Flood Fringe*. The applicable *development* regulations are those in the underlying zone, subject to the following supplemental regulations:

(1) Within the *flood fringe* of a *Special Flood Hazard Area*, permanent *structures* and *fill* for permanent *structures*, roads, and other *development* are allowed only if the following conditions are met:

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

(E) There will be no significant adverse water quality impacts to downstream wetlands, lagoons or other *sensitive biological resources*, and the *development* is in compliance with the requirements and regulations of the National Pollution Discharge Elimination System Permit, as implemented by the City of San Diego.

(F) [No change in text.]

(2) [No change in text.]

#### **§143.0146 Supplemental Regulations for Special Flood Hazard Areas**

All proposed *development* within a *Special Flood Hazard Area* is subject to the following requirements, the Floodplain Management FEMA Definitions in the Land Development Manual Appendix S, and all other applicable requirements and regulations of FEMA. The applicant for each development project shall obtain the federal and state permits required by 44 C. F. R. § 60.3(a)(1), as may be amended.

(a) *Development* and Permit Review

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

(8) The applicant shall obtain, keep, and make available for inspection by the City Engineer the following certifications:

(A) certification required for lowest floor elevations; and

(B) certification required for elevation or floodproofing of nonresidential structures.

(b) Standards for *Subdivisions*

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

(c) Standards of Construction

In all *Special Flood Hazard Areas*, the following standards apply for all *development*.

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

(11) All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor, excluding basements, that are usable solely for parking of vehicles, building access, or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater as required by 44 C. F. R. § 60.3(c)(5), as may be amended. Designs for meeting this requirement must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- (ii) The bottom of all openings shall be no higher than one foot above grade; and

- (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

(d) Standards for *Manufactured Homes*

All new and replacement *manufactured homes* and additions to *manufactured homes* are subject to the following regulations.

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

- (4) Within ~~*FIRM Zones V1-30, VE, and V*~~ *Special Flood Hazard Areas*, the placement or installation of *manufactured homes* shall comply with the standards for coastal high hazard areas in ~~Section~~ 143.0146(g).

(e) Standards for Utilities

[No change in text.]

(f) Standards for Recreational Vehicles

(1) [No change in text.]

- (2) All recreational vehicles placed in ~~*FIRM Zones A1-30, AE and AH*~~ *Special Flood Hazard Areas* shall comply with one of the following:

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

(g) Standards for Coastal High Hazard Area

- (1) A coastal high hazard area is an area of special *flood* hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high

velocity wave action from storms ~~or seismic sources~~. It is ~~an area~~ subject to high velocity waters, including coastal and tidal inundation ~~or tsunamis~~. The area is designated on a *FIRM Zone* V1-30, VE, or V.

- (2) Within coastal high hazard areas, *FIRM Zones* V1-30, VE, and V, the following standards shall apply:

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

(h) [No change in text.]

- (i) If a *development* changes the *base flood* elevations due to physical alterations, the permit *applicant* shall be required to submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within 6 months of information becoming available or project completion, whichever comes first. ~~All LOMR's for flood control projects are approved prior to the issuance of Building Permits. Building Permits shall not be issued based on Conditional Letters of Map Revision.~~



# THE CITY OF SAN DIEGO Floodplain Management

## **FEMA Definitions**

### Appendix S

July 2019 Edition

APPENDIX S – FEMA DEFINITIONS

THIS PAGE INTENTIONALLY LEFT BLANK FOR DOUBLE-SIDED PRINTING

DRAFT



## Contents

### Introduction

This Floodplain Management Appendix (Appendix) serves as a supplement to the City of San Diego's (City) Floodplain Management standards and procedures. This Appendix is pertinent to the City's Development Regulations for Special Flood Hazard Areas (SFHA), Municipal Code Sections §143.0145 and §143.0145. FEMA-related terminology is defined per the Code of Federal Regulations, as required under the National Floodplain Insurance Program (NFIP). These definitions provide clarification to design engineers, developers, contractors, and others in regard to development in SFHAs.

#### 1.1. Definitions

**Existing manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before December 9, 1997.

**Expansion to an existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Highest adjacent grade** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historical structure** a functional construction that possesses historical, scientific, architectural, aesthetic, or cultural significance, usually made for purposes other than sheltering human activity (such as large-scale engineering projects, water control systems, transportation systems, mine shafts, kilns, ovens, lighthouses, and radio telescopes). Means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- 1. By an approved state program as determined by the Secretary of the Interior or

2. Directly by the Secretary of the Interior in states without approved programs.

**Lowest floor** means the lowest floor of the lowest enclosed area (including the basement). An unfinished or flood-resistant enclosure that is usable solely for parking vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of any applicable non-elevation design requirements of the Code of Federal Regulations Title 44, Chapter 1, Part 60.3, as amended, or other City requirements.

**New construction** means structures for which the start of construction commenced on or after December 9, 1997 and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**Start of construction** includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement** means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, or other improvement of a structure, the cost of which, equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**APPENDIX S – FEMA DEFINITIONS**

**Special Flood Hazard Area or SFHA**, means any area inundated during a base flood as shown on the Federal Insurance Rate Map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E (also referred to as the 100-year floodplain).



## THE CITY OF SAN DIEGO

**MEMORANDUM**

**DATE:** October 14, 2019

**TO:** Renee Mezo, Development Project Manager III, Planning Department

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

**SUBJECT:** 12<sup>th</sup> Update to the Land Development Code (Phase Two) - 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 12<sup>th</sup> 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 40 amendments include proposed changes to the San Diego Municipal Code: Chapter 1, Article 1; Chapter 2, Article 2; Chapter 3, Article 4; Chapter 4, Articles 2 and 3; Chapter 5, Articles 2 and 8; Chapter 9, Article 8; Chapter 11, Articles 2 and 3; Chapter 12, Articles 1, 3, 6, and 8; Chapter 13, Articles 1 and 2; Chapter 14, Articles 1 through 3; and Chapter 15, Articles 1, 2, 3, 5, 6, and 7.

**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 the 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 40 amendments that are divided into the following categories: environmental, zoning, landscaping, and minor corrections. The amendments are being proposed to comply with state and federal law; clarify existing definitions and language; clarify existing regulations; introduce regulatory reform; correct references; and correct typographical, grammatical and formatting errors. Many of the amendments streamline and clarify the permit and review process.

The 12<sup>th</sup> Update modifies the rules of calculation related to attics and gross floor areas. Regulations related to the Certification of an Environmental Document are also clarified to be consistent with CEQA Guidelines. This includes specifying that substantial evidence is needed to rely on a previously certified environmental document, including the specific requirements for the City's actions as a responsible agency when making a decision on a project, and clarifying that decisions will be made in accordance with CEQA and the CEQA Guidelines. Regulations are also modified to be consistent with the Vernal Pool Habitat Conservation plan. This includes allowing parties not subject to the City's land use authority to be able to utilize the City's permitting process for take authorizations; reducing the separation for steep hillsides from 40 to 20 feet; and clarifying that development on property that does not contain ESL, but that is located adjacent to property within the MHPA, must be consistent with the Land Use Adjacency Guidelines.

Several amendments are also included to improve and streamline the permit process and clarify regulations. This includes: allowing mobile food trucks to use additional furniture and signage; expanding research and development uses in Industrial zones to allow agricultural, retail, and commercial flexibility to primary uses; allowing Continuing Care Retirement Communities as a limited use in zones that allow multi-family housing; adding a new section 'Development on a Premise with a Utilized Permit' which allows existing development capacity where permitted under the base zone without an amendment to the existing development permit; specifying that multi-family residential development that involves grading to accommodate underground parking does not require a SDP; clarifying that the minimum lot size in the RS-1-2 zones within Encanto and Southeastern San Diego community planning areas is 5,000 square feet; allowing Homeless Facilities within the Coastal Overlay Zone, visitor accommodations in the CO-2 zones and correcting an inconsistency in development regulations, and allowing the sale of intoxicating beverages in eating and drinking establishment in the CN zone; clarifying limited residential use in commercial zones; changing Marijuana to Cannabis throughout the municipal code; changing how to calculate the distance requirement to public direct physical access between Cannabis uses, and adding regulations for billboard advertising that apply Cannabis businesses; increasing the small lot commercial parking exemption from 10,000 square feet

or less to 15,000 square feet or less; and allowing signs relating to special events within the Downtown Community Planning Area.

This also includes adding a better definition of a Public Project and reducing the CIP & Public Project process levels; eliminating the Impound Storage Yard Use and adding Vehicle Storage Facility as a Separately Regulated Use to allow the of storage of operable vehicles as a primary use through a ministerial process; allowing Companion Units, Junior Units and guest quarters in the CU Zones where single-family units are allowed; clarifying the definition of Parking Standards TPA, including that bicycle parking is required and reformatting of the existing language; changing the permit process from a Conditional Use Permit to Limited Use for Child Care Centers in multi-family zones; adding revisions, corrections and clarifications to the Impact Fee Program; eliminating the Site Development Permit requirement for a mixed use project if a certain amount of park acreage has not been added in the Mid-City Community area; providing parking flexibility for Assembly and Entertainment Uses; clarifying that a table within the Parking Regulations for Nonresidential Uses apply to all commercial development; repealing the Residential Tandem Overlay Zone in favor of the tandem parking regulations under Chapter 14, Parking Regulations; allowing for email-electronic noticing for Public Service of Notices;; increasing the enrollment for replacing an existing school to 600 students within a transit priority area; and additional amendments for Special Flood Hazard Areas Regulations consistent with Federal Emergency Management Regulations (FEMA).

There are also six items that provide clarity in relation to Landscape Regulations and eliminate redundancies. They include establishing landscape area and point requirements for high-density residential development and residential components of mixed-use development; clean-up of the General Planting and Irrigation Requirements related to trees; clarifying common open space options available to meet landscape requirements and amending the 5-foot planting requirement when commercial development abuts residential zones; clarifying that Vehicular Use Areas are subject to construction permits rather than building Permits for Temporary Vehicular Use areas; modifying the water conservation language in compliance with the Model Water Efficient Landscape Ordinance; and clarifying that brush management zone two is not acceptable as mitigation area in the Development Regulations for Sensitive Biological Resources.

### **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 12<sup>th</sup> Update to the Land Development Code.

#### **CEQA 15162 Consistency Evaluation**

The CEQA and Environmental Policy Section has reviewed the 12<sup>th</sup> 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.



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 12<sup>th</sup> Update-Phase 2**

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
<b>Rules of Calculations:</b> The following amendment clarifies measurements for attic and GFA.		
1	113.0103 113.0210 113.0234	<p><b>Attic and Gross Floor Area</b>- Redefining Attic and Gross Floor Area consistent with the building code.</p> <p><b>CEQA 15162 Evaluation:</b> The proposed amendment to redefine these calculations would not result in a physical impact to the environment analyzed under CEQA.</p>
<b>Environmental:</b> The following 2 items clarify regulations to be consistent with CEQA guidelines and the VPHCP		
2	128.0311	<p><b>Certification of an Environmental Document</b>- When relying on previously certified environmental documents, state law requires a decision maker's decision to rely on that document to be supported with substantial evidence. State law also sets forth the requirements for the City's actions as a responsible agency when making a decision on a project. The section is proposed to be revised to clarify that such decisions will be made in accordance with CEQA and the CEQA Guidelines.</p> <p><b>CEQA 15162 Evaluation:</b> The proposed revision would not result in a physical impact to the environment analyzed under CEQA.</p>
3	143.0110	<p><b>When Environmentally Sensitive Lands Regulations Apply</b></p> <ul style="list-style-type: none"> <li>• Allow for a third party, local or state agency that is not subject to the City's discretionary land use authority to elect to utilize the City's land use permitting process for development that is within the City's jurisdictional boundary to gain incidental take authorization under the VPHCP through issuance of a Certificate of Inclusion.</li> <li>• Reduce separation distance for steep hillsides from 40 to 20 feet.</li> <li>• Clarify that development on property that does not contain ESL, but that is located adjacent to property within the MHPA, must be consistent with the Land Use Adjacency Guidelines in MSCP Subarea Plan Section 1.4.3 and VPHCP Section 5.2.1. Compliance notes/conditions must be included the construction plans as appropriate.</li> </ul> <p><b>CEQA 15162 Evaluation:</b> 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>
<b>Zoning:</b> The following 24 amendments improve and streamline the permit process and clarify regulations.		



No.	Code Section	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
4	141.0612	<p><b><u>Mobile Food Truck Permit</u></b>- Allow standing tables, shade structure and six square foot signs within private property to help support the industry.</p> <p><b>CEQA 15162 Evaluation:</b> The proposed amendment to allow these structures within private property 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>
5	131.0112 131.0602 131.0622 141.0602	<p><b><u>Description of Use Categories and Subcategories</u></b>- Amend the Industrial Use Category to expand R&amp;D uses and amend the Industrial zones tables to allow agricultural, retail, and commercial flexibility to primary uses.</p> <p><b>CEQA 15162 Evaluation:</b> The proposed amendment to expand R&amp;D uses and allow flexibility within the Industrial Use Category 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. Therefore, no further documentation or environmental analysis is required.</p>
6	131.0422 Table 131-04B 131.0522 Table 131-05B 141.0303	<p><b><u>Continuing Care Retirement Communities (CCRC)</u></b>- Allow by-right-limited use in zones that allow multi-family housing, subject to requirements, so that CCRC would not be subject to density limitations of these zones.</p> <p><b>CEQA 15162 Evaluation:</b> The proposed amendment to allow by-right-limited use in zones that allow 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. Therefore, no further documentation or environmental analysis is required.</p>
7	121.0302 125.0150 126.0110 126.0112 126.0113 126.0114 126.0115 126.0206 126.0306 126.0405 126.0506 126.0606 126.0723 132.1515 141.0602 142.0530 143.0303 143.0375 143.0403 143.0473 156.0315	<p><b><u>Development on a Premises with a Utilized Development Permit</u></b>- Adds new section 'Development on a Premise with a Utilized Permit' which allows existing development capacity where permitted under the base zone without an amendment to the existing development permit.</p> <p><b>CEQA 15162 Evaluation:</b> 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; therefore, no further documentation or environmental analysis is required.</p>

No.	Code Section	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
8	142.0103(b) 126.0502(c)(6)	<p><b><u>Housing Development Process Improvements</u></b>- Amend language to specify that multi-family residential development that involves grading to accommodate underground parking does not require a SDP pursuant to 142.0103.</p> <p><b>CEQA 15162 Evaluation:</b> 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>
9	131.0431(b) Table 131-04D	<p><b><u>Development Regulations Table for Residential Zones</u></b>- Clarify that the minimum lot size in the RS-1-2 zones within Encanto and Southeastern San Diego community planning areas is 5,000 square feet.</p> <p><b>CEQA 15162 Evaluation:</b> Clarifying what minimum lot size is in these zones would not result in a physical impact to the environment analyzed under CEQA.</p>
10	131.0522 Tables 131-05B & 131-05D	<p><b><u>Use Regulations Table for Commercial Zones</u></b></p> <ul style="list-style-type: none"> <li>• Allow Homeless Facilities within the Coastal Overlay Zone, still subject to a CUP and CD.</li> <li>• Allow visitor accommodations in the CO-2-2 &amp; CO-2-1 zones.</li> <li>• Allow the sale of intoxicating beverages in eating and drinking establishment in the CN zone.</li> <li>• Correct inconsistency in development regulations table for CO-2 zones; Supplemental Residential Regulations should not apply in CO-2-1 and CO-2-2 zones.</li> </ul> <p><b>CEQA 15162 Evaluation:</b> The proposed zoning 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. Therefore, no further documentation or environmental analysis is required.</p>
11	131.0507	<p><b><u>Development Regulations Tables for Commercial Zones</u></b> – Clarify that limited residential use is allowed in certain commercial zones.</p> <p><b>CEQA 15162 Evaluation:</b> Clarifying that limited residential use is allowed in certain commercial zones would not result in a physical impact to the environment analyzed under CEQA.</p>

No.	Code Section	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
12	22.4033 34.0103 42.1301- 42.1304 42.1502 43.1002 52.3305 58.0701- 58.0704 113.0103, 113.0225 126.0303 131.0222, 131.0322 131.0422, 131.0522 131.0622 132.1510 132.1515 141.0504, 141.1004 151.0103 152.0312 153.0309, 153.0310 155.0238	<p><b><u>Marijuana Outlets and Production Facilities</u></b></p> <ul style="list-style-type: none"> <li>• Change Marijuana to Cannabis throughout the municipal code.</li> <li>• Change distance requirement to public direct physical access between uses and clarify the distance from residentially zoned property for cannabis outlets.</li> <li>• Add regulations for billboard advertising that apply to both licensed and unlicensed businesses.</li> </ul> <p>Prohibit secondary window signs advertising cannabis.</p> <p><b>CEQA 15162 Evaluation:</b> 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. Therefore, no further documentation or environmental analysis is required.</p>
13	142.0540	<p><b><u>Exception to Parking Regulations for Nonresidential Uses</u></b>— Increase the small lot commercial parking exemption from lots that are 10,000 square feet or less to lots that are 15,000 square feet or less.</p> <p><b>CEQA 15162 Evaluation:</b> The proposed change 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. Therefore, no further documentation or environmental analysis is required.</p>
14	142.1292	<p><b><u>Downtown Community Plan Sign Control District</u></b>— Allow signs relating to major events within the Downtown Community Plan.</p> <p><b>CEQA 15162 Evaluation:</b> Allowing signs related to special event permits within the Downtown Community Plan 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
15	112.0601 112.0602 112.0604 113.0103 126.0108(d) 126.0502(a)(1) (f)(g) 126.0707(a-c) 132.0402 Table 132-04A 143.0110 - Table 143-01A and (c)(10)	<p><b><u>Capital Improvement Projects (CIP) and Public Projects</u></b>            Defining a Public Project and Reducing the CIP &amp; Public Project process for the following:</p> <ul style="list-style-type: none"> <li>Discretionary process from a 5 to a 2 (does not apply to deviations from historical, ESL or archeological resources).</li> <li>Projects that meet new SDP exemption criteria &amp; have appropriate CEQA review can be processed ministerially.</li> <li>CIP &amp; Public Projects within the Coastal Overlay Appealable Area reduced from a Process 5 to a 2.</li> </ul> <p><b>CEQA 15162 Evaluation:</b> The proposed definition and 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. Therefore, no further documentation or environmental analysis is required.</p>
16	131.0112 131.0222 131.0422 131.0522 131.0622 141.0803 141.0901 142.0413	<p><b><u>Vehicle Storage Facilities as a Primary Use</u></b></p> <ul style="list-style-type: none"> <li>Eliminating the Impound Storage Yard Use.</li> <li>Adding Vehicle Storage Facility (Separately Regulated Use) that allows for storage of operable vehicles as a primary use ministerially.</li> </ul> <p><b>CEQA 15162 Evaluation:</b> 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; therefore, no further documentation or environmental analysis is required.</p>
17	155.0238	<p><b><u>Use Regulations Table of CU Zones</u></b>- Allow Companion Units, Junior Units and guest quarters in the CU Zones where single-family units are allowed.</p> <p><b>CEQA 15162 Evaluation:</b> Allowing these units and guest quarters in CU where single-family units are allowed 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. Therefore, no further documentation or environmental analysis is required.</p>
18	142.0528	<p><b><u>Parking Standards Transit Priority Area Regulations</u></b></p> <ul style="list-style-type: none"> <li>Clarify that bicycle parking is required and reformatting of existing language.</li> <li>Add footnote to motorcycle parking.</li> <li>Clarify definition of Parking Standards TPA.</li> </ul> <p><b>CEQA 15162 Evaluation:</b> The proposed clarifications would not result in a physical impact to the environment analyzed under CEQA.</p>
19	131.0422 Table 131-04B	<p><b><u>Child Care Centers</u></b>- Change the permit process from a Conditional Use Permit to Limited Use for Child Care Centers in multi-family zones, consistent with the Mixed-Use Zones.</p> <p><b>CEQA 15162 Evaluation:</b> Changing the permit process for Child Care Centers would not result in a physical impact to the environment analyzed under CEQA.</p>

No.	Code Section	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
20	142.0640	<p><b><u>Impact Fees for Financing Public Facilities</u></b>– Revisions, corrections and clarifications to the Impact Fee Program.</p> <p><b>CEQA 15162 Evaluation:</b> The proposed revisions, corrections, and clarifications to the Impact Fee Program 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. Therefore, no further documentation or environmental analysis is required.</p>
21	155.0253(a)(1)	<p><b><u>Supplemental Development Regulations</u></b>– Eliminate the Site Development Permit requirement for mixed use project if a certain amount of park acreage has not been added in the Mid-City Community area.</p> <p><b>CEQA 15162 Evaluation:</b> Eliminating the Site Development Permit requirement for mixed use projects that meet these criteria 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. Therefore, no further documentation or environmental analysis is required.</p>
22	141.0602	<p><b><u>Assembly and Entertainment Uses</u></b>–Revise language to provide parking flexibility by allowing parking to be on or off-site.</p> <p><b>CEQA 15162 Evaluation:</b> Allowing parking to be on or off-site for these 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. Therefore, no further documentation or environmental analysis is required.</p>
23	142.0540	<p><b><u>Exception to Parking Regulations for Nonresidential Uses</u></b> –Clarifies that the parking requirements in Table 142-05H apply to all commercial uses.</p> <p><b>CEQA 15162 Evaluation:</b> The proposed clarification would not result in a physical impact to the environment analyzed under CEQA.</p>
24	<p>Table of Contents– Remove Division 9 (this will come with the repeal of overlay zone)</p> <p>126.0402 131.0449(b)(2) 132.0901-0905 142.0505– Table 142-05A 142.0527 142.0555 143.0302– Table 143.03A</p>	<p><b><u>Tandem Parking</u></b> – Repeal the Residential Tandem Overlay Zone, while keeping regulations under Parking Regulations.</p> <p><b>CEQA 15162 Evaluation:</b> Repealing the Residential Tandem Overlay Zone 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
25	11.0301	<b><u>Service of Notices</u></b> - Include electronic noticing for enforcement purposes in addition to other required noticing. <b>CEQA 15162 Evaluation:</b> Including electronic noticing would not result in a physical impact to the environment analyzed under CEQA.
26	141.0407	<b><u>Educational Facilities-Schools for Kindergarten to Grade 12</u></b> - Increase enrollment for replacing an existing school to 600 students within a TPA. <b>CEQA 15162 Evaluation:</b> 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. Therefore, no further documentation or environmental analysis is required.
27	113.0103 143.0145 143.0146	<b><u>Special Flood Hazard Areas Regulations</u></b> - Amend regulations to be consistent with FEMA regulations. <b>CEQA 15162 Evaluation:</b> Amending regulations to be consistent with FEMA 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.
<b>Landscaping:</b> The following 6 items clarify the Landscape Regulations and eliminate redundancies		
28	142.0402, Table 142-04A 142.0404	<b><u>When Landscape Regulations Apply</u></b> - Establish landscape area and point requirements for high-density residential development and residential components of mixed-use development. <b>CEQA 15162 Evaluation:</b> Establishing landscape area and point requirements for these categories of development 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. Therefore, no further documentation or environmental analysis is required.
29	142.0403 (b) & (d) Table 142-04B	<b><u>General Planting and Irrigation Requirements</u></b> - Clean-up/corrections removing certain trees from the plant point table of trees, shrubs, and palms. <b>CEQA 15162 Evaluation:</b> Correcting/editing the types of trees in this table 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.

No.	Code Section	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
30	142.0404 Table 142-04C 142.0405(b)(2) 142.0405(c)(3)	<p><b><u>Additional Yard Planting Area</u></b></p> <ul style="list-style-type: none"> <li>Clarifying common open space options available to meet landscape requirements.</li> <li>Amend the 5-foot planting requirement when commercial development abuts residential zones when commercial development allows zero setbacks.</li> </ul> <p><b>CEQA 15162 Evaluation:</b> The proposed clarification and 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; therefore, no further documentation or environmental analysis is required.</p>
31	142.0408(a & c)	<p><b><u>Temporary Vehicular Use Area Requirements</u></b>- Clarifying that vehicular use areas are subject to construction permit rather than building permits.</p> <p><b>CEQA 15162 Evaluation:</b> The proposed clarification would not result in a physical impact to the environment analyzed under CEQA.</p>
32	142.0413(b)(2) , (c)(d)(1) and (e)(1)	<p><b><u>Water Conservation</u></b>- Modifying language to be compliant with the Model Water Efficient Landscape Ordinance (MWELo).</p> <p><b>CEQA 15162 Evaluation:</b> Modifying language to be compliant with the MWELo 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	143.0141 (a)(B)(i,ii)	<p><b><u>Development Regulations for Sensitive Biological Resources</u></b>- Clarifying ESL regulations to be consistent with the Biology Guidelines, where brush management zone two is not acceptable as mitigation area.</p> <p><b>CEQA 15162 Evaluation:</b> 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>
<p><b>Minor Corrections:</b> The following 7 items clarify regulations, correct formatting errors, incorrect terms, and incorrect section references.</p>		
34	141.0505	<p><b><u>Plant Nurseries</u></b>- Remove language from Section (d) which incorrectly references 141.0504, as the correct section is 141.0505.</p> <p><b>CEQA 15162 Evaluation:</b> The proposed correction would not result in a physical impact to the environment analyzed under CEQA.</p>

No.	Code Section	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
35	123.0501 123.0502 123.0503 123.0504 123.0505 123.0506 131.0422 Table 131.04B 131.0431 131.0447 131.0457	<b><u>Residential High Occupancy Permit</u></b> - Remove repealed ordinance per Superior Court Judgment filed January 10, 2018.  <b>CEQA 15162 Evaluation:</b> Removing the repealed ordinance would not result in a physical impact to the environment analyzed under CEQA.
36	157.0202(b)	<b><u>Overview of Decision Process</u></b> - Remove language which states that Process Two appeals shall be considered by the City Manager in lieu of Planning Commission.  <b>CEQA 15162 Evaluation:</b> Removing this statement would not result in a physical impact to the environment analyzed under CEQA.
37	98.0202(a)(5)	<b><u>Mobilehomes, Recreational Vehicles and Commercial Coaches</u></b> - Remove reference to Chapter X, Article 1, Division 5 that was repealed.  <b>CEQA 15162 Evaluation:</b> Removing the reference to this repealed code language would not result in a physical impact to the environment analyzed under CEQA.
38	151.0102 and Map No. C- 403.4	<b><u>LJ Shores PDO Boundaries</u></b> Adding the existing referenced map within the LJ Shores PDO for ease of reference.  <b>CEQA 15162 Evaluation:</b> Adding the existing referenced map would not result in a physical impact to the environment analyzed under CEQA.
39	22.4035 142.1210(b)(5)( E)	<b><u>Special Event Signs</u></b> - Eliminate section referencing incorrect chapters, and section referencing Police Department approval of signs.  <b>CEQA 15162 Evaluation:</b> Eliminating these code sections with incorrect references would not result in a physical impact to the environment analyzed under CEQA.
40	156.0309(e) Figure B, C & D	<b><u>Centre City Planned District</u></b> - Update Figures to align with actions from Phase 1 Update, and make minor corrections to wording on 156.0309(e).  <b>CEQA 15162 Evaluation:</b> Updating these figures and making minor corrections to this wording would not result in a physical impact to the environment analyzed under CEQA.