



THE CITY OF SAN DIEGO

Report to the Historical Resources Board

DATE ISSUED: September 14, 2017 REPORT NO. HRB-17-057

HEARING DATE: September 28, 2017

SUBJECT: **ITEM #11 – 11th Update to the Land Development Code: Historic Preservation Development Incentives**

APPLICANT: City of San Diego Planning Department

LOCATION: Citywide

DESCRIPTION: Review and consider the amendments proposed as part of the 11th Update to the Land Development Code as it relates to new historic preservation development incentives for the purposes of making a recommendation to the City Council.

STAFF RECOMMENDATION

Recommend to the City Council adoption of the proposed amendments to the City's Land Development Code to provide new development incentives for the preservation of designated historic resources, historic districts, important archaeology sites and traditional cultural properties. These amendments include the exclusion of designated historic resources from parking calculations and Floor Area Ratio (FAR) limits; as well as new allowances for deviations from base zone development regulations, such as setbacks, height, coverage, etc.

BACKGROUND

During the public hearing process for the North Park, Golden Hill and Uptown Community Plan Updates (CPUs) in late 2016, both historic preservationists and members of the development community expressed interest in new development incentives to encourage preservation and continued use or adaptive reuse of designated historic resources. The Planning Department agreed, and committed to including new development incentives for historic preservation as part of the 11th Update to the Land Development Code.

ANALYSIS

In an effort to provide regulatory relief and further incentivize the preservation of designated historic resources, historic districts, important archaeology sites and traditional cultural properties, new amendments to the Historical Resources Regulations are proposed. These amendments include the exclusion of designated historic resources from parking calculations and Floor Area Ratio (FAR) limits; as well as new allowances for deviations from base zone development regulations, such as

setbacks, height, coverage, etc. The background, existing regulatory framework, and proposed amendments are explained in the Proposed Development Incentives for Historic Preservation Fact Sheet, provided as Attachment 1. The proposed amendments to the applicable code sections are provided in ~~strikeout~~/underline format in Attachments 2 through 4.

The proposed amendments were reviewed by the Policy Subcommittee on June 19, 2017. Members of the public and the Subcommittee wanted to ensure that the allowance for a zoning deviation with a building permit would apply to accessory dwelling units (aka granny flats) on single family lots and to multi-family zoned properties that can only accommodate a single dwelling unit due to lot size. Staff reexamined the proposed language and the defined terms of the municipal code, and found that these properties would be eligible for the deviation allowances with the language as written. Aside from that clarification, the Policy Subcommittee had no issues or recommended revisions to the language proposed. In addition to the Policy Subcommittee, the proposed amendments were reviewed by the Development Services Department's Technical Advisory Committee (TAC) and its Code Monitoring Team (CMT), who recommended adoption of the amendments as proposed, without revision.

CONCLUSION

The proposed amendments to the Land Development Code are intended to facilitate the on-site preservation and continued use or adaptive reuse of designated historic resources and historic districts in a manner consistent with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards), as well as the in-ground undisturbed preservation of important archaeological sites and traditional cultural properties by providing new development incentives. At this time, staff recommends that the Board recommend to the City Council adoption of the proposed amendments to the City's Land Development Code to provide new historic preservation development incentives, including the exclusion of designated historic resources from parking calculations and Floor Area Ratio (FAR) limits; as well as new allowances for deviations from base zone development regulations, such as setbacks, height, coverage, etc.



Kelley Stanco
Senior Planner/HRB Liaison
Planning Department

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Attachments:

1. Proposed Development Incentives for Historic Preservation Fact Sheet
2. ~~Strikeout~~/Underline Draft of Proposed Changes to Chapter 14, Article 3, Division 2: Historical Resources Regulations
3. ~~Strikeout~~/Underline Draft of Proposed Changes to Chapter 12, Article 6, Division 4: Neighborhood Development Permit Procedures
4. ~~Strikeout~~/Underline Draft of Proposed Changes to Chapter 14, Article 3, Division 3: Supplemental Neighborhood Development Permit and Site Development Permit Regulations



PROPOSED DEVELOPMENT INCENTIVES FOR HISTORIC PRESERVATION

BACKGROUND

During the public hearing process for the North Park, Golden Hill and Uptown Community Plan Updates (CPUs) in late 2016, both historic preservationists and members of the development community expressed interest in new development incentives to encourage preservation and continued use or adaptive reuse of designated historic resources. In particular, interest was expressed in exempting designated historic resources from parking requirements and exempting the square footage of non-single family designated historic resources from the floor area ratio calculation. The Planning Department agreed, and noted that additional incentives that allow for deviations from base zone regulations in order to comply with the U.S. Secretary of the Interior's Standards (Standards) would also be beneficial to historic preservation efforts. The Department committed to including new development incentives for historic preservation as part of the 11th Update to the Land Development Code.

EXISTING REGULATORY FRAMEWORK

The existing regulatory framework provides little opportunity for deviations that accommodate new development on sites containing designated historic resources in a manner consistent with the Standards. This is particularly true for single family properties, where the only avenue for deviation from base zone development regulations such as setbacks is a Process Three variance, which is costly for a single family property owner, and includes findings that are difficult to make and not well-suited for historic preservation. Non-single family properties may utilize a Process Four Planned Development Permit, which can add considerable time and cost to a project.

PROPOSED AMENDMENTS

In an effort to provide regulatory relief and further incentivize the preservation of designated historic resources, historic districts, important archaeology sites and traditional cultural properties, new amendments to the Historical Resources Regulations are proposed. These amendments are intended to facilitate the on-site preservation and continued use or adaptive reuse of designated historic resources and historic districts in a manner consistent with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards), as well as the in-ground undisturbed preservation of important archaeological sites and traditional cultural properties.

To achieve this, the proposed amendments include the community-identified incentives that exclude designated historic resources from parking calculations and from the Floor Area Ratio (FAR) limits, as



well as new allowances for deviations from base zone development regulations, such as setbacks, height, coverage, etc., as follows:

- Exclusion of historically designated gross floor area from parking calculations for all developments.
- Exclusion of historically designated gross floor area from the FAR calculation for non-single family development.
- Deviation from one of the base zone development regulations (excluding density and floor area ratio) for single-family development through a construction permit.
- Deviation from two or more base zone development regulations for single-family development through a Process 2 NDP.
- Deviation from one or more base zone development regulations for non-single family development through a Process 2 NDP.

In order to be eligible for an incentive, the development proposed would need to meet the exemption criteria in SDMC Section 143.0220, which requires consistency with the Standards for designated historic resources and districts, and complete resource avoidance for important archaeology sites and traditional cultural properties. The incentives provided and processing changes proposed as part of the amendments are highlighted in the table below:

INCENTIVE		EXISTING REGULATIONS	PROPOSED REGULATIONS
Exclusion of historically designated GFA from Parking Calculations	Single Family	Variance, Process 3	Process 1
	Non-Single Family	Variance, Process 3 PDP, Process 4	Process 1
Exclusion of historically designated GFA from FAR	Single Family	Variance, Process 3	<i>(No Change)</i>
	Non-Single Family	Variance, Process 3 PDP, Process 4	Process 1
Deviation from One Base Zone Development Regulation	Single Family	Variance, Process 3	Process 1
	Non-Single Family	Variance, Process 3 PDP, Process 4	NDP, Process 2
Deviation from Two or More Base Zone Development Regulations	Single Family	Variance, Process 3	NDP, Process 2
	Non-Single Family	Variance, Process 3 PDP, Process 4	NDP, Process 2



Article 3: Supplemental Development Regulations

Division 2: Historical Resources Regulations

(Added 12-9-1997 by O-18451 N.S.)

§143.0201 Purpose of Historical Resources Regulations

The purpose of these regulations is to protect, preserve and, where damaged, restore the *historical resources* of San Diego, which include *historical buildings, historical structures or historical objects, important archaeological sites, historical districts, historical landscapes, and traditional cultural properties*. These regulations are intended to assure that *development* occurs in a manner that protects the overall quality of *historical resources*. It is further the intent of these regulations to protect the educational, cultural, economic, and general welfare of the public, while employing regulations that are consistent with sound historical preservation principles and the rights of private property owners.

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

§143.0210 When Historical Resources Regulations Apply

- (a) This division applies to proposed *development* when the following *historical resources* are present on the site, whether or not a Neighborhood Development Permit or Site Development Permit is required;
- (1) *designated historical resources;*
 - (2) *historical buildings;*
 - (3) *historical districts;*
 - (4) *historical landscapes;*
 - (5) *historical objects;*
 - (6) *historical structures;*
 - (7) *important archaeological sites;* and
 - (8) *traditional cultural properties.*
- (b) Where any portion of a *premises* contains *historical resources*, this division shall apply to the entire *premises*.

- (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*.
- (d) A ~~C~~*construction P*permit is required for any *development* on a *premises* that has *historical resources* on the site that will not adversely affect the *historical resources* and is consistent with one or more of the exemption criteria in accordance with Section 143.0220.
- (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) Neighborhood Development Permit in Accordance with Process Two. *Single dwelling unit* residential *development* on a *single dwelling unit lot* of any size when a *traditional cultural property* or *important archaeological site* is present.
 - (2) Site Development Permit in Accordance With Process Four.
 - (A) *Single dwelling unit* residential *development* on a *single dwelling unit lot* of any size when a *designated historical resource* or *historical district* is present.
 - (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*, 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* project.
 - (3) Site Development Permit in Accordance With Process CIP-Two. *Capital improvement program projects* that comply with the regulations of this division without deviation.
 - (4) Site Development Permit in Accordance With Process CIP-Five. *Capital improvement program projects* that deviate from any of the regulations of this division.
- (f) When a *development proposal* on a site containing a *designated historical resource*, *traditional cultural property*, *important archaeological site*, or a *designated contributing resource* to a *historical district* qualifies for an exemption in accordance with Section 143.0220, and includes a *development incentive* in accordance with Section 143.0240, a *construction permit Process*

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One or Neighborhood Development Permit Process Two is required depending upon the incentive requested, as detailed in Section 143.0240.

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

Type of Development Proposal		Historical Resources Potentially Impacted by Project		
		Designated Historical Resources or Historical Districts	Traditional Cultural Properties	Important Archaeological Sites
1. Any project exempt from obtaining a development permit in accordance with Section 143.0220	R	143.0251	143.0251	143.0252
	P	Construction Permit/Process One	Construction Permit/Process One	Construction Permit/Process One
2. <u>Development on single dwelling units on any size lot that is exempt from obtaining a development permit in accordance with Section 143.0220, but includes a development incentive in accordance with Section 143.0240</u>	R	<u>143.0240; 143.0251</u>	<u>143.0240; 143.0251</u>	<u>143.0240; 143.0251</u>
	P	<u>Construction Permit/Process One or NDP/Process Two¹</u>	<u>Construction Permit/Process One or NDP/Process Two¹</u>	<u>Construction Permit/Process One or NDP/Process Two¹</u>
3. <u>Development on multiple dwelling units, non-residential development, subdivisions and public works construction projects on any size lot, (other than capital improvement program projects) that is exempt from obtaining a development permit in accordance with Section 143.0220, but includes a development incentive in accordance with Section 143.0240</u>	R	<u>143.0240; 143.0251</u>	<u>143.0240; 143.0251</u>	<u>143.0240; 143.0251</u>
	P	<u>Construction Permit/Process One or NDP/Process Two¹</u>	<u>Construction Permit/Process One or NDP/Process Two¹</u>	<u>Construction Permit/Process One or NDP/Process Two¹</u>
42. Single dwelling units on any size lot	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	NDP/Process Two	NDP/Process Two
53. Multiple dwelling unit, non-residential development, subdivisions and public works construction projects on any size Lot, other than capital improvement program projects	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	SDP/Process Four	SDP/Process Four
64. Project-Specific Land Use Plans	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	SDP/Process Four	SDP/Process Four
75. Development, other than capital improvement	R	143.0251	143.0252	143.0253

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<i>program projects, that deviates from any of the regulations in this division.</i>	P	SDP/Process Four	SDP/Process Four	SDP/Process Four
68. <i>Capital improvement program projects that comply with the regulations of this division without deviation</i>	R	143.0251	143.0252	143.0253
	P	SDP/Process CIP-Two	SDP/Process CIP-Two	SDP/Process CIP-Two
79. <i>Capital improvement program projects that deviate from any of the regulations in this division</i>	R	143.0251	143.0252	143.0253
	P	SDP/Process CIP-Five	SDP/Process CIP-Five	SDP/Process CIP-Five

Footnotes for Table 143-02A

¹The Process level is dependent upon the *development* incentive requested pursuant to Section 143.0240.

Legend to Table 143-02A

R	Development regulation sections (in addition to Section 143.0250) applicable to the <i>historical resources</i> present.
P	Type of Permit/Decision process required. Neighborhood Development Permit (NDP) Site Development Permit (SDP)

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 11-13-08 by O-19805 N.S; effective 12-13-2008.)
(Amended 10-22-2013 by O-20309 N.S.; effective 12-12-2013.)
(Amended XX-XX-XXXX by O-XXXXX N.S.; effective XX-XX-XXXX.)

§143.0211 Duty to Submit Required Documentation and to Obtain Permit

The property owner or *applicant* shall submit required documentation and obtain a *construction permit*, a Neighborhood Development Permit, a Site Development Permit as required pursuant to this division before any *development* activity occurs on a *premises* that contains *historical resources*.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

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

- (a) The City Manager shall determine the need for a site-specific survey for the purposes of obtaining a *construction permit* or *development permit* for *development* proposed for any parcel containing a *structure* that is 45 or more years old and not located within any area identified as exempt in the Historical Resources Guidelines of the Land Development Manual or for any parcel identified as sensitive on the Historical Resource Sensitivity Maps. The following *development* shall be exempt from the requirements of Section 143.0212:
- (1) Interior *development* and any modifications or repairs that are limited in scope to an electrical or plumbing/mechanical permit where the *development* would not include a change to the exterior of existing *structures*;
 - (2) In kind roof repair and replacement;
 - (3) In kind foundation repair and replacement, except for *structures* with a decorative block or cobblestone foundation; and
 - (4) Construction of a swimming pool in a rear *yard*, except on a property that requires a survey in accordance with Section 143.0212(b).
- (b) The Historical Resource Sensitivity Maps shall be maintained by City Manager and shall be used to identify properties that have a likelihood of containing archaeological sites based on records from the South Coastal Information Center at San Diego State University and the San Diego Museum of Man, and based on site-specific information on file with the City. If it is demonstrated that archaeological sites exist on or immediately adjacent to any property, whether identified for review or not, the City Manager shall require a survey. If it is demonstrated that archaeological sites do not exist on any property identified for review, the Historical Resource Sensitivity Maps shall be updated to remove that property from the review requirements.
- (c) The City Manager shall evaluate proposed *development* to determine the need for a site-specific survey. The determination shall be made within 10 *business days* of an application for a *construction permit* or within 30 calendar days of an application for a *development permit*, as applicable. A site-specific survey shall be required when the City Manager determines that a *historical resource* may exist on the parcel, and if the *development* proposes a substantial alteration according to Section 143.0250(a)(3). If the City Manager determines that a site-specific survey is not required for a proposed *development* within the time-period specified above, then a permit in accordance with Section 143.0210 shall not be required. If a site-specific survey is prepared to the satisfaction of the City Manager for a proposed

development, additional site-specific surveys shall not be required pursuant to Section 143.0212.

- (d) If a site-specific survey is required, it shall be conducted consistent with the Historical Resources Guidelines of the Land Development Manual. Based on the site-specific survey and the best information available, the City Manager shall determine whether a *historical resource* exists, whether a potential *historical resource* is eligible for designation as a *designated historical resource* by the Historical Resources Board in accordance with Chapter 12, Article 3, Division 2 of the Land Development Code, and the precise location of the resource.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)

(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

[Editors Note: Amendments as adopted by O-20634 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language

http://docs.sandiego.gov/municode_strikeout_ord/O-20634-SO.pdf

§143.0213 Procedures and Regulations for Project-Specific Land Use Plans

- (a) The regulations in this division shall apply to project-specific *land use plans*, including specific plans, precise plans, privately initiated *land use plan* amendments, and *Proposition A Land* subarea plans, when *historical resources* are present. These regulations are applied in order to ensure an adequate analysis of the constraints and opportunities of the planning area relative to *historical resources*.
- (b) This section provides two options for processing project-specific *land use plans* which depend on the level of detail available pertaining to the proposed *development*. Compliance with either Section 143.0213(b)(1) or Section 143.0213(b)(2) will be required based on whether or not a Site Development Permit is processed concurrently with the project-specific *land use plan*.
- (1) Where a Site Development Permit for *historical resources* is requested concurrently with the processing of a project-specific *land use plan*, the proposed *development* shall be subject to the following:
- (A) The boundaries of the Site Development Permit shall be the boundaries of the project-specific *land use plan*, including all individual interior *lots* within the plan area;

- (B) The development regulations applicable shall be determined in accordance with Table 143-02A. Sufficient information must be submitted for the entire plan area in order to evaluate potential impacts to *historical resources*; and
 - (C) Subsequent individual *development* proposals within the plan area will be reviewed in accordance with the *substantial conformance* procedures. If the *development* is determined to be in conformance with the approved project-specific *land use plan* and any required mitigation is provided, no Site Development Permit will be required for the individual *development*. If the proposed *development* is not in conformance with the approved project-specific *land use plan*, an individual Site Development Permit will be required for the *development* in addition to an amendment to the approved project-specific *land use plan*; or
- (2) Where a Site Development Permit for *historical resources* is not requested concurrently with the processing of a project-specific *land use plan*, an analysis shall be provided in the project-specific *land use plan* that indicates how the subsequent *development* of the plan area will be consistent with the *historical resources* regulations. Project-specific *land use plans* and subsequent *development permits* reviewed in accordance with this option shall be subject to the following:
- (A) The project-specific *land use plan* shall indicate how individual subsequent *developments* within the plan area will conform to the *historical resources* regulations and the associated guidelines in the Land Development Manual;
 - (B) Subsequent to the approval of the project-specific *land use plan*, a Neighborhood Development Permit or a Site Development Permit shall be required for all proposed individual *developments* within the plan area and shall be reviewed in accordance with Table 143-02A. Additional information pertaining to *historical resources* may be required in order to conduct a detailed analysis of the specific *development* proposal. Approval of the individual Site Development Permits will require conformance with the approved project-specific *land use plan* and any required mitigation shall be provided.

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

(Amended 4-8-2008 by O-19734 N.S.; effective 5-8-2008.)

§143.0214 Emergency Authorization When Historical Resources Are Present

Whenever *development* activity on a *premises* containing *historical resources*, or for any parcel identified as containing a *historical resource* in any community plan or in an historical resource inventory, or for any parcel identified as sensitive on the Historical Resource Sensitivity Maps is deemed necessary by order of the City Manager to protect the public health or safety, the City Manager may authorize, without a public hearing, the minimum amount of work necessary to protect the public health or safety, subject to the following:

- (a) If the emergency work does not adversely affect the *historical resources* and is consistent with one or more of the exemption criteria in accordance with Section 143.0220, a subsequent Construction Permit is required in accordance with this division.
- (b) If the emergency work results in impacts to *historical resources*, a subsequent Neighborhood Development Permit or Site Development Permit is required in accordance with this division.
- (c) The application for a Construction or Development Permit shall be submitted within 60 days of completion of the emergency work.
- (d) An emergency Coastal Development Permit may be required. If so, any permanent *coastal development* allowed under the emergency permit must be authorized through a follow-up Coastal Development Permit submitted within 60 days of the date of issuance of the emergency permit.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§143.0220 Development Exempted from the Requirement to Obtain a Development Permit for Historical Resources

The following *development* activities are exempt from the requirement to obtain a Neighborhood Development Permit or Site Development Permit. However, in all cases a *construction permit* is required.

- (a) Any *development* that proposes minor alterations or improvements consistent with Section 143.0250(a), to a *designated historical resource*, or any *historical building* or *historical structure* located within a *historical district*, or any new construction within a *historical district* that will enhance, restore, maintain, repair, or allow adaptive reuse of the resource and which will not adversely affect the special character or special historical, architectural, archaeological, or cultural value of the resource when all feasible measures to protect and preserve the *historical resource* are included in the *development* proposal consistent with the Secretary of Interior's Standards and Guidelines.

- (b) Interior modifications or repairs or the ordinary maintenance or repair of any exterior architectural feature in or on any *historical building* or *historical structure* that does not adversely affect the special character or special historical, architectural, or cultural value or designated interior elements of the property consistent with the Secretary of Interior's Standards and Guidelines. Exterior architectural features shall mean the architectural elements embodying style, design, general arrangement and components of all of the outside surfaces of an improvement or *structure*, including the type of building materials and the type and style of all windows, doors, lights, *signs*, and other fixtures appurtenant to the improvement or *structure*.
- (c) Substantial alteration of a non-significant *structure* within a *historic district* consistent with the Secretary of Interior's Standards and Guidelines. However, new construction within a *historic district* is not exempt from the requirement to obtain a Site Development Permit except in accordance with Section 143.0220(a).
- (d) Any *development* on a parcel that has an *important archaeological site* and will not result in substantial alteration, demolition, destruction, removal, relocation, or *encroachment* into such resources during or after construction, subject to the following requirements.
 - (1) All feasible measures to protect and preserve the resource shall be included in the *development*.
 - (2) All documentation necessary to verify consistency with this subsection shall be provided by the *applicant* consistent with the Historical Resources Guidelines of the Land Development Manual.
 - (3) The property owner shall sign an acknowledgment that no further *development* can occur on the property unless the *development* is reviewed and approved in accordance with this division.
- e) Except in the case of a *designated historical resource*, the modification of an existing *structure* or the replacement of a *single dwelling unit* with another *single dwelling unit*, including modification or replacement of paved areas, brush management for fire protection purposes, and any other landscaping improvements, or alterations that do not alter the existing *development* area by more than 10 percent.
- (f) *Development* in the OF zone or the floodplain (formerly the FW and FPF zones) of Mission Valley.
- (g) *Development* in the Calle Cristobal Assessment District area that is outside the coastal zone.
- (h) *Development* in the Miramar Ranch North Community Plan area and the 70-acre high *school* project in Scripps Ranch.

- (i) *Development* in the 178 acres of land known as Sorrento Hills that was the subject of the land exchange approved by the voters as Proposition D on November 4, 1986.
- (j) Outside of the Coastal Overlay Zone, public works projects for which plans, specifications, and funding have been approved by the City Council or the City Manager before July 1, 1991.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

§143.0225 Limited Exceptions from the Historical Resources Regulations

The decision maker may grant an exception from the 25 percent *encroachment* limitation for *important archaeological sites* according to Section 143.0253 for brush management activities in Zone 2 provided that the following circumstances exist:

- (a) The area cleared or thinned for such brush management is the minimum necessary to comply with existing City fire codes;
 - (b) No *grading* occurs in these brush management areas;
 - (c) Native root stock is retained;
 - (d) No permanent irrigation is provided; and
 - (e) No non-native plants are introduced.
- (Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

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

In order to facilitate on-site preservation of *designated historical resources, historical districts, traditional cultural properties and important archaeological sites, and the continued use or adaptive reuse of designated historical resources in a manner consistent with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties, the following development incentives are available, provided that the development qualifies for an exemption under Section 143.0220:*

- (a) The historic *gross floor area* of a *designated historical resource* may be excluded from the parking calculation for the *premises* in accordance with a *construction permit*.

- (b) On single dwelling unit sites containing *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:
- (1) A deviation from one of the base zone *development regulations, excluding density and floor area ratio*, may be approved in accordance with a *construction permit*.
 - (2) A deviation from two or more of the base zone *development regulations, excluding density and floor area ratio*, may be approved in accordance with a Neighborhood Development Permit.
 - (3) For the purpose of this section, a deviation from one of the base zone *development regulations* shall refer to the entire *development regulation category identified in bold in the development regulation table of the applicable base zone*. For example, a deviation from both side and rear yard *setback requirements* would be considered a deviation from one base zone regulation (*setback requirements*).
- (c) For *multiple dwelling units, non-residential development, subdivisions, and public works construction projects on any size lot, (other than capital improvement program projects)* containing *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:
- (1) The historic *gross floor area of a designated historical resource* may be excluded from the *floor area ratio* in accordance with a *construction permit*.
 - (2) A deviation from one or more of the base zone *development regulations* may be approved in accordance with a Neighborhood Development Permit. For the purpose of this section, a deviation from one of the base zone *development regulations* shall refer to the entire *development regulation category identified in bold in the development regulation table of the applicable base zone*. For example, deviation from both side and rear yard *setback requirements* would be considered a deviation from one base zone regulation (*setback requirements*).
- (d) In no instance shall a deviation from allowed uses or the requirements of *Overlay Zones, environmentally sensitive lands regulations, historical resources regulations, City of San Diego Building Regulations, or similar regulations* be permitted as part of a historic preservation *development incentive*.

- (e) A historic preservation development incentive processed in accordance with a construction permit may be denied if the City makes a written finding of denial based upon substantial evidence, of any of the following:
- (1) The incentive is not required in order to avoid impacts to a traditional cultural property or important archaeological site, or to achieve a project that complies with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties;
 - (2) The incentive would have a specific adverse impact upon public health and safety as defined in Government Code section 65589.5;
 - (3) The incentive would be contrary to state or federal law. Requested incentives shall be analyzed in compliance with the California Environmental Quality Act as set forth in Chapter 12, Article 8, and no incentive shall be granted without such compliance; or
 - (4) Within the Coastal Overlay Zone, the incentive would be inconsistent with the resource protection standards of the City's Local Coastal Program or the environmentally sensitive lands regulations, with the exception of density.
- (f) If development is proposed for a site which has previously received and implemented a historic preservation development incentive, and the proposed development is not exempt in accordance with Section 143.0220 due to a substantial alteration, relocation, or demolition of the designated historical resource, traditional cultural property, or important archaeological site, the proposed development may not approved unless:
- (1) The proposed development includes the removal of the historic preservation development incentive and the premises is brought into compliance with the Land Development Code as it relates to the development incentive; or
 - (2) The proposed development includes complete demolition and removal of all buildings on the premises.
- (Added XX-XX-XXXX by O-XXXX N.S.; effective XX-XX-XXXX.)

§143.0250 General Development Regulations for Historical Resources

Development that does not qualify for an exemption pursuant to Section 143.0220 is subject to the following regulations and the Historical Resources Guidelines of the Land Development Manual.

- (a) For purposes of this division, the terms “alteration,” “minor alteration,” and “substantial alteration” shall mean the following:

- (1) Alteration means any change or modification, through public or private action, of any *historical resource* or of any property located within a *historical district* including changes to designated interior architectural features; exterior changes to or modification of structural details, architectural details, or visual characteristics such as doors, windows, surface materials and texture, *grading*, or surface paving; addition of new *structures*; cutting or removal of trees, landscaping, or other historical features; disturbance of *archaeological sites*; and the placement or removal of any exterior objects such as *signs*, plaques, light fixtures, *street* furniture, walls, *fences*, steps, plantings, and landscape accessories affecting the exterior visual qualities of the property.
 - (2) Minor alteration means improvements that enhance, restore, maintain, repair, or allow adaptive reuse of a *historical resource* that do not adversely affect the special character or special historical, architectural, archaeological, or cultural value of the resource and will conform to standards embodied in the designation of a *historical district* when applicable.
 - (3) Substantial alteration means demolition, destruction, relocation, new construction or alteration activities that would impair the significance of a *historical resource*.
- (b) All areas with *designated historical resources*, *traditional cultural properties* or *important archaeological sites* that remain undisturbed or are restored or enhanced as a result of a *development* approval shall be preserved as a condition of that approval.
 - (c) Upon notification to a property owner of a pending Historical Resources Board hearing to consider designation of a *historical resource*, the property owner or any authorized agent shall not undertake any alteration, construction, *grading*, demolition, relocation, or removal of the property, and no permit to undertake such work shall be approved by the City Manager, for a time period of at least two scheduled Board meetings, but in no event more than 90 calendar days, unless an extension is requested by the owner. This section shall not apply to the construction, *grading*, alteration, demolition, relocation, or removal of any *structure* or other feature, where a permit for the performance of such work was issued before the date of notice of the public hearing. In addition, this section shall not apply where such permit has not expired or been canceled or revoked, provided that construction is started and diligently pursued to completion in accordance with the Land Development Code.
 - (d) Before the Historical Resources Board's hearing on the designation of a property, and upon application by the property owner, the City Manager may approve a permit for minor alterations or reconstruction consistent with the

ordinary maintenance or repair of the property, to the extent that such work does not adversely affect the special character or special historical, architectural, archaeological, or cultural value of the property.

- (e) *Designated historical resources* that are occupied shall be maintained in the same manner as all other occupied *structures* in accordance with the Uniform Building Code and State Historic Building Code and in a manner that preserves their historical integrity.
- (f) *Designated historical resources* that are unoccupied shall be maintained in a manner that preserves their historical integrity.
- (g) All proposed *subdivisions* that contain *designated historical resources*, *traditional cultural properties* or *important archaeological sites* shall provide a conceptual *grading* plan that indicates future limits of *grading* and future *development* potential of all *lots*. Future *development* of any newly created *lot* shall conform to this *grading* plan. In addition, no building *lot* shall be created that provides such a small *development* area that future reasonable *development* of that *lot* will require *encroachment* into an *important archaeological site* beyond 25 percent.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§143.0251 Development Regulations for Designated Historical Resources and Historical Districts

In addition to the general development regulations in Section 143.0250, the following regulations apply to *designated historical resources* and *historical districts*.

- (a) It is unlawful to substantially alter, demolish, destruct, remove, or relocate any *designated historical resource* or any *historical building*, *historical structure*, *historical object* or *historical landscape* located within a *historical district* except as provided in Section 143.0260.
- (b) Minor alteration of any *designated historical resource*, or any *historical building*, *historical structure*, *historical object* or *historical landscape* located within a *historical district*, or any new construction within a *historical district* may be permitted if the minor alteration or new construction would not adversely affect the special character or special historical, architectural, archaeological, or cultural value of the resource consistent with the Secretary of Interior's Standards and Guidelines.
- (c) *Development* affecting *designated historical resources* or *historical districts* shall provide full mitigation for the impact to the resource, in accordance with the Historical Resources Guidelines of the Land Development Manual, as a condition of approval.

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

§143.0252 Development Regulations for Traditional Cultural Properties

In addition to the general development regulations in Section 143.0250, *development* shall not be permitted on any *traditional cultural property* unless all feasible measures to protect and preserve the resource are required as a condition of *development* approval except as provided in Section 143.0260.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§143.0253 Development Regulations for Important Archaeological Sites

In addition to the general development regulations in Section 143.0250, the following regulations apply to *important archaeological sites*.

- (a) *Important archaeological sites* shall be preserved in their natural state, except that *development* may be permitted as provided in this section or as provided in Section 143.0260.
 - (1) *Development* may be permitted in areas containing *important archaeological sites* if necessary to achieve a reasonable *development* area, with up to 25 percent *encroachment* into any *important archaeological site* allowed. This 25 percent *encroachment* includes all *grading, structures*, public and private streets, brush management except as provided in Section 143.0225, and any project-serving utilities.
 - (2) An additional *encroachment* of up to 15 percent, for a total *encroachment* of 40 percent, into *important archaeological sites* may be permitted for essential public service projects that are sited, designed, and constructed to minimize adverse impacts to *important archaeological sites*, where it has been demonstrated that there is no feasible, less environmentally damaging location or alternative. Essential public service projects include publicly owned parks and recreation facilities, fire and police stations, publicly owned libraries, public *schools*, major *streets* and primary arterials, and *public utility* systems.
- (b) Any *encroachment* into *important archaeological sites* shall include measures to mitigate for the partial loss of the resource as a condition of approval. Mitigation shall include the following methods, consistent with the Historical Resources Guidelines of the Land Development Manual:
 - (1) The preservation through avoidance of the remaining portion of the *important archaeological site*; and

- (2) The implementation of a research design and *excavation* program that recovers the scientific value of the portion of the *important archaeological site* that would be lost due to *encroachment*.
 - (c) The following types of *development* shall not be considered *encroachment* provided that no *structures*, other than portable *structures* are erected or maintained on the *premises* and that adequate measures to preserve and protect the *important archaeological site*, consistent with the Historical Resources Guidelines of the Land Development Manual, are included as conditions of approval:
 - (1) Parks and playgrounds;
 - (2) Low-intensity, passive recreational uses such as trails, access paths, and public viewpoints; and
 - (3) Parking lots.
- (Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§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*.
 - (b) The minimum deviation to afford relief from the regulations of this division and accommodate *development* may be granted only if the decision maker makes the applicable *findings* in Section 126.0504.
 - (c) If a deviation for demolition or removal of a *designated historical resource* or a contributing *structure* within a *historical district* is approved, the *applicant* shall obtain approval for new *development* on the same *premises* before issuance of a Demolition/Removal Permit.
- (Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)
(Amended 10-22-2013 by O-20309 N.S.; effective 12-12-2013.)

§143.0270 Administrative Guidelines

The City Manager is authorized to promulgate and publish Historical Resources Guidelines and other support documents to be located in the Land Development Manual, as necessary to implement this division. These administrative guidelines shall serve as baseline standards for processing Construction Permits, Neighborhood Development Permits, and Site Development Permits issued pursuant to this division.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§143.0280 Violations and Remedies

The provisions of this division shall be enforced pursuant to Chapter 12, Article 1, Division 2 (Enforcement Authorities for the Land Development Code) and the Historical Resources Guidelines of the Land Development Manual.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

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Article 6: Development Permits

Division 4: Neighborhood Development Permit Procedures (Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§126.0401 Purpose of The Neighborhood Development Permit Procedures

The purpose of these procedures is to establish a review process for proposed *development* that may be desirable but may have some limited physical impacts on the surrounding properties. The intent of these procedures is to determine if the proposed *development* complies with the development regulations of the applicable zone, as well as supplemental regulations for the type of *development* proposed, and to apply limited conditions if necessary to achieve conformance with these regulations.

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

§126.0402 When a Neighborhood Development Permit Is Required

- (a) A Neighborhood Development Permit is required for the following types of *development* on sites with *previously conforming premises* or uses:
- (1) Maintenance, repair, or alteration of a *previously conforming structure* that incorporates *previously conforming* uses or *density* if costs would exceed 50 percent of *market value* as described in Section 127.0104;
 - (2) Reconstruction of a *structure* with *previously conforming* nonresidential uses if costs would exceed 50 percent of *market value* as described in Section 127.0105;
 - (3) Expansion or enlargement of a *previously conforming structural envelope* where the existing *previously conforming structure* does not conform with current zoning regulations for *density* or use as described in Section 127.0106;
 - (4) Expansion or enlargement of a *previously conforming structure* where the new construction proposes up to 20 percent reduction in the required *setback* as described in Section 127.0106; and
 - (5) Maintenance, repair, rebuilding, or alteration of a *previously conforming advertising display sign* where the costs of new construction would exceed 50 percent of the assessed value of the existing *advertising display sign*, but would not expand beyond the existing *structural envelope* as provided in Section 127.0303.

- (b) A Neighborhood Development Permit is required for *single dwelling unit development* on an individual *lot* that is less than or equal to 15,000 square feet and contains *steep hillsides, Special Flood Hazard Areas, or sensitive biological resources* as described in Section 143.0110.
- (c) A Neighborhood Development Permit is required for *single dwelling unit development* on a *lot* containing *historical resources* other than *designated historical resources* and *historical districts* as described in Section 143.0210 unless exempted in accordance with Section 143.0220.
- (d) A Neighborhood Development Permit is required for commercial *development* proposing tandem parking as described in Section 142.0555(b).
- (e) A Neighborhood Development Permit is required for *mobilehome parks* in any RM zone, as described in Section 143.0302, regardless of the unit number requirements in Table 126-05A.
- (f) A Neighborhood Development Permit is required for relocating a building to a *premises* where an existing building is to remain as described in Section 143.0302.
- (g) A Neighborhood Development Permit is required for *development* proposing *fences, walls, or retaining walls* that exceed the height permitted in Chapter 14, Article 2, Division 3, by 20 percent or less as described in Section 142.0350.
- (h) A Neighborhood Development Permit is required for nonresidential *development* exceeding the maximum permitted parking as described in Section 142.0540(b).
- (i) A Neighborhood Development Permit is required for *development* providing shared parking for uses not specified in Section 142.0545(c) as described in Section 142.0545(b)(7).
- (j) A Neighborhood Development Permit is required for construction of a privately owned *structure* proposed in the *public right-of-way* dedicated for a *street* or an *alley*, where the *applicant* is the *record owner* of the underlying fee title as described in Section 129.0710(a).
- (k) A Neighborhood Development Permit is required for *development* of a *large retail establishment* of 50,000 or more square feet *gross floor area* in all commercial and industrial zones, and in all planned districts, except the Centre City Planned District.

- (l) A Neighborhood Development Permit is required for the following types of *development* within the Airport Land Use Compatibility Overlay Zone:
- (1) Non-residential *development* where alternative compliance is requested to demonstrate safety compatibility in accordance with Section 132.1515(d) using an equivalent calculation of intensity (people per acre).
 - (2) Non-residential *development* within the Brown Field or Montgomery Field airport influence areas where additional intensity (people per acre) is requested for a building designed to minimize risk and increase the safety of building occupants beyond the minimum requirements of the California Building Code in accordance with Section 132.1515(g)(2).
- (m) A Neighborhood Development *Permit* is required for *development* of a *wireless communication facility* with an equipment enclosure that exceeds 250 square feet as described in Section 141.0420(g)(3), or that contains equipment enclosures not placed underground as described in Section 141.0420(i)(2).
- (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) A Neighborhood Development Permit is required for *development* of a college, university, vocational, or trade school on a *premises* identified as Prime Industrial Land in a *land use plan* as described in Section 141.0407(e)(2).
- (p) A Neighborhood Development Permit is required for *development* on a site containing a designated historical resource, traditional cultural property, important archaeological site, or a designated contributing resource to a historical district when the development requests a specified historic preservation development incentive as described in Section 143.0240.

(Amended 4-22-2002 by O-19051 N.S.; effective 10-8-2002.)

(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

(Amended 6-15-2007 by O-19624 N.S.; effective 7-15-2007.)

(Amended 11-13-08 by O-19803 N.S.; effective 12-13-2008.)

(Amended 10-25-2011 by O-20047 N.S.; effective 1-1-2012.)

(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

(Amended XX-XX-XXXX by O-XXXXX N.S.; effective XX-XX-XXXX.)

[Editors Note: Amendments as adopted by O-20634 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies its Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language
http://docs.sandiego.gov/municode_strikeout_ord/O-20634-SO.pdf]

§126.0403 Decision Process for a Neighborhood Development Permit

A decision on a Neighborhood Development Permit shall be made in accordance with Process Two.

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

§126.0404 Findings for Neighborhood Development Permit Approval

A Neighborhood Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(b) through (ef) that are applicable to the proposed *development* as specified in this section.

(a) Findings for all Neighborhood Development Permits

- (1) The proposed *development* will not adversely affect the applicable *land use plan*;
- (2) The proposed *development* will not be detrimental to the public health, safety, and welfare; and
- (3) The proposed *development* will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

(b) Supplemental Findings--Environmentally Sensitive Lands

A Neighborhood Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):

- (1) The site is physically suitable for the design and siting of the proposed *development* and the *development* will result in minimum disturbance to *environmentally sensitive lands*;
- (2) The proposed *development* will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, *flood* hazards, or fire hazards;

- (3) The proposed *development* will be sited and designed to prevent adverse impacts on any adjacent *environmentally sensitive lands*; and
 - (4) The proposed *development* will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.
- (c) Supplemental Findings--Environmentally Sensitive Lands Deviation
- A Neighborhood Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested in accordance with Section 143.0150 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(b):
- (1) There are no feasible measures that can further minimize the potential adverse effects on *environmentally sensitive lands*; and
 - (2) The deviation requested is the minimum necessary to afford relief from special circumstances or conditions applicable to the land and not of the *applicant's* making.
- (d) Supplemental Findings-- Important Archaeological Sites and Traditional Cultural Properties
- A Neighborhood Development Permit required in accordance with Section 143.0210 because of potential impacts to an *important archaeological site* or a *traditional cultural property* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):
- (1) The site is physically suitable for the design and siting of the proposed *development*, the *development* will result in minimum disturbance to *historical resources*, and measures to fully mitigate for any disturbance have been provided by the *applicant*; and
 - (2) All feasible measures to protect and preserve the special character or the special historical, archaeological, or cultural value of the resource have been provided by the *applicant*.

- (e) Supplemental Findings – Additional Intensity for Non-residential Development in the Brown Field or Montgomery Field Airport Influence Areas. The *applicant* shall demonstrate that the building has been designed to minimize risk and increase the safety of the occupants beyond the minimum requirements of the California Building Code through evaluation of the following:
- (1) The proposed building provides increased fire resistant rated construction to prevent or delay fire-induced structural damage;
 - (2) The proposed building provides increased fire protection systems to allow occupants more time to exit the building and to delay the spread of fire to adjacent buildings;
 - (3) The building provides enhanced means for building egress; and
 - (4) The design of the building's structural systems addresses light aircraft impact loads to reduce the potential for structural damage.

(f) Supplemental Findings-- Development Incentives for Preservation of Designated Historical Resources, Historical Districts, Traditional Cultural Properties and Important Archaeological Sites

A Neighborhood Development Permit required in accordance with Section 143.0240 due to the utilization of historic preservation *development* incentives may be approved or conditionally approved only if the decision maker makes the following supplemental *finding* in addition to the *findings* in Section 126.0404(a):

The proposed *development* contains a *traditional cultural property* or *important archaeological site*, and the *development incentive* is required in order to avoid impacts to the resource; or the proposed *development* contains a *designated historical resource* or *historical district* and the *development incentive* is required in order to achieve a project that complies with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000; amended 6-19-2000 by O-18814 N.S.)

(Amended 11-13-08 by O-19805 N.S; effective 12-13-2008.)

(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

(Amended 10-25-2011 by O-20047 N.S.; effective 1-1-2012.)

(Amended XX-XX-XXXX by O-XXXXXX N.S.; effective XX-XX-XXXX.)

§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. 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.

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

§126.0406 Judicial Review

For a Neighborhood Development Permit required by Chapter 12, Article 7, Division 3 an *applicant* may seek judicial review of a final decision on the permit application, pursuant to California Code of Civil Procedure section 1094.8. This provision does not limit an *applicant's* ability to seek judicial review by other means.

(“Judicial Review” added 1-13-2004 by O-19253 N.S.)

Chapter 10

Article 3

Division 7

Article 3: Supplemental Development Regulations

**Division 3: Supplemental Neighborhood Development Permit
and Site Development Permit Regulations**

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

**§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*.

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

**§143.0302 When Supplemental Neighborhood Development Permit and Site Development
Permit Regulations Apply**

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

Legend for Table 143-03A

NDP	Neighborhood Development Permit
SDP	Site Development Permit

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

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
Affordable/In-Fill Housing and Sustainable Building Projects with Deviations	143.0910, 143.0915, 143.0920	SDP/Process Four
<i>Development of a large retail establishment of 50,000 or more square feet gross floor area in all commercial and industrial zones, and in all planned districts, except the Centre City Planned District</i>	143.0303, 143.0305, 143.0355, 143.0375	NDP/Process Two
<i>Development of a large retail establishment of 100,000 or more square feet gross floor area in all commercial and industrial zones, and in all planned districts</i>	143.0303, 143.0305, 143.0355, 143.0375	SDP/Process Four
Site Containing <i>Environmentally Sensitive Lands</i>	143.0101-143.0160, 143.0303, 143.0305, 143.0350, 143.0375, 143.0380	NDP/Process Two or SDP/Process Three or Four
<i>Any capital improvement program project on a Site Containing Environmentally Sensitive Lands</i>	143.0101-143.0160, 143.0303, 143.0305, 143.0350, 143.0375, 143.0380	SDP/Process CIP-Two or SDP/Process CIP-Five
<i>Any capital improvement program project on a Site Containing Historical Resources</i>	143.0201, 143.0260, 143.0303, 143.0305, 143.0360, 143.0375, 143.0380	SDP/Process CIP-Two or SDP/Process CIP-Five

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Site Containing <i>Historical Resources</i>	143.0201, 143.0240 , 143.0260, 143.0303, 143.0305, 143.0360, 143.0375, 143.0380	NDP/Process Two or SDP/Process Four
<i>Fences or Retaining Walls</i> Exceeding the Permitted Height	143.0303, 143.0305, 142.0350, 143.0375	NDP/Process Two
Relocated Building Onto a Site With an Existing Building	143.0303, 143.0305, 143.0345, 143.0375	NDP/Process Two
Site with <i>Previously Conforming</i> Conditions	127.0102-127.0106, 143.0303, 143.0305, 143.0375	NDP/Process Two
Nonresidential <i>Development</i> Exceeding the Maximum Permitted Parking	142.0540(b), 143.0303, 143.0305, 143.0375	NDP/Process Two
Shared Parking for Uses Not Listed in Section 142.0545(c)	142.0545(b)(7), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Commercial Development</i> With Tandem Parking	142.0555(b), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Previously Conforming Parking</i> for a discontinued use	142.0510(d)(4), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Mobilehome Parks</i> in RM Zones	143.0303, 143.0305, 143.0340, 143.0375	NDP/Process Two
<i>Mobilehome Parks</i> in RS, RX Zones	143.0303, 143.0305, 143.0340, 143.0375	SDP/Process Three
Discontinuance of <i>Mobilehome Park</i>	143.0610-143.0640, 132.0701-132.0705, 143.0303, 143.0305, 143.0375	SDP/Process Three
Multiple Dwelling Unit <i>Development</i> that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Nonresidential <i>Development</i> (With TDM Plan) that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Community Plan Implementation Overlay Zone	132.1401-132.1405, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Three
Mission Trails Design District	132.1201-132.1205, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Three
<i>Development of a small lot subdivision</i> in accordance with Section 143.0365	143.0303, 143.0305, 143.0310, 143.0365, 143.0375	SDP/Process Three
<i>Development</i> Within the Urban Village Overlay Zone	132.1101-132.1110, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
<i>Public improvements</i> on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply	142.0601-142.0670, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Three
<i>Any capital improvement program project</i> on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply	142.0601-142.0670, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process CIP-Two
Manufactured Slopes in Excess of 25% Gradient and 25 Feet in Height	142.0101-142.0149, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Three
Affordable Housing in RE, RS, RX, RT, AR Zones	143.0303, 143.0305, 143.0310, 143.0375, 143.0380, 143.0710, 143.0740	SDP/Process Three
<i>Condominium Conversions</i> with Deviations from Development Regulations	143.0303, 143.0305, 143.0360, 143.0375	SDP/Process Four

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
<i>Multiple Dwelling Unit Development</i> in RM Zones Involving Lot Consolidation and Exceeds Number of Units Indicated in Table 126-05A	143.0303, 143.0305, 143.0310, 143.0375,143.0380	SDP/Process Three
Clairemont Mesa Height Limit Overlay Zone	132.1301-132.1306, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Five

*(Amended 6-3-2003 by O-19186 N.S.)
 (Amended 2-9-2006 by O-19461 N.S.; effective 3-9-2006.)
 (Amended 7-5-2006 by O-19505 N.S.; effective 8-5-2006.)
 (Amended 6-15-2007 by O-19624 N.S.; effective 7-15-2007.)
 (Amended 11-13-08 by O-19803 N.S.; effective 12-13-2008.)
 (Amended 10-22-2013 by O-20309 N.S.; effective 12-12-2013.)
 (Amended 5-5-2015 by O-20483 N.S.; effective 6-4-2015)
 (Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)
(Amended XX-XX-XXXX by O-XXXXX N.S.; effective XX-XX-XXXX.)*

[Editors Note: Amendments as adopted by O-20634 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20634-SO.pdf

§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) The uses permitted with a Neighborhood Development Permit or Site Development Permit are those uses permitted by the applicable zone, unless otherwise specified in these supplemental regulations. Limited uses and uses requiring a Neighborhood Use Permit or Conditional Use Permit are permitted subject to the requirements of the applicable zone. A Neighborhood

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Development Permit or Site Development Permit may not be used to permit any deviations from the use regulations of the applicable zone.

- (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 to accommodate the proposed use change. 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) After construction of a *development* in accordance with a Neighborhood Development Permit or Site Development Permit, proposed uses that require a Neighborhood Use Permit or Conditional Use Permit may be permitted without an amendment to the Neighborhood Development Permit or Site Development Permit, unless the amendment involves exterior modifications to the *premises* that are not in *substantial conformance* with the approved Neighborhood Development Permit or Site Development Permit.

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

§143.0305 Applicable Development Regulations for All Neighborhood Development Permits and Site Development Permits

All projects for which a Neighborhood Development Permit or Site Development Permit is required are subject to the development regulations of the applicable zone, including applicable regulations in Chapter 14, Article 2 (General Development Regulations) and the applicable supplemental regulations as identified in Table 143-03A. Where there is a conflict between the requirements of the applicable zone and the supplemental regulations, the supplemental regulations apply.

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

§143.0310 Supplemental Site Development Permit Regulations for Residential Development

Development subject to this section, as indicated on Table 143-03A, is subject to the following supplemental regulations in addition to any other regulations of the applicable zone and this division.

- (a) *Development* is subject to the land use and *density* regulations of the applicable *land use plan* in effect for the premises.

(b) *Density and Intensity*

- (1) The number of dwelling units or *gross floor area* proposed on the *premises* shall not exceed that set forth by the applicable zone and the applicable *land use plan* and shall be based on the area of the entire *premises*. The dwelling units and *gross floor area* may be distributed without regard to the proposed *lot* boundaries.
- (2) If the *premises* is located in two or more zones, the maximum number of dwelling units or the *gross floor area* permitted on the *premises* shall be the sum of the dwelling units or the *gross floor area* permitted in each of the zones and may be distributed without regard to the zone.
- (3) If the proposed *development* includes property that is shown as part of an open space system on the applicable *land use plan* and is accepted by the City as dedicated open space, that portion of the property may be included in the calculation of the overall project *density* using the *density* of the base zone.
- (4) The areas of the *premises* that are designated for *streets* or private streets may not be used in the calculation of maximum *density*.
- (5) The areas of the *premises* that are designated for private drives may be used in the calculation of maximum *density*.

(c) *Parking and Access*

- (1) Identified pedestrian access shall be provided from all building entrances to the *public right-of-way*.
- (2) Parking areas and vehicular access drives shall be located to minimize impacts to pedestrian circulation, public *street* systems, and adjacent properties.

(d) *Public Transportation*

Access to or improvements for public transportation shall be provided as required by the Metropolitan Transit Development Board.

(e) *Fences and Walls*

- (1) All perimeter *fences* and walls shall be designed to be an integral part of the overall project design.
- (2) *Fences* and walls that are generally parallel to the *public right-of-way* and that exceed 100 feet in length shall be articulated with vertical elements spaced at no more than 25 feet on center. The vertical elements shall be a minimum of 12 inches wide.

(f) *Accessory Structures*

Accessory structures within the *development* shall be architecturally consistent with the primary buildings on the *premises*.

(g) Open Space

- (1) If the *premises* is located in two or more residential zones, the amount of open space required is the sum of the open space required in each of the residential zones and may be distributed with out regard to the zone boundaries.
- (2) All common open space intended for active use must be moderately level land with an overall gradient not exceeding 10 percent and located so that it is readily accessible to the occupants, employees, and guests of the *development*.
- (3) For *multiple dwelling unit* projects, at least 300 square feet of the total common open space required by the applicable zone shall be located in a single common area with no dimension less than 15 feet in any direction. Additionally, proposed *developments* exceeding 10 dwelling units shall contain, within the common area, at least one of the following recreational amenities: a tot lot, a barbecue area with picnic table and shade *structure*, a sport court or field, a swimming pool, or a golf course.
- (4) Recreational facilities shall be designed to serve only the occupants and guests of the *development*.

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

§143.0340 Supplemental Neighborhood Development Permit and Site Development Permit Regulations for Mobilehome Parks

The following supplemental regulations apply to Neighborhood Development Permits and Site Development Permits for *mobilehome parks*.

(a) *Maximum Density*

- (1) Within the RM zones, the maximum *density* is one dwelling unit per 3,000 square feet of lot area.
- (2) Within the RS and RX zones, the maximum number of dwelling units is that permitted by the applicable zone. The dwelling units are not required to be located on individual *lots* within the *mobilehome park*.

- (3) The maximum permitted *density* may be exceeded in accordance with Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus).
- (b) **Minimum Size of *Mobilehome Park***
The minimum size of a *mobilehome park* is 3 acres.
- (c) **Minimum Space Area for each *Mobilehome***
 - (1) For each single-section unit, the minimum space area is 1,600 square feet.
 - (2) For each multi-section unit, the minimum space area is 2,000 square feet.
- (d) **Minimum Dimensions of a *Mobilehome Park***
 - (1) The minimum lot width of the *mobilehome park* is 100 feet.
 - (2) The minimum lot depth of the *mobilehome park* is 100 feet.
- (e) **Minimum Width of Individual *Mobilehome* Space**
The minimum width dimension for individual *mobilehome* spaces is 26 feet.
- (f) **Perimeter Buffer Requirement**
A 20-foot-wide buffer shall be provided on the perimeter of the *mobilehome park*, except for vehicular and pedestrian access points, and shall consist of a combination of landscaping, berms, and low decorative walls, sufficient to *screen* the *mobilehome park* from adjacent properties.
- (g) **Pedestrian Access**
Where applicable, pedestrian access shall be provided between the *mobilehome park* and adjacent land uses, consistent with the Transit Oriented Development Guidelines of the Land Development Manual.
- (h) **Minimum *Setback* Requirements for Individual *Mobilehome* Spaces**
Individual *mobilehome* spaces shall observe the *setbacks* as set forth in Table 143-03B.

**Table 143-03B
Mobilehome Space Setback Requirements**

Description	Setback
Front <i>Mobilehome</i> Space <i>Setback</i>	8 feet, measured from a private drive within the <i>mobilehome park</i>
Side <i>Mobilehome</i> Space <i>Setback</i>	4 feet 0-foot is permitted provided the opposite side <i>mobilehome</i> space <i>setback</i> is at least 8 feet
Private Street Side <i>Mobilehome</i> Space <i>Setback</i>	8 feet, measured from a private drive within the <i>mobilehome park</i>
Rear <i>Mobilehome</i> Space <i>Setback</i>	3 feet 8 feet if abutting a private drive

(i) Maximum Coverage

The maximum permitted coverage for individual *mobilehome* spaces is 75 percent, including the *mobilehome* and any other enclosed *structures*.

(j) Common Area Open Space and Recreational Amenities

(1) At least 250 square feet of usable common open space is required for each *mobilehome*, not including driveways, walks, *streets*, parking and service areas. The common usable open space shall have no dimension less than 25 feet or at least 10 percent of the gross project area shall be devoted to usable common open space and active-use recreational facilities.

(2) Common area open space requirements shall be separate from the perimeter buffer requirement.

(k) Required Resident Parking

Two parking spaces are required per *mobilehome* space, subject to the following:

(1) At least one required parking space must be located on the *mobilehome* space;

(2) Required parking located off of a *mobilehome* space must be sited within 200 feet from the home it is intended to serve; and

- (3) If both parking spaces are provided on the *mobilehome* space, the parking may be provided in tandem.
- (l) Required Guest Parking
There shall be 0.20 guest parking spaces provided for each *mobilehome* space in addition to the required resident parking spaces. The required guest spaces shall be evenly distributed throughout the *mobilehome park*.
- (m) Carport Requirement
Each *mobilehome* space shall contain at least one single-car carport or fully enclosed garage. All carports shall include at least 50 square feet of built-in storage area.
- (n) Landscaping Requirement
Landscaping is required as part of the perimeter buffer requirement and common open space requirements. Additionally, at least 25 percent of the total area of the required front, side, and rear *yards* on individual *mobilehome* spaces shall be landscaped with a combination of grass, shrubs, and trees.
- (o) Required Refuse Collection Area
A refuse storage space that is *screened* from public view shall be provided for each individual *mobilehome* space and each common open space area that contains recreation facilities.
- (p) Minimum Street-Width and Sidewalk Requirement
 - (1) Private drives internal to the *mobilehome park* shall be at least 32 feet wide if car parking is permitted on only one side of the *street*.
 - (2) Private drives internal to the *mobilehome park* shall be at least 40 feet wide if car parking is permitted on both sides of the *street*.
 - (3) Private drives internal to the *mobilehome park* shall be at least 20 feet wide if car parking is not permitted on either side of the *street*.
 - (4) Paved sidewalks that are at least 4 feet wide shall be provided on at least one side of every *street* in the *mobilehome park*.
- (q) *Mobilehome* Separation Requirements
Mobilehomes shall be separated from other *mobilehomes* by at least the following dimensions, measured from *structure* to *structure*:
 - (1) 8 feet from side to side;
 - (2) 8 feet from side to front or rear; and
 - (3) 6 feet from rear to rear, or front to front, or front to rear.

- (r) Projections and Overhangs
- (1) Projections, including roof overhangs, may encroach into the required *mobilehome* space *setback* areas that are not adjacent to private drives, provided they are no closer than 3 feet to the boundary line of the *mobilehome* space.
 - (2) Projections, including roof overhangs, may encroach into the required *mobilehome* space *setback* area or *mobilehome* separation area, provided that a minimum 6-foot separation is maintained between the edge of the projection and an adjacent mobilehome, building, *accessory structure*, or its projection. A minimum distance of 3 feet must be maintained from the *mobilehome* projection and the adjacent *mobilehome* space boundary.
- (s) Additional Regulations
- (1) Siding shall be of nonreflective material.
 - (2) Roofing shall be of nonreflective material consisting of concrete tiles; fiberglass shingles; or composition shingles, shakes, or tiles.
 - (3) Eaves shall be between 12 and 16 inches in length, measured from the vertical side of the exterior wall.
 - (4) All site-added *structures* including steps, stoops, porches, and parking *structures* shall conform to the applicable provisions of the Uniform Building Code.
 - (5) The exterior of the perimeter of all foundations shall conform to the applicable provisions of the Uniform Building Code and shall consist of poured concrete, masonry, or approved all-weather material. If the perimeter material is not masonry or concrete, it shall match the siding material of the *mobilehome*.
- (t) Discontinuance Policy
- Discontinuance of a *mobilehome park* requires compliance with all regulations of Chapter 14, Article 3, Division 6 (Mobilehome Park Discontinuance and Tenant Relocation Regulations).

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

§143.0345 Supplemental Neighborhood Development Permit Regulations for Relocated Buildings

- (a) The following regulations apply to a Neighborhood Development Permit for any *premises* to which a building is proposed to be relocated and at least one existing building on the *premises* will remain. The proposed *development* including the relocated building is subject to all development and use regulations of the applicable zone.
- (b) The placement and design of the relocated building shall be compatible with other buildings on the *premises* in terms of building orientation, *floor area ratio*, height and number of *stories*, roof design and composition of roofing materials, and siding and surface materials type.
- (c) The foundation along the exterior perimeter of the relocated building shall conform to the Building Regulations and shall consist of poured concrete, masonry, or approved all-weather material. If the foundation material is not masonry or concrete, it shall match the siding material of the building.

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

§143.0350 Supplemental Neighborhood Development Permit and Site Development Permit Regulations for Environmentally Sensitive Lands

The following regulations apply to Neighborhood Development Permits and Site Development Permits required because of potential impacts to *environmentally sensitive lands* in addition to other indicated supplemental regulations.

- (a) **Lot Dimensions.** Deviations may be permitted from the minimum lot dimensions required by the applicable zone if necessary to comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).
- (b) **Lot Area.** Within the *MHPA* only, a deviation may be permitted from the minimum *lot* size requirement of the OR-1-2 zone if necessary to accommodate *development* within the *development* area and facilitate *dedication* of the remainder of the *premises*. This does not permit a deviation from the maximum permitted residential *density* for the OR-1-2 zone for the entire *premises*.
- (c) **Setback Requirements.** A deviation of up to 20 percent may be permitted from any required *setback* if necessary to comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations), except that a deviation from the front *setback* in the RS or RE zones shall not be permitted in addition to what is permitted by Section 131.0443(a)(1), when applicable.

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

§143.0355 Supplemental Neighborhood Development Permit and Site Development Permit Regulations for Large Retail Establishments

The following supplemental regulations apply to *development of large retail establishments*. The purpose of these regulations is to provide standards for the evaluation of *large retail establishments*. The intent of these regulations is to minimize *development* footprint, preserve community character, create a pedestrian scale environment, and promote a diversity of uses in accordance with the General Plan.

(a) Minimum Setbacks

A *large retail establishment* shall have a minimum front and street side setback of 8 feet. Architectural features as defined in Section 143.0355(b) are permitted to encroach a maximum of 4 feet into the required front and street side yards.

(b) Building Articulation

A *large retail establishment* shall incorporate architectural features from at least four of the following eight categories:

- (1) Pilasters
- (2) Trellises
- (3) Awnings or extended covered entries
- (4) Arcades
- (5) Varied roof lines or roof cornices
- (6) A minimum of three material changes, such as glazing, tile, stone, or varied pattern/texture shall be provided in street (facing) wall surfaces, where no one material shall cover less than 10 percent of the wall area or more than 60 percent of the wall area.
- (7) A minimum of 25 percent of street wall area transparent with clear glass visible into a commercial use, or a minimum of 25 percent of street wall area covered with display windows.
- (8) Clerestory windows

(c) Pedestrian Paths

Pedestrian access and pathways shall be designed to provide an interconnected network for pedestrian travel between buildings within the same *development* in accordance with Section 131.0550.

(d) Landscaping Requirements

Landscape for *large retail establishments* shall comply with Sections 142.0404, 142.0405 and 142.0406.

(e) Expansion or Enlargement or Change in Use of Existing Structures
Proposed expansion or enlargement or a change in use of a *previously conforming large retail establishment* is subject to Section 127.0106(e) and the supplemental regulations in Section 143.0355(a) and (c), and Section 142.0410.

(Added 6-15-2007 by O-19624 N.S.; effective 7-15-2007.)

§143.0360 Supplemental Neighborhood Development Permit and Site Development Permit Regulations for Historical Resources

The following regulations apply to Neighborhood Development Permits and Site Development Permits required because of potential impacts to *historical resources* in addition to other indicated supplemental regulations.

- (a) ~~Lot Dimensions. Deviations may be permitted from the minimum lot dimensions required by the applicable base zone if necessary to comply with Chapter 14, Article 3, Division 2 (Historical Resources Regulations).~~
- (b) ~~Setback Requirements. A deviation of up to 20 percent may be permitted from any required setback if necessary to comply with Chapter 14, Article 3, Division 2 (Historical Resources Regulations), except that a deviation from the front setback in the RS or RE zones shall not be permitted in addition to what is permitted by Section 131.0443(a)(1), when applicable.~~
- (a) For development on sites containing traditional cultural properties or important archaeological sites, a deviation from one or more of the development regulations of the base zone may be approved in order to reduce impacts to the resource, subject to the findings in Sections 126.0404(a) and 126.0404(d).

- (b) For sites receiving a relocated *designated historic resource* through a Site Development Permit in accordance with Sections 126.0505(d), 143.0210, 143.0250, a deviation from one or more of the *development* regulations of the base zone may be approved in order to accommodate the *designated historical resource* on the new site in a manner consistent with the U.S. Secretary of the Interior's Standards, subject to the findings in Sections 126.0504(a) and 126.0504(h).
- (c) For *development* proposing substantial alteration (other than relocation) or demolition of a *designated historic resource*, deviations from the *development* regulations of the base zone may not be approved under these supplemental regulations.

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

(Amended XX-XX-XXXX by O-XXXXX N.S.; effective XX-XX-XXXX.)

§143.0365 Supplemental Site Development Permit Regulations for Small Lot Subdivisions

The purpose of these regulations is to provide supplemental regulations for *development* of *single dwelling units* in a *small lot subdivision*.

A *small lot subdivision* is the subdivision of multi-family zoned land, consistent with the *density* of the zone, for the construction of *single dwelling units*.

The intent is to encourage *development* of *single dwelling units* on *small lots* in order to provide a space-efficient and economical alternative to traditional *single dwelling unit development*. It is also the intent of these regulations to provide pedestrian-friendly *developments* that are consistent with the neighborhood character.

The following supplemental regulations apply to a Site Development Permit for a *small lot subdivision*.

- (a) A *small lot subdivision development* is permitted in the RM-1-1 through RM-3-8 (Residential Multiple Unit) Zones, and zones with comparable *density* in the Planned Districts regulated in Chapter 15.
- (b) A *dwelling unit* may have a maximum of three bedrooms.
- (c) A *small lot subdivision development* shall comply with the regulations in Table 143-03C and the supplemental regulations in this section.

Table 143-03C
Development Regulations for Small Lot Subdivisions

Max permitted density pre-subdivided lot dwelling units (DU) per lot	
Pre-subdivided lot	per the base zone
Subdivided lot	1
Min lot area square feet (sf)	--
Min lot dimensions	
Pre-subdivided lot	
Lot width (ft)	25
Lot depth (ft)	50
Street Frontage (ft) [See Section 131.0442(a)]	25
Subdivided lot	
Lot width (ft)	--
Lot depth (ft)	--
Street Frontage (ft) [See Section 131.0442(a)]	--
Setback requirements	per the base zone ⁽¹⁾
Maximum lot coverage	--
Setback requirements for resubdivided corner lots [See Section 113.0246(f)]	applies
Max structure height (ft)	
RM-1-1, RM-1-2, and RM-1-3	36 ⁽²⁾
RM-2-4, RM-2-5, and RM-2-6	40 ⁽³⁾
RM-3-7 and RM-3-8	40
Lot coverage for sloping lots [See Section 131.0445(a)]	applies
Max floor area ratio	per the base zone ⁽⁴⁾
Accessory uses and structures [See Section 131.0448(a),(b)]	applies
Garage regulations [See Section 131.0449(a)]	applies
Building spacing [See Section 131.0450]	--
Max third story dimensions [See Section 131.0460]	--
Architectural projections and encroachments [See Section 131.0461(a)]	applies
Supplemental requirements	
RM-1-1, RM-1-2, and RM-1-3 [See Section 131.0464(d)]	applies
RM-2-4, RM-2-5, and RM-2-6 [See Section 131.0464(e)]	applies
RM-3-7 and RM-3-8 [See Section 131.0464(e)]	applies
Refuse and Recyclable Material Storage [See Section 142.0805]	applies

Footnotes for Table 143-03C

- ¹ Only the setbacks that apply to the pre-subdivided lot apply, except that if the pre-subdivided small lot subdivision development covers more than one lot, the setback shall not be required for internal lot lines of the pre-subdivided lot.
- ² Section 131.0444(e) only applies to the building envelope at the front and side setback lines of the pre-subdivided lot. When adjacent to a RS (Residential--Single Unit Zone), the maximum height is 30 feet.
- ³ Section 131.0444(f) only applies to the building envelope at the front and side setback lines of the pre-subdivided lot.
- ⁴ Per the base zone, except that reservation of floor area ratio for parking shall not be required.

- (d) Required exterior open space.
 - (1) Each *dwelling unit* shall provide a minimum of 200 square feet of exterior open space within the small *lot subdivision*.
 - (2) Each *dwelling unit* shall provide a minimum of one private exterior useable open space area measuring 60 square feet, with a minimum dimension of no less than 6 feet.
 - (3) The area of a driveway shall not be counted toward required exterior open space.
- (e) *Dwelling units* that abut the *front yard* of the pre-subdivided *lot* shall locate the primary pedestrian entrance facing that *front yard*.
- (f) A Mutual Maintenance and Access Agreement for all facilities used in common shall be entered into to the satisfaction of the City Manager and shall be recorded against the applicable property or properties in the office of the San Diego County Recorder prior to issuance of a certificate of occupancy. The Mutual Maintenance and Access Agreement shall, at a minimum, include and provide for the following:
 - (1) Easements for:
 - (A) Shared driveway(s)
 - (B) Utilities
 - (C) Drainage and runoff
 - (D) Encroachments
 - (E) Maintenance, repair, and reconstruction
 - (2) Maintenance for:
 - (A) Shared driveway(s)
 - (B) Sewer lines
 - (C) Cable and electrical lines
 - (D) Exterior lighting

- (E) Perimeter fences
- (g) When an *alley* abuts the *premises*, access to required *off-street parking spaces* shall only be from the *alley*.
- (h) Parking requirements and parking site design shall comply with the following regulations and Chapter 14, Article 2, Division 5 (Parking Regulations) for *single dwelling units*. Where there is a conflict with Chapter 14, Article 2, Division 5, the requirements of this section shall apply.
 - (1) The number of *off-street parking spaces* shall be consistent with the ratios for small *lot subdivision* in Table 142-05C.
 - (2) Required parking shall be provided on each lot, or within a common parking area, or in a combination of the two.
 - (3) Tandem parking is permitted, provided that the tandem spaces are assigned to the same *dwelling unit*.
 - (4) A maximum of one driveway curb cut shall be permitted for each 50 feet of pre-subdivided *street frontage*.
 - (5) Driveway width shall be determined based on the size of the *lot*, the number of parking spaces and location inside or outside of the Parking Impact Overlay Zone. The applicable minimum and maximum driveway widths are shown in Table 143-03D.
 - (6) Required *off-street parking spaces* may be provided within a garage, a carport, or an unenclosed parking space.

**Table 143-03D
Driveway Width for Small Lot Subdivisions**

Pre-subdivided <i>lots</i> greater than 50 feet in width		
<i>Off-street Parking Spaces in Small Lot Subdivision</i>	Required Width	
	One-Way	Two-Way
10 or fewer	12 feet	
More than 10	14 feet	20 feet

Pre-subdivided lots 50 feet or less in width		
Off-street Parking Spaces in Small Lot Subdivision	Required Width	
	One-Way	Two-Way
10 or fewer	12 feet	
More than 10	14 feet	20 feet

- (i) The landscape requirements shall be in accordance with the requirements for small *lot subdivisions* shown in Section 142.0402, Table 142-04A.
- (j) An existing *development* that proposes to be subdivided into a small *lot subdivision* that deviates from the supplemental regulations set forth in this section or the parking ratios shown in Table 142-05C may be permitted only with a Site Development Permit decided in accordance with Process Three subject to the following regulations:
 - (1) the *development* must be consistent with permitted *density*; and
 - (2) the *development* must comply with the requirement for a Mutual Maintenance and Access Agreement in Section 143.0365(f).

(“Supplemental Site Development Permit Regulations for Small Lot Subdivisions” added 5-5-2015 by O-20483 N.S.; effective 6-4-2015)
(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

[Editors Note: Amendments as adopted by O-20634 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.
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§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.

- (b) If a *development* includes open areas or recreational facilities to be used by the residents or employees of the *development*, the permit shall include a plan for the preservation of the common elements of the property that is acceptable to the City Manager.

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

§143.0380 Phased Site Development Permits

Construction of *development* requiring a Site Development Permit may be phased subject to the following regulations pertaining to each phase of *development*. *Development* pursuant to a Neighborhood Development Permit may not be phased.

- (a) Where construction is to be phased over a period of time, the *applicant* shall provide plans corresponding to each phase at the time of Site Development Permit submittal and shall include a proposed construction schedule and an illustration of the various phases of *development*.
- (b) The plans corresponding to each phase shall clearly delineate all fundamental project elements integral to implementation of that particular phase, including landscaping, open space, parking, and recreational facilities. Each phase must assure that the provision of fundamental project elements will correspond with the demand to provide the associated site facilities and improvements necessary to support the density or intensity of each phase of *development*.
- (c) The phasing program shall address the interim use of all areas where *development* will occur at a later date, including identification of the interim landscape and irrigation measures to be used to assure that portions of the site that may be graded or disturbed in the initial phase of project implementation but not be developed until a later phase, will be adequately mitigated.
- (d) Where construction is to be phased over a predetermined period, the phasing program shall be based on the projected population growth and availability of public facilities of the designated economic support area.

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