

GENERAL ZONING ORDINANCE

112.0304 Posted Notice

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

- (a) Placement of Notice. The *applicant* shall post copies of the Notice of Application or Notice of Future Decision along the street frontage of the property that is the subject of the application. The notices shall not be spaced more than 200 feet apart. No more than three notices are required for any property. If the street frontage is less than 200 feet, only one notice is required.
 - (1) The notice shall be printed in black ink on foam core board and located in a conspicuous place on the property abutting a street not more than 10 feet inside the *property line* but no closer than five feet to a *property line*.
 - (2) The notice shall be 12 feet square in sign area, generally measuring three feet by four feet.
 - (3) Signs may be placed in commercial display windows, attached to perimeter fencing or supported on four-inch by four-inch wood posts not exceeding six feet in height from the ground level. If the property is surrounded by fences, walls, or hedges at or near the street *property line*, additional height may be provided as necessary to ensure visibility of the sign from the *public right-of-way*.
 - (4) The notice shall not be illuminated.
 - (5) The notice shall remain in place until the expiration of the appeal period following the decision by the decision maker. If the application has been appealed, a new notice with the appeal hearing date shall be posted. The notice shall be removed within 10 *business days* of either the conclusion of the appeal period or the final decision, whichever occurs later.
- (b) Verification of Posting. The *applicant* shall verify in writing, on a form prescribed by the City, that the notice has been posted in accordance with this section, within 5 business days of the date on which the *applicant* receives the notice from the City.
- (c) Error in Posting. The posting required by this section is intended only to supplement other notice requirements of this division. A decision on an application for a permit, map, or other matter shall not be invalidated because of any error or irregularity in the posting of a notice in accordance with this section.
- (d) Maintaining Posted Notices. It is unlawful to deface, damage, move, or remove a notice posted in accordance with the applicable provisions of the Municipal Code.

112.0604 Process CIP/Public Project-Five

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

- (a) Through (b) [No change in text]

113.0103 Definitions

Abutting property through Important archaeological site [No change in text.]

Interested person means a person who ~~was present~~ spoke at a public hearing from which an appeal arose ~~and who had filed a speaker slip with the decision maker at that public hearing~~ or a person who expressed an interest in the decision in writing to that decision maker before the close of the public hearing.

Interior Court through Yard [No change in text.]

§126.0117 Provision of Refuse, Organic Waste and Recyclable Material Collection and Management

- (a) All existing and new development that generates refuse, organic waste, and/or recyclable material shall provide for the collection and management of these materials pursuant to Chapter 6, Article 6. Development shall provide adequate storage space for these materials as set forth in Sections 142.0801 through 142.0830.
- (b) To be considered for City-provided services under Section 66.0127, as it may be amended, a development shall comply with all applicable requirements of Chapter 6, Article 6 and applicable waste management regulations issued by the City including, but not limited to, storage space and container set-out space requirements.
- (c) All development shall comply with the Construction and Demolition Debris Diversion Deposit Program in Chapter 6, Article 6, Division 6, as applicable.

126.0402 When a Neighborhood Development Permit Is Required

- (a) through (q) [No change in text]
- (r) A Neighborhood Development Permit is required for a Lot Line Adjustment on a premises containing environmentally sensitive lands.

Diagram 113-02JJ
Maximum Permitted Structure Height
[No change in text]

(2) [No change in text]

Diagram 113-02KK
Measurement of Structure Height

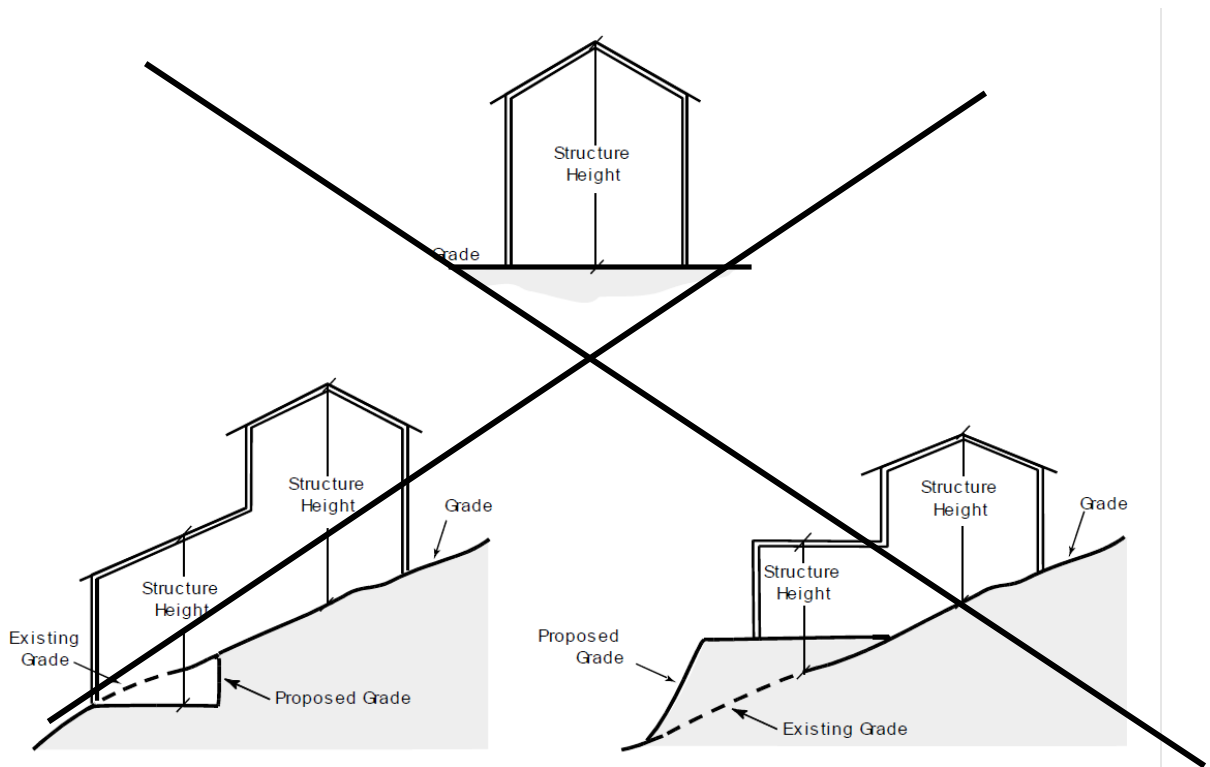
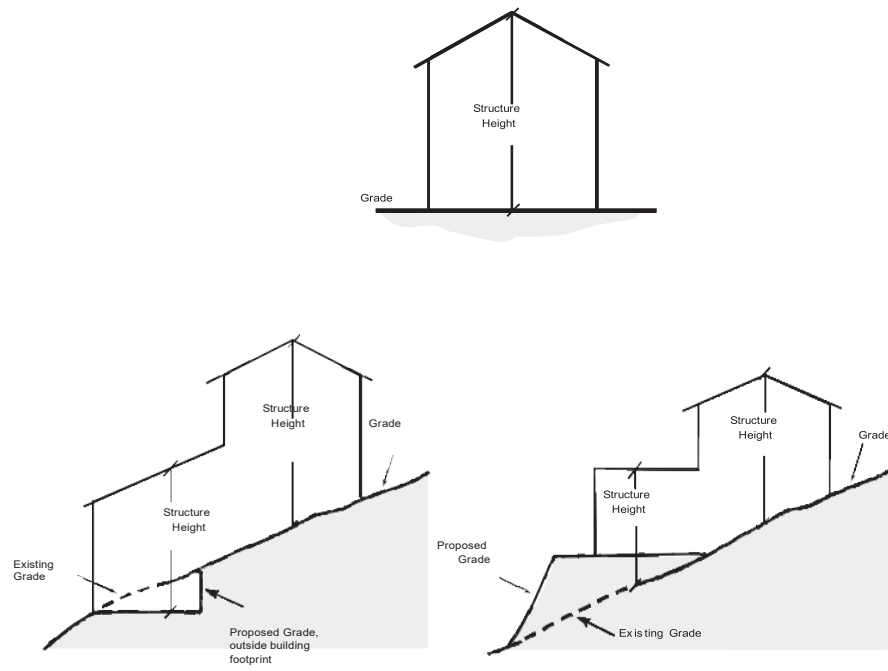


Diagram 113-02KK

Measurement of Structure Height



BUILDING ELEVATIONS

§131.0222 Use Regulations Table for Open Space Zones

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

Legend for Table 131-02B

[No change in text]

Table 131-02B

Use Regulations Table for Open Space Zones

Use Categories/Subcategories							Zone Designator	Zones						
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]														
1st & 2nd >>	OP-		OC-		OR ⁽¹⁾ -		OF ⁽¹¹⁾ -							
	3rd >>	1-	2-	1-		1-								
	4th >>	1	1	1		1	2	1						
Open Space through Commercial Stables							[No change in text]							
Community Gardens							- <u>L</u>	N <u>L</u>	-	N	L			
Equestrian Show & Exhibition Facilities through Theater <i>Marquees</i>							-	-	-	-	-			
[No change in text]														

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

§131.0431 Development Regulations Table for Residential Zones

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

(a) [No change in text]

(b) RS Zones

**Table 131-04D
Development Regulations for RS Zones
[No change in text]**

Footnotes for Table 131-04D

¹ through ⁶ [No change in text]

⁷ In the Encanto and Southeastern San Diego Community Planning areas the *lot* size shall be a minimum of 5,000 square feet, all development regulations of the RS-1-7 zone shall apply for subdivisions.

⁸ [No change in text]

131.0431 Development Regulations Table for Residential Zones

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

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

Table 131-04D [No change in text]

Footnotes for Table 131-04D

¹ through ⁶ [No change in text]

⁷ In the Encanto and Southeastern San Diego Community Planning areas, the lot size shall be a minimum of 5,000 square feet, and all development regulations of the RS-1-7 zone shall apply.

⁸ [No change in text]

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

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM					
	3rd >>	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12
Maximum permitted density^{(1),(2)} (sf per DU) through Lot consolidation regulations [See Section 131.0453(a)] [No change in text]		[No change in text]	[No change in text]	[No change in text]	[No change in text]	[No change in text]	[No change in text]
Storage requirements — [See Section 131.0454]		applies	applies	applies	applies	applies	Applies
Private exterior open space through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [No change in text]		[No change in text]	[No change in text]	[No change in text]	[No change in text]	[No change in text]	[No change in text]

Footnotes for Table 131-04G [No change in text]

131.0454 — Storage Requirements in the RM Zones

~~In all RM zones, each dwelling unit shall have a fully enclosed, personal storage area outside the unit that is at least 240 cubic feet with a minimum 7-foot horizontal dimension along one plane.~~

§131.0455 Private Exterior Open Space in the RM Zones

- (a) Through (d) [No change in text]

Diagram 131-04R

Private Exterior Open Space

[No change in text]

- (e) In the RM-3-7, RM-3-8, RM-3-9, RM-4-10, RM-4-11, and RM-5-12 zones, where private exterior open space is not provided at the quantity required above, an equal amount of common exterior open space in addition to the requirements of Section 131.0456 shall be provided.

131.0461 Architectural Projections and Encroachments in Residential Zones

- (a) Through (b) [No change in text]
- (c) In the RM-2-4, RM-2-5, RM-2-6, RM-3-7, RM-3-8, RM-3-9, RM-4-10, RM-4-11, and RM-5-12 zones, *architectural projections* and *encroachments* listed in Section 131.0461(a) are permitted with the following limitations. No permitted *architectural projection* or *encroachment* may be located in required yards within view corridors that are designated by *land use plans* in the Coastal Overlay Zone, in a required *visibility area*, a required turning radius, or vehicle back-up area except where *development* regulations may allow.
- (1) Through (5) [No change in text]
- (6) Projecting balconies may encroach up to 4 feet into the required minimum front and street side yard subject to the following requirements:
- (A) One unenclosed projecting balcony per dwelling unit is permitted for each story above the first story;
- (B) Support posts to the ground below are not permitted unless the area below the balcony serves as a projecting entry and provides shelter for an access door to the dwelling unit; and
- (C) The maximum permitted width of projecting balconies shall not exceed 10 feet or 50 percent of the width of the habitable portion of the building elevation, whichever is greater.

131.0546 Maximum Floor Area Ratio

Maximum floor area ratio is specified in Tables 131-05C, 131-05D, 131-05E and is subject to the following additional regulations:

- (a) [No change in text]
- (b) *Floor Area Ratio* Bonus for Child Care Facilities

In the CR-1-1, CR-2-1, CO-1-2, CO-2-2, CO-3-1, and CO-3-2 zones, a *floor area ratio* bonus over the otherwise maximum allowable *gross floor area* is permitted at the rate of ~~4~~ 10 square feet of additional *gross floor area* for each 1 square foot of *gross floor area* devoted to the child care facility to be added to the total area of the *premises* when determining the *floor area ratio* for a *development*. The area designated for the *child care facility* must maintain an ~~be used~~ an 'E' occupancy permit for a minimum of 10 years from the time of construction permit issuance and must be in compliance with the requirements of Section 141.0606 (Child Care Facilities).

131.0522 Use Regulations Table for Commercial Zones

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

Legend for Table 131-05B

[No change in text]

Table 131-05B

Use Regulations Table for Commercial Zones

[illegible]

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																									
	1st & 2nd >>	CC-																									
	3rd >>	1-			2-				3-					4-					5-								
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6
Open Space through <i>Social Service Institutions</i> [No change in text]																											
Solar Energy Systems		[No change in text]																									
<i>Wireless Communication Facilities</i> through Small Family Child Care Homes [No change in text]																											
Eating and Drinking Establishments with a Drive-in or Drive-through Component ²⁰		[No change in text]																									
Fairgrounds through Theater <i>Marquees</i> [No change in text]																											

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

¹ through 19 [No change in text]

²⁰ Eating and Drinking Establishments with a Drive-in or Drive-through Component shall not be permitted within a *transit priority area*.

131.0622 Use Regulations Table for Industrial Zones

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

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

Table 131-06B
Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd>>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through <i>Social Service Institutions</i> [No change in text]											
Solar Energy Systems		[No change in text]									
<i>Wireless Communication Facilities</i> through Small Family Child Care Homes [No change in text]											
Eating and Drinking Establishments with a Drive-in or Drive-through Component ²²		[No change in text]									
Fairgrounds through Trucking & Transportation Terminals [No change in text]											
Separately Regulated Industrial Uses											
Artisan Food and Beverage Producer		-P	-P	-P	-P	-P	-P	-P	-P	-P	-P
<i>Cannabis Production Facilities</i> through Theater Marquees [No change in text]											

Footnotes for Table 131-06B

¹ through ²¹ [No change in text]

²² Eating and Drinking Establishments with a Drive-in or Drive-through Component shall not be permitted within a transit priority area.

131.0707 Use Regulations Table for Mixed-Use Zones

The uses allowed in the mixed-use zones are shown in Table 131-07A.

Legend for Table 131-07A

[No change in text]

**Table 131-07A
Use Regulations Table for Mixed-Use Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Open Space through <i>Social Service Institutions</i> [No change in text]							
Solar Energy Systems & Battery Energy Storage <i>Wireless Communication Facility</i> through Retail Sales [No change in text]		[No change in text]					
Building Supplies & Equipment		p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾
Food, Beverages and Groceries		p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾
Consumer Goods, Furniture, Appliances, Equipment		p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾
Pets & Pet Supplies		p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾
Sundries, Pharmaceutical, & Convenience Sales		p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾
Wearing Apparel & Accessories		p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾	p ⁽⁸⁷⁾
Separately Regulated Retail Sales Uses through Business Support [No change in text]							
Eating & Drinking Establishments		p ⁽⁴³⁾	p ⁽⁴³⁾	p ⁽⁴³⁾	p ⁽⁴³⁾	p ⁽⁴³⁾	p ⁽⁴³⁾
Financial Institutions through Radio & Television Studios [No change in text]							
Tasting Rooms		p ⁽⁵⁴⁾	p ⁽⁵⁴⁾	p ⁽⁵⁴⁾	p ⁽⁵⁴⁾	p ⁽⁵⁴⁾	p ⁽⁵⁴⁾
Visitor Accommodations through Adult Entertainment Establishments [No change in text]							

[illegible]

Use Categories/Subcategories	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Separately Regulated <i>Signs</i> Uses through Theater <i>Marquees</i> [No change in text]							

Footnotes for Table 131-07A

¹ through ² [No change in text]

³ ~~Permitted in an enclosed space with up to 7,500 square feet of gross floor area; the use of more space requires a Conditional Use Permit. Activities that would require a permit from the Hazardous Materials Management Division of the County of San Diego or from the San Diego Air Pollution Control District require a Conditional Use Permit.~~

⁴³ Eating and drinking establishments abutting an existing residential base zone shall only operate ~~only~~ between 6:00 a.m. and 12:00 a.m.

⁵⁴ Tasting rooms are only permitted as an *accessory use* to a beverage manufacturing plant or an artisan beverage producer.

⁶⁵ The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.

⁷⁶ All mixed-use zones shall use Category A within Section 142.1220.

⁸⁷ *Development* of a large retail establishment is subject to Section 143.0302.

131.0709 Development Regulations Table for Mixed-Use Zones

The following development regulations apply in the mixed-use zones as shown in Table 131-07B.

Table 131-07B
Development Regulations for RMX and EMX Zones

Development Regulations	Zones					
	RMX-			EMX-		
	1	2	3	1	2	3
Minimum Lot Area (sf) through Refuse and Recyclable Material Storage [See Section 142.0805] [No change in text]	[No change in text]					
Storage Requirements for Residential Only [See Section-131.0454]	Applies					
Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [No change in text]	[No change in text]					

Footnotes for Table 131-07B [No change in text]

131.0718 Supplemental Regulations for Premises Greater Than Five Acres

The purpose and intent of these regulations is to break down larger sites into approximately two-acre segments to enhance a sense of place; facilitate pedestrian circulation; reduce walking distances; improve connections to the *public right-of-way* or private drives, transit, and adjoining neighborhoods; and promote the livability and vitality of such *development*. A lot line adjustment cannot be used to reduce the size of premises to eliminate the applicability of these requirements.

(a) Through (d) [No change in text]

141.0103 Applicable Regulations for Separately Regulated Uses

- (a) Except as specifically provided in this article, separately regulated uses are subject to the following regulations unless a variance has been approved in accordance with Chapter 12, Article 6, Division 8:
 - (1) [No change in text,]
 - (2) All applicable regulations of Chapter 13, Article 2 (Overlay Zones); ~~and~~
 - (3) All applicable regulations of Chapter 14 (General Regulations); ~~and~~
 - (4) All applicable regulations of Chapter 6, Article 6 (Collection, Transportation and Disposal of Refuse and Solid Waste).

§141.0203 Community Gardens

Community gardens are *premises* that are used for crop cultivation by individuals or collectively and may be divided into multiple plots. Community gardens are permitted as a limited use in the zones indicated with an “L” and may be permitted with a Neighborhood Use Permit in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Through (h) [No change in text.]
- (i) Community gardens located within a public park shall be designed, constructed, and maintained to the satisfaction of the Parks and Recreation Director.

§141.0308 Home Occupations

Home occupations are businesses conducted by residents on the *premises* of their homes. Home occupations, including cottage food operations authorized pursuant to California Government Code section 51035, are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. An *applicant* may deviate from therequirements in Section 141.0308(k) through (n) by obtaining a Neighborhood Use Permit in accordance with Section 126.0203.

- (a) Through (b) [No change in text]

- (c) The home occupation shall reduce by one ~~shall not result in the elimination or the reduction of~~ required off-street parking which does not result in the elimination of all off-street parking.
- (d) through (n) [No change in text]

§141.0309 Interim Ground Floor Residential

Residential *development* within commercial zones is permitted only when a commercial *structure* exists on the *premises* or is a part of the proposed *development*. Residential use is restricted on the ground *floor* in accordance with Section 131.0540. The residential *density* shall not be counted towards the maximum allowable *density* of the underlying zone or community plan. Interim ground ~~floor residential~~ residential may be permitted within existing commercial space in accordance with Process Two in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations:

- (a) through (c) [No change in text]
- (b) The decision maker shall make the findings in Section 126.0205(~~a~~ c) ~~through(d).~~
- (e) New residential *development* permitted in accordance with this Section is required to pay Development Impact Fees (DIFs) in accordance with Section 142.0640(b)(7).

Parking Standards Transit Priority Area Regulations

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

(a) Parking Requirement. *Off-street parking spaces* are not required.

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

(3) The development shall provide a passenger drop-off and loading zone along the street frontage near the main accessible entrance unless there is an existing compliant passenger drop-off and loading zone within 200 feet from the main accessible entrance of the development. The passenger drop-off and loading zone shall comply with the City of San Diego Standard Drawings for Public Works Construction. In addition, the development shall provide an accessible route within the boundaries of the premises, from the accessible main accessible entrance of the development to the drop-off and passenger loading zone, in accordance with the California Building Standards Code.

(4) The development shall provide an on-street accessible parking space along the street frontage, unless existing compliant on-street parking spaces within the block perimeter are within a ratio of 1 accessible space for every 25 standard spaces. The accessible on-street parking spaces shall comply with The City of San Diego Standard Drawings for Public Works Construction.

In addition, the *development* shall provide an accessible route within the boundaries of the *premises*, from the main accessible entrance of the *development* to the designated accessible on-street parking space, in accordance with the California Building Standards Code.

- (b) Provided Parking. If one or more *off-street parking spaces* are provided in a *development*, then the following requirements apply:
 - (1) through (2) [No change in text]
 - (3) The number of off-street electric vehicle charging spaces shall be provided in accordance with ~~the California Green Building Standards Code~~ Title 24 of the California Code of Regulations (California Building Standards Code).

142.0640 **Development Impact Fees for Financing Public Facilities and Spaces**

- (a) Purpose [No change in text]
- (b) Payment of Fees

Development Impact Fees (as defined in California Government Code Section 66000) for applicable *development* shall be paid prior to requesting a final inspection. A final inspection shall not occur until the applicable DIFs are paid at the time required building permit fees are paid and no later than the first inspection of the *development* performed by the City in areas where Development Impact Fees have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require the payment of Development Impact Fees for *development* that would increase demand for public facilities and/or result in the need for new public facilities. Development Impact Fees shall not be required for inclusionary *dwelling units* provided pursuant to Chapter 14, Article 2, Division 13 if the *applicant* has satisfied all the requirements of Division 13 for inclusionary *dwelling units* on the same *premises* as the market-rate *dwelling units*. ~~The Development Impact Fee required by the City Manager shall be paid at the time required building permit fees are paid and no later than the first inspection of the *development* performed by the City. The~~ DIF amounts shall be determined by the year in which the DIFs are paid, as set forth in the DIF schedule in effect when the Building Permit was issued, or the DIF schedule in effect when the fees are paid, whichever schedule is lower, plus an automatic increase consistent with Section 142.0640(c) if applicable.

Exemptions:

- (1) through (5) [No change in text]

(6) Development that designs and constructs an onsite park that satisfies the development's park standard, shall not be subject to the requirement to pay the Citywide Park DIF, where the requirements set forth in San Diego Resolution No. R-313688 have been satisfied. Development that designs and constructs an onsite park that satisfies a portion of the development's park requirements, shall not be subject to a proportionate share of the DIF payment for the Citywide Park DIF where the requirements set forth in San Diego Resolution No. R-313688 have been satisfied. as . To be eligible for any exemption under this subsection, the following additional requirements shall apply:

- (A) The park shall be designed and constructed in accordance with a General Development Plan approved in accordance with Council Policy 600-33;
- (B) The park shall be designed and constructed in accordance with the City's standards for design and construction of parks, as applicable;
- (C) The park shall be publicly accessible in perpetuity, in accordance with a recorded recreation easement, or other instrument, to the satisfaction of the Parks and Recreation Director;
- (D) If the development is receiving park credit for long-term maintenance in accordance with the Parks Master Plan, a maintenance agreement or other instrument to assure the maintenance shall be recorded with the County Recorder, to the satisfaction of the Parks and Recreation Director.
- (E) A performance bond shall be provided for the design and construction of the park prior to the issuance of the first building permit for any dwelling units in the development, and no final inspection shall occur for the remaining 75 percent of the total dwelling units in the development until the park has been completed to the satisfaction of the Parks and Recreation Director;
- (F) Prior to requesting final inspection of the first dwelling unit in the development, a fee in the amount of 10 percent of the total DIF related to parks that would have otherwise been required, shall be paid to fund park and recreation improvements in the City.
- (G) The otherwise applicable DIF is designated only for park and recreation improvements; if a DIF does not distinguish

separate rates for the park component of the fee, then this subsection 142.0640(b)(6) shall not apply.

(7) New interim residential *development* that obtains a building permit in accordance with Section 141.0309, shall be required to pay 1/3 of the applicable residential DIF. At the end of ten (10) years, if the Neighborhood Use Permit (NUP) is renewed or extended beyond the initial ten (10) year period, the project shall be required to pay 2/3 of the applicable residential DIF in effect at the time of the granting of the applicable *development permit* or *construction permit*.

Table 142-06A [No change in text]

(c) [No change in text]

(d) ~~Fee Deferral~~

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

~~(1) Unless otherwise specified in Section 142.0640(d)(5), payment of DIFs may be deferred for a maximum period of two years from the effective date of a Fee Deferral Agreement, or until a final inspection is requested, whichever occurs earlier. A final inspection shall not occur until the applicable DIFs are paid.~~

~~(2) Payment of DIFs shall not be deferred unless and until a Fee Deferral Agreement is entered into to the satisfaction of the City Manager. The Fee Deferral Agreement shall be recorded against the applicable property in the Office of the San Diego County Recorder and shall constitute a lien for the payment of the DIFs. The Fee Deferral Agreement shall be binding upon, and the benefits of the agreement shall inure to, the parties and all successors in interest to the parties to the Fee Deferral Agreement.~~

~~(3) Payment of DIFs shall only be deferred if the applicable administrative processing fee, as adopted by City Council resolution, is paid by the applicant.~~

~~(4) If payment of the DIFs are deferred, the deferred DIFs due shall be determined in accordance with Section 142.0640(b) (c), except that, if the DIFs are paid prior to the end of the deferral period as set forth in Section 142.0640(d)(1), the amount of the DIFs shall be determined by the DIFs rate for the year in which the DIFs are actually paid as set forth in the DIFs schedule in effect when the Fee Deferral Agreement was executed by the City, or a subsequently approved DIFs schedule, whichever~~

~~schedule is lower, plus an automatic increase consistent with Section 142.0640(e) if applicable. If the DIFs are not paid timely as provided for in the Fee Deferral Agreement, the amount of the DIFs shall be determined in accordance with the DIFs schedule in effect when the DIFs are actually paid, or the schedule in effect at the end of the DIFs deferral period as set forth in Section 142.0640(d)(1), plus automatic increases consistent with Section 142.0640(e), whichever amount is greater.~~

- ~~(5) Notwithstanding Section 142.0640(d)(1), for Building Permits or construction permits issued between March 1, 2020 and March 1, 2022, payment of DIFs may be deferred for a maximum period of three years from the effective date of a Fee Deferral Agreement, or until a final inspection is requested, whichever occurs earlier. A final inspection shall not occur until the applicable DIFs are paid. For Building Permits or construction permits issued between March 1, 2020 and March 1, 2022, notwithstanding Section 142.0640(d)(4), the amount of the DIFs shall be determined by the DIFs rate for the year in which the DIFs are actually paid as set forth in the DIFs schedule in effect when the Fee Deferral Agreement was executed by the City, or a subsequently approved DIFs schedule, whichever schedule is lower, plus automatic increases for the first two years only, consistent with Section 142.0640(e), if applicable.~~

(de) Waiver or Reduction of Fees

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

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

~~(2) An application for a waiver or reduction of DIFs shall be filed no later than 10 calendar days after either the DIFs are paid, or the associated Fee Deferral Agreement has been fully executed by the City, whichever occurs earlier.~~

(3) through (7) [No change in text]

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

(h) For any Fee Deferral Agreements that were entered into prior to ** [Note to City Clerk: fill in effective date of this ordinance], any liens resulting from the recordation of the Fee Deferral Agreement shall not be due or payable until a final inspection is requested.

§142.0740 Outdoor Lighting Regulations

- (a) Through (b) [No change in text]
- (c) General regulations that apply to all outdoor lighting:
 - (1) [No change in text]
 - (2) Shields and flat lenses shall be required to control and direct the light below an imaginary horizontal plane passing through the lowest point of the fixture, except for:
 - (A) [No change in text]
 - (B) Outdoor lighting fixtures less than ~~4,050~~ 6,200 initial luminaire lumens including landscape lighting and decorative lighting;
 - (C) Through (G) [No change in text]
 - (3) Through (7) [No change in text]
- (d) Through (g) [No change in text]

§142.0801 Purpose of Refuse, Organic Waste, and Recyclable Materials Storage Regulations

The purpose of these regulations is to provide permanent, adequate, and convenient space for the storage and ~~collection~~ collection of ~~refuse~~ refuse, organic waste, and recyclable material. The intent of these regulations is to encourage ~~recycling~~ recycling and composting of solid waste to reduce the amount of waste material entering landfills and to meet the ~~recycling~~ recycling and waste reduction goals established by the City Council and mandated by the State of California.

§142.0803 Definitions

All defined terms in this Division appear in italics and are found in San Diego Municipal Code sections 66.0102 or 113.0103. In addition, whenever the

following words or phrases are used in this Division, they mean:

Collection means to take physical possession of and remove *refuse, organic waste* or *recyclable material* at the place of generation.

Organic waste means commingled yard trimmings, nonhazardous wood waste, *food material* or food-soiled paper mixed with *food material*.

§142.0805 When Refuse, Organic Waste, and Recyclable Materials Storage Regulations Apply

~~Refuse~~Refuse, organic waste, and *recyclable materials* storage shall be provided for the following types of *development* as indicated in Table 142-08A:

- (a) ~~New residential development projects involving two or more dwelling units.~~Development of a single dwelling unit.
- (b) ~~New nonresidential development, or~~New residential development projects involving two or more dwelling units.
- (c) ~~Additions to existing multiple dwelling unit residential, commercial or industrial development where the gross floor area would be increased by 30 percent or more.~~New nonresidential development, or
- (d) Additions to existing multiple dwelling unit residential or existing nonresidential development where the gross floor area would be increased by 30 percent or more.

Table 142-08A

**Refuse, Organic Waste, and Recyclable Material Storage Regulations
Applicability**

Type of <i>Development</i> Proposal	Applicable Regulations	Required Permit Type/Decision Process
<i>Development of a single dwelling unit</i>	Exempt from this division <u>Comply with the applicable Waste Management Regulation(s), and Sections 142.0810, and 142.0820, and 142.0831</u>	Exempt from this division <u>No permit required by this division</u>

Type of Development Proposal	Applicable Regulations	Required Permit Type/Decision Process
New residential <i>development</i> involving two or more <i>dwelling units</i>	Sections 142.0810, and 142.0820, <u>and 142.0831</u>	No permit required by this division
New nonresidential <u>New nonresidential</u> <i>development</i>	Sections 142.0810, and 142.0830, <u>and 142.0831</u>	No permit required by this division
Additions to existing <i>multiple dwelling unit</i> residential, commercial, or industrial <u>or existing nonresidential</u> <i>development</i> where the <i>gross floor area</i> would be increased by 30 percent or more	Sections 142.0810, 142.0820, and 142.0830, <u>and 142.0831</u>	No permit required by this division

§142.0810 General Regulations for Refuse, Organic Waste, and Recyclable Material Storage

New ~~residential development~~ as indicated in Section 142.0805 shall provide on-site areas for the storage of ~~refuse~~ refuse, organic waste, and *recyclable material* that meet the following standards:

(a) [No change in text.]

(b) Location of Material Storage Areas

(1) [No change in text.]

(2) Material storage areas may be located outside a *structure* in required rear *yards* or in required side *yards*. Exterior material storage areas shall be located onsite and be accessible to haulers from the public right-of-way.
~~not be located in any front yard, street side yard, street yard area, parking area, landscaped area, or any other area required by the Municipal Code to be constructed or maintained unencumbered according to fire or other~~

~~applicable building or public safety laws.~~ Exterior material storage areas shall not be located in any required landscape area.

~~(3) Material storage areas shall be accessible to occupants and haulers.~~

~~(4)~~(3) *Premises* served by an *alley* shall provide material storage areas that are directly accessible from the *alley*.

~~(5) One sign identifying the material storage area is required for each area and shall be posted on the exterior of the material storage area near the point of access. The maximum sign copy area permitted for each sign shall be one square foot.~~

~~(6)~~(4) For ~~commercial~~ non residential *development* on *premises* not served by an *alley*, material storage areas shall be located at least 25 feet from any ~~street or sidewalk.~~

(c) *Screening of Material Storage Areas.* Material storage areas located outside any *structure* shall be *screened* with a minimum 6-foot-high solid *screening* enclosure that is designed to be architecturally consistent with the primary *structure*. ~~Refuse~~Refuse, organic waste, and recyclable material, and material storage containers shall not exceed the height of the solid *screening* enclosure.

(d) One sign identifying the material storage area is required for each area and shall be posted on the exterior of the material storage area near the point of access. The maximum sign copy area permitted for each sign shall be one square foot.

§142.0820 Refuse, Organic Waste, and Recyclable Materials Storage

Regulations for Residential Development

Applicable residential *development* in accordance with Section 142.0805, shall provide interior and exterior ~~refuse~~refuse, organic waste, and recycling~~recyclable material~~ storage areas as specified below:

- (a) Interior ~~Refuse~~Refuse, Organic Waste, and Recyclable Material Storage. Each *dwelling unit* shall be equipped with an interior ~~refuse~~refuse, organic waste, and recyclable material storage area.
- (b) Exterior ~~Refuse~~Refuse, Organic Waste, and Recyclable Material Storage. Each *structure* that contains *dwelling units* shall provide at least one exterior refuse, organic waste, and recyclable material storage area. The total exterior storage area requirement ~~is~~shall be based on the number of *dwelling units* in the *development* as shown in Table 142-08B and includes the sum of all residential material storage areas located outside of individual *dwelling units*.
- (c) Alternative compliance via mechanical compactors or other comparable technology and/or via provision of private refuse and recyclable materials hauling scheduled to meet the specific needs of a development may be allowed ministerially during building plan review if it can be demonstrated that the alternative compliance accommodates the same or greater capacity than Table 142-08B requires.

Table 142-08B
Minimum Exterior Refuse, Organic Waste, and
Recyclable Material Storage Areas for
Residential Development

Number of Dwelling Units Per Development	Minimum Refuse Storage Area Per Development (Square Feet)	<u>Minimum Organic Waste Storage Area Per Development</u> (Square Feet)	Minimum Recyclable Material Recyclable-Material Storage Area Per Development (Square Feet)	Total Minimum Storage Area Per Development (Square Feet)
<u>1</u>	<u>6.25</u>	<u>6.25</u>	<u>6.25</u>	<u>18.75</u>
2-6	12	<u>12</u>	12	<u>24</u> <u>36</u>
7-15	24	<u>24</u>	24	<u>48</u> <u>72</u>
16-25	48	<u>48</u>	48	<u>96</u> <u>144</u>
26-50	96	<u>96</u>	96	<u>192</u> <u>288</u>
51-75	144	<u>144</u>	144	<u>288</u> <u>432</u>
76-100	192	<u>192</u>	192	<u>384</u> <u>576</u>
101-125	240	<u>240</u>	240	<u>480</u> <u>720</u>
126-150	288	<u>288</u>	288	<u>576</u> <u>864</u>
151-175	336	<u>336</u>	336	<u>672</u> <u>1,008</u>
176-200	384	<u>384</u>	384	<u>768</u> <u>1,152</u>
201+	384 plus 48 square feet for every 25 dwelling units <i>dwelling units</i> above 201	<u>384 plus 48 square feet for every 25 <i>dwelling units</i> above 201</u>	384 plus 48 square feet for every 25 dwelling units <i>dwelling units</i> above 201	<u>768</u> <u>1,152</u> plus <u>96</u> <u>144</u> square feet for every 25 dwelling units <i>dwelling units</i> above 201

§142.0830 Refuse, Organic Waste, and Recyclable Material Storage Regulations for Nonresidential Development and Mixed Use Development

- (a) Nonresidential Development. All new nonresidential *development*, or additions to existing ~~commercial or industrial~~ nonresidential *development* where the *gross floor area* would be increased by 30 percent or more, shall provide at least one exterior ~~refuse~~ refuse, organic waste, and *recyclable material* storage area for each building. The total storage area requirement ~~is~~ shall be based on the *gross floor area* of the nonresidential buildings on the *premises*, as shown in Table

142-08C, and includes the sum of all nonresidential ~~refuse~~refuse, organic waste, and ~~recyclable material~~recyclable material storage areas.

- (b) Mixed Use Development with Residential Uses. Where a *development* includes residential as part of a mixed use project, the *development* shall provide ~~refuse~~refuse, organic waste, and *recyclable material* storage for the residential portion of the project in accordance with Table 142-08B, in addition to the storage areas required by Table 142-08C for the nonresidential *development*.

Table 142-08C

**Minimum Exterior Refuse, Organic Waste, and Recyclable Material Storage Areas
for Nonresidential Development**

Gross Floor Area Per Development (Square Feet)	Minimum Refuse Storage Area Per Development (Square Feet)	Minimum Recyclable Material Storage Area Per Development (Square Feet)	<u>Minimum Organic Waste Storage Area Per Development (Square Feet)</u>	Total Minimum Storage Area Per Development (Square Feet)
0-5,000	12	12	<u>12</u>	<u>24</u> <u>36</u>
5,000 <u>5,001-10,000</u>	24	24	<u>24</u>	<u>48</u> <u>72</u>
10,001-25,000	48	48	<u>48</u>	<u>96</u> <u>144</u>
25,001-50,000	96	96	<u>96</u>	<u>192</u> <u>288</u>
50,001-75,000	144	144	<u>144</u>	<u>244</u> <u>432</u>
75,001-100,000	192	192	<u>192</u>	<u>384</u> <u>576</u>
100,001+	192 plus 48 square feet for every 25,000 square feet of building area above 100,001	192 plus 48 square feet for every 25,000 square feet of building area above 100,001	<u>192 plus 48 square feet for every 25,000 square feet of building area above 100,001</u>	<u>384</u> <u>576</u> plus <u>96</u> <u>144</u> square feet for every 25,000 square feet of building area above 100,001

§142.0831 Refuse, Organic Waste, and Recyclable Material Storage of Construction and Demolition Debris

Development shall provide on-site areas for the storage of refuse, organic waste, and recyclable material generated during construction and demolition activities as follows:

- (a) Size of Material Storage Areas. The size of required material storage areas shall be adequate to separately store all construction and demolition debris generated during the intervals between collection as set forth in section 142.0831(d).

(b) Location of Material Storage Areas.

Material storage areas shall be located on-site if possible, although permission to use the public right-of-way may be granted by the Development Services Department (or its successor) on a case-by-case basis, and the storage area shall be accessible to haulers from the public right-of-way.

(c) Signage. One *sign* identifying the type of material storage area shall be required for each area. Each *sign* shall be posted on the exterior of the material storage area near the point of access.

(d) Type of Material Storage Areas.

(1) For *development* up to 10,000 square feet of building space, one on-site material storage area for the segregated storage of *refuse, organic waste, and recyclable material* shall be provided.

(2) For *development* greater than 10,000 square feet, except in cases where the Director of the Environmental Services Department determines that site conditions make it infeasible, the following two separate types of material storage areas shall be provided:

(a) A separate on-site storage area for *construction and demolition debris* that includes concrete, asphalt, non-contaminated dirt, metal, wood, drywall, and cardboard; and

(b) A separate on-site storage area for other types of *construction and demolition debris*, such as carpet and metal.

142.1304 Inclusionary Affordable Housing Requirements

From July 1, 2020 through June 30, 2024, the requirements of subsections (a) and of this Section 142.1304 shall be implemented incrementally as set forth in the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual on file with the San Diego Housing Commission (Procedures Manual). Effective July 1, 2024, all residential *development* subject to this Division shall include inclusionary *dwelling units* as follows:

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

(e) *Development* of inclusionary *dwelling units* shall be subject to the following:

(1) [No change in text]

(2) The inclusionary *dwelling units* shall be comparable in bedroom mix, design, and overall quality of construction to the market-rate *dwelling units* in the *development*, as determined by the San Diego Housing Commission, except that the inclusionary *dwelling units* shall not be required to exceed three bedrooms per dwelling unit. For purposes of calculating total bedroom count for inclusionary *dwelling units* on a different premise from the *development*, the applicant may provide different bedroom mixes to meet the total *dwelling unit* and *bedroom* count minimums as follows:

a. An affordable studio *dwelling unit* or a micro unit shall count as 60 percent of an affordable *bedroom* and;

b. An affordable SRO unit shall count as 40 percent of an affordable *bedroom* and;

Any calculations resulting in fractional units shall round up to the next whole number. The square footage and interior features of the inclusionary *dwelling units* shall be good quality and consistent with current building standards for new housing in the City of San Diego

(3) Through (4) [No change in text]

(f) Through (h) [No change in text]

§143.0110 When Environmentally Sensitive Lands Regulations Apply

This Division applies to all proposed *development* on a *premises* where *environmentally sensitive lands* are present. Outside the Coastal Overlay Zone, *development* on a *premises* that does not contain *environmentally sensitive lands* but is located adjacent to a *premises* that contains *environmentally sensitive lands* is not subject to this Division, except that the *development* shall comply with Section 143.0110(d).

- (a) [No change in text]
- (b) Table 143-01A identifies the appropriate development regulations, the required decision process, and the permitted uses applicable to various types of *development* proposals that propose to encroach into *environmentally sensitive lands* or that do not qualify for an exemption pursuant to Section 143.0110(c).
 - (1) through (5) [No change in text]

Table 143-01A

Applicability of Environmentally Sensitive Lands Regulations

<i>Environmentally Sensitive Lands Potentially Impacted by Project</i>						
Type of Development Proposal		<i>Wetlands, listed species habitat⁽¹⁾</i>	<i>Other Sensitive Biological Resources other than Wetlands and listed species habitat⁽⁶⁾</i>	<i>Steep Hillides⁽⁶⁾</i>	<i>Sensitive Coastal Bluffs and Coastal Beaches</i>	<i>Floodplains</i>
1. through 9. [No change in text]						
10. Lot Line Adjustments	<u>R</u>	<u>143.0141(a), (b)</u>	<u>143.0141</u>	<u>143.0142</u>	<u>143.0143, 143.0144</u>	<u>143.0145, 143.0146</u>
	<u>P</u>	<u>NDP/ Process Two</u>	<u>NDP/ Process Two</u>	<u>NDP/ Process Two</u>	<u>NDP/ Process Two</u>	<u>NDP/ Process Two</u>
	<u>U</u>	<u>143.0130(d), (e)</u>	<u>==</u>	<u>==</u>	<u>143.0130(a), (b)</u>	<u>143.0130(c)</u>

Legend to Table 143-01A [No change in text]

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

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

§143.0260 Deviations from the Historical Resource Regulations

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

(b) 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 a approval for a new development on the same premises before issuance of a building permit application shall be deemed complete ~~for a~~ for the new development on the same *premises* prior to issuance of a Demolition/Removal/Relocation Permit.

§143.0720 Density Bonus in Exchange for Affordable Housing Units

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

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

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

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

(10) Through (14) [No change in text]

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

§143.0740 Incentives in Exchange for Affordable Housing Dwelling Units

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

- (a) [No change in text.]
- (b) Items not considered incentives by the City of San Diego include, but are not limited to the following:
 - (1) A waiver of a required permit except as permitted by Sections 132.1202(b) and 132.1402(b);
 - (2) Through (4) [No change in text]
- (c) An incentive requested as part of a *development* meeting the requirements of Section 143.0720 shall be processed according to the following:
 - (1)
 - (2) Upon an *applicant's* request, *development* that meets the applicable requirements of Section 143.0720 shall be entitled to incentives pursuant to Section 143.0740 unless the City makes a written *finding* of denial based upon substantial evidence, of any of the following:
 - (A) [No change in text.]
 - (B) [No change in text.]
 - (C) 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~~
 - (D) [No change in text]

(2) ~~The granting of an incentive shall not require a General Plan amendment, zoning change, a *development permit*, or other discretionary approval.~~

(32) When a *development permit* is otherwise required, the decision to deny a requested incentive shall be made by the decision maker for the *development permit*.

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

Table 143-07B
Low Income Density Bonus
Households

Percent <i>Low Income</i> Units	Percent <i>Density</i> Bonus	Number of Incentives
10	20	1
11	21.5	1
12	23	1
13	24.5	1
14	26	1
15	27.5	1
16	29	1
17	30.5	1 <u>2</u>
18	32	1 <u>2</u>
19	33.5	1 <u>2</u>
20	35	2
21	38.75	2
22	42.5	2
23	46.25	2
³ 24 – 29	50 ¹	2 <u>3</u>
³ 30	50 ¹	3
31 - 32	50 ¹	4
³ 33	50 ¹	5

143.0745 Locating Required Affordable Dwelling Units Off-site

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

- (a) through (b) [No change in text]
- (c) At a minimum, the same number of affordable *dwelling units* required of the *development* must be provided, at the same affordability levels and the same total *bedroom* count as the *development*. The *applicant* may provide different *bedroom* mixes to meet the total *dwelling unit* and *bedroom* count minimums. For purposes of calculating total *bedroom* count, an affordable studio shall count as 60 percent of an affordable *bedroom* and an affordable SRO unit shall count as 40 percent of an affordable *bedroom*. Any calculations resulting in fractional units shall round up to the next whole number.
- (d) Through (f) [No change in text]

Chapter 14

Article 3: Supplemental Development Regulations

Division 10: Complete Communities Housing Solutions Regulations

§143.1001 Purpose, Intent, and Definitions

- (a) [No change in text]
- (b) Definitions. For purposes of this Division, the following definitions shall apply:
 - (1) [No change in text]
 - (2) FAR Tier 2 means any *premises* where any portion of the *premises* is located in a regional or subregional employment area, as identified in the General Plan Economic Prosperity Element, or within a one-mile radius of any university campus that includes a medical center and is within a *Transit Priority Area* that is located in ~~an area~~ a community planning area within Mobility Zone 3 as defined in Section 143.1103(a)(3)-~~as Mobility Zone 3~~.
 - (3) FAR Tier 3 means any *premises* where any portion of the *premises* is located in an area located within a *Transit Priority Area* that is located in an area in ~~an area~~ a community planning area within Mobility Zone 3 as defined in Section 143.1103(a)(3)-~~as Mobility Zone 3~~.
 - (4) FAR Tier 4 means any *premises* where any portion of the *premises* is located in an area located within a *Transit Priority Area* that is located in an in ~~an area~~ a community planning area within Mobility Zone 4 as defined in Section 143.1103(a)(3)-~~as Mobility Zone 4~~.
 - (5) Community of Concern means a census tract that has been identified as having very low or low access to opportunity as identified in the San Diego Climate Equity Index.

§143.1002 Application of Complete Communities Housing Solutions Regulations

- (a) At the request of the *applicant*, except as otherwise provided in Section 143.1030, the regulations in this Division shall apply to any *development* within a *Transit Priority Area* where any portion of the *premises* contains zoning that is commercial, residential, or mixed-use of the *premises* is zoned 20 *dwelling units* per acre or greater, or has a land use plan designation that allows for 20 *dwelling units* per acre or greater, and is within one quarter mile of a rail station, not including

additional units permitted under this Division, if all of the following requirements are met:

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

- (b) The regulations in this Division may be utilized to add *gross floor area* to an existing *development* through the construction of additional *dwelling units*. The additional *gross floor area* allowed shall be determined as follows:

(1) The additional *gross floor area* is determined by multiplying the remaining *lot area* and shall not include existing landscaping, open space amenities and sidewalks, by the applicable *floor area ratio* in Section 143.1010(a). The remaining *lot area* is the difference between the *lot coverage* of the existing *development* and the *lot area*.

(2) [No change in text.]

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

- (e) The required number of affordable *dwelling units* shall be calculated in accordance with Section 143.1015, ~~based upon the number of *dwelling units* proposed in accordance with Sections 143.1002(e)(1) and 143.1002(e)(2).~~ For the purposes of calculating the required number of affordable dwelling units, all density calculations resulting in fractional units shall be rounded up to the next whole number. Existing covenant-restricted affordable *dwelling units* shall not be counted towards the affordable housing requirement in this Division.

(f) [No change in text.]

143.1005 Required Replacement of Existing Affordable Units

- (a) An *applicant* is ineligible for any incentive under this Division if the *premises* on which the *development* is proposed contains, or during the seven years preceding the application, contained, rental *dwelling units* that have had the rent restricted by law or covenant to persons and *families* of ~~*moderate income*~~, *low income*, or *very low income*, or have been occupied by persons and *families* of ~~*moderate income*~~, *low income*, or *very low income*, unless the proposed *development* replaces the affordable *dwelling units*, and either:

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

(b) [No change in text]

143.1010 Incentives in Exchange for Transit Priority Area Affordable Housing and Infrastructure Amenities

An *applicant* proposing *development* that is consistent with the criteria in Section 143.1002 shall be entitled to the following incentives:

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

(e) Waiver of ~~the personal storage area requirement in Section 131.0454 and the private exterior open space requirement in Section 131.0455~~ for all *dwelling units* in the *development* if at least 10 percent of the total *dwelling units* in the *development* are at least three-bedroom *bedroom dwelling units*.

(f) [No change in text.]

(g) Waiver of Development Impact Fees for all covenant-restricted affordable *dwelling units* and all *dwelling units* that do not exceed 500 square feet, if the development provides a residential density that is at least 120 percent of the maximum permitted density of the applicable base zone(s) or Planned District.

(h) Waiver of the Neighborhood Enhancement Fee for *development* that meets the affordable housing requirements set forth by this Division and restricts 100 percent of the *dwelling units*, not including any managers units, to households earning no more than 50 percent of the area *median income*.

(i) Use of up to five Affordable Housing Incentives. An *applicant* utilizing the regulations in this Division shall be entitled to incentives as described in Section 143.1010(i) for any *development* for which a written agreement and a deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission. The City shall process an incentive requested by an *applicant* in accordance with Section 143.1010(i).

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

(1) The number of incentives available are as follows:

(A) [No change in text.]

(B) Three incentives for a *development* that includes at least ~~40~~ 30 percent of the pre-density *dwelling units* for lower income households, with at least 20 percent reserved for *very low income* households.

(C) Four incentives for a *development* in which at least ~~50~~ 40 percent of the covenant-restricted *dwelling units* are at least three bedrooms.

(D) [No change in text.]

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

§143.1015 Required Provision of Affordable Dwelling Units

(a) In accordance with Section 143.1002(a)(1), an *applicant* requesting application of the regulations in this Division shall provide a written agreement to provide affordable *dwelling units*, entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission and secured by a deed of trust, that meets the following requirements:

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

(4) As an alternative to the requirements 143.1015(a) (1)-(3), an applicant may provide at least 40 percent of rental dwelling units in the development, excluding any additional dwelling units allowed under a floor area ratio bonus, for rent by low income households at a cost, including an allowance for utilities, that does not exceed 30 percent of 50 percent of the area median income, as adjusted for household size.

~~(4)~~ (5) The number of required affordable *dwelling units* for *development* located in FAR Tier 1 shall be determined by multiplying the proposed number of *dwelling units permitted* with the maximum base *floor area ratio*, illustrated in Figure H of the Centre City Planned District, by the percentages of affordable *dwelling units* required in Section 143.1015(a)(1-23).

~~(5)~~ (6) For rental *dwelling units* to be counted as affordable and meet the requirements of this Division, the following qualifying criteria shall be met:

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

(b) [No change in text.]

- (c) Notwithstanding Section 143.1015(a), as an alternative to the requirements in Section 143.1015(a)(1)-(3), an applicant may instead provide 100 percent of the total *dwelling units*, not including any *managers units*, in the *development* for rent by *low income* households, including an allowance for utilities, that does not exceed 30 percent of 60 percent of the area *median income*, as adjusted for household size.

§143.1020 Required Provision of Infrastructure Amenities

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

- (a) Neighborhood Enhancement Fund. All *developments* shall pay a fee to the “Neighborhood Enhancement Fund”, as established by City Council Resolution R-313282. ~~This fund shall be used for design, construction, or maintenance of neighborhood-serving infrastructure amenities.~~
- (1) ~~The fee shall be set at \$9.00 per square foot of lot area. Structures over 95 feet in height shall pay an additional 25 percent of the established fee.~~
- (2) The fees paid shall be divided with 50 percent of the fee invested in infrastructure improvements within the same community planning area as the *development*, and 50 percent of the fee invested in infrastructure improvements within Communities of Concern, as determined by the City Manager, until it is defined in the City’s General Plan.
- (b) Public promenade alternative. In lieu of the fee described in Section 143.1020(a), *development* on a *premises* of 25,000 square feet in area or larger with at least 200 linear feet of *street frontage* or a separately-owned parcel within the *Transit Priority Area* where the *development* is located and with an equivalent-sized *premises* of the *development* or larger with at least 200 linear feet of *street frontage*, may construct public amenities in the form of a public promenade.

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

- (7) A promenade is a public open space that adjoins or is visible from a public *right-of-way* along the longest *street frontage*. The promenade shall meet the following standards and will be exempt from Council Policy 600-33.

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

- (L) At least one of the following recreation amenities must be provided:

- (i) Playground equipment;
- (ii) Fitness circuit equipment;
- (iii) Game equipment, such as a bocce ball court or an oversized chess set;
- (iv) Basketball court (half or full court);
- (v) Rock climbing wall; or
- (vi) Skate Plaza.

- (M) At least one of the following additional amenities must be provided:

- (i) Water feature;
- (ii) Recreational interactive art installation;
- (iii) Food and beverage kiosk;
- (iv) Parkour course;
- (v) Pump track; or
- (vi) Educational kiosk (at least four (4)).

(N) through (P) [No change in text.]

(8) [No change in text.]

§143.1025 Supplemental Development Regulations

Development utilizing the regulations in this Division must comply with the following Supplemental Development Regulations and may not utilize incentives or waivers provided in Section 143.1010(h) to deviate from the requirements in Section 143.1025.

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

(1) [No change in text.]

- (2) Street Trees. At least one, 24-inch box canopy form tree is required for each 250 feet of ~~street frontage~~ street frontage. ~~on each side of the required sidewalk.~~ The street frontage excludes curb cuts and required clearances for designated bus stops. The trees shall be placed on each side of the sidewalk where feasible. The installed tree spacing, and location may be varied to accommodate site conditions or design considerations; however, the number of trees required shall be accommodated.

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

- (5) Each dwelling unit on the ground floor fronting a public right-of-way or a private drive shall have a separate ground floor entrance or path adjacent to the public right-of-way, or a private drive.

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

- (d) Buffer from Adjacent Freeways. *Development*, except for *development* within the Centre City Planned District, on a *premises* within ~~100~~ 50 feet of a freeway shall comply with the following:

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

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

§143.1030 Division Inapplicability

This Division shall be applicable and effective for all eligible premises located in all community planning areas except for those community planning areas that contain any portion of a Community of Concern the Division shall only be applicable and effective until the community planning areas has reached 80 percent of the housing capacity identified for the

community planning area in the City's Adequate Sites Inventory in the General Plan Housing Element, as determined by the Planning Director or nine years from the effective date, whichever is later, unless an extension is approved by a majority of the City Council.

143.1102 When Mobility Choices Regulations Apply

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

- (a) through (d) [No change in text]
- (e) *Development* located in Mobility Zone 1, except as otherwise required in Section 143.1103(d);
- (f) through (h) [No change in text]

§143.1103 Mobility Choices Requirements

- (a) [No change in text]
- (b) Except as provided in Section 143.1103(b)(5) or (b)(6), all *development* located within Mobility Zone 2 or Mobility Zone 3 shall provide VMT Reduction Measures in accordance with Land Development Manual, Appendix T as follows:
 - (1) through (5) [No change in text]
 - (6) *Development* in Mobility Zones 2 ~~3~~ that provides more than the minimum parking required in Chapter 14, Article 2, Division 5 shall be required to provide 8 points of VMT reduction measures in accordance with the Land Development Manual, Appendix or ~~not be required to provide the VMT Reduction Measures in Section 143.1103(b)(2), but~~ shall pay the Active Transportation In Lieu Fee referenced in Section 143.1103(c). For purposes of this subsection, the minimum required parking for multiple dwelling units in the Parking Standards Transit Priority Standards, Section 142.0528 shall not apply, but shall rather be defined as set forth in Section 142.0525.
 - (7) *Development* in Mobility Zone 3 that provides more than the minimum parking required in Chapter 14, Article 2, Division 5 shall be required to provide 11 points of VMT reduction measures in accordance with the Land Development Manual, Appendix or shall pay the Active Transportation In Lieu Fee referenced in Section 143.1103(c). For

purposes of this subsection, the minimum required parking for *multiple dwelling units* in the Parking Standards Transit Priority Standards, Section 142.0528 shall not apply, but shall rather be defined as set forth in Section 142.0525.

(c) [No change in text]

(d) *Development* in Mobility Zone 1 that provides more than the minimum parking required in Chapter 14, Article 2, Division 5 shall be required to provide 5 points of VMT reduction measures in accordance with the Land Development Manual, Appendix T. For purposes of this subsection, the minimum required parking for *multiple dwelling units* in Section 142.0528 shall not apply but shall rather be defined as set forth in Section 142.0525.

§156.0302 Definitions

Active commercial uses through *Floor plate* [No change in text.]

~~*Group living* means residential or institutional uses licensed by the State of California that provide supportive residential facilities to specified sections of the population.~~

Greenway means a *street* that enhances the pedestrian travel experience for people of all abilities, serves as a linear park, and that is identified as a “Proposed Greenway” in the Downtown Community Plan.

Home occupations through *Pedestrian entrance* [No change in text.]

~~*Performance Path* means a way to demonstrate that a *development* has exceeded the California Green Building Standards Code (CALGreen) by achieving a targeted level of performance in an existing voluntary green building rating system.~~

PETCO Park [No change in text.]

~~*Prescriptive Path* means a way to demonstrate that a *development* has improved performance in one or more green buildings options that exceed the California Green Building Standards Code (CALGreen) by selecting from a list of eligible program Sustainability Indicators.~~

Private open space through *Urban open space* [No change in text.]

§156.0304 Administration and Permits

(a) [No change in text]

(b) Permit Required

The following permits are subject to the development review and permit procedures in this Article: Neighborhood Development Permits, Neighborhood Use Permits, Conditional Use Permits, Coastal Development Permits, Site Development Permits, Planned Development Permits, and Variances.

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

(3) Building Permits for new *structures* that exceed \$20 million in value located along a *greenway* shall meet all of the following requirements, as applicable:

(A) For *development* located along 14th Street, *public improvements* consistent with the 14th Street Promenade Master Plan shall be provided.

- (B) For *development* located along E Street, *public improvements* consistent with the E Street Greenway Master Plan shall be provided.
- (C) For *development* located along any other *greenway* identified in the Downtown Community Plan, the following fronting *public improvements* shall be provided:
- (i) Widening of the sidewalk to accommodate the *public improvements* identified in this Section 156.0304(b)(3)(C).
 - (ii) A double-row of canopy *street trees* on each side of the sidewalk to the satisfaction of the Director of the Development Services Department.
 - (iii) *Street furniture* on each segment of fronting *premises*, including at least two of the following: fixed seating; interactive wayfinding signs; bicycle racks; bicycle repair station; dog relief area; interactive artwork; interpretive elements; educational kiosk; or other design features to sit, rest or play, such as swings, seat walls, ledges, or seating steps.
 - (iv) Pedestrian-scale lighting.
 - (v) At least two of the following recreation amenities : play equipment; sensory play feature; fitness circuit equipment; dog run; or parkour course.
 - (vi) Stormwater treatment features such as bioswales.
- (D) The *greenway* shall be privately-maintained and fully publicly-accessible in perpetuity, and the *applicant* shall obtain a Public Right-of-Way Permit and enter into an Encroachment Maintenance and Removal Agreement in accordance with Chapter 12, Article 9, Division 7.
- (E) *Tenant improvements* are exempt from the requirement to include *public improvements* along a *greenway* as described in Section 156.0304(b)(3).
- (F) The City Manager may waive the requirement to include *public improvements* along a *Greenway* as described in Section

156.0304(b)(3) if the installation of *public improvements* would create undesirable drainage or traffic or pedestrian circulation conditions, as determined by the City Engineer.

(G) An applicant that provides a *greenway* in accordance with this Section shall either be exempt or partially exempt from the requirement to pay the Citywide Park Development Impact Fee as set forth in Section 142.0640(b)(6), or shall be eligible for an *FAR Bonus* of 2.0 to be added to the maximum *Base FAR* as set forth in Section 156.0309(e)(9). For purposes of this subsection, to be exempt or partially exempt from the requirement to pay the Citywide Park DIF, the requirements set forth in Section 142.0640(b)(6)(A)-(C) shall not apply.

~~(3)~~(4) All development in in the Centre City Planned District shall comply with and incorporate the *historical resources* mitigation measures listed in the Mitigation, Monitoring, and Reporting Program (MMRP) listed in Appendix A in the Downtown Community Plan, as may be amended.

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

156.0307

Land Use Districts

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

(a) [No change in text]

(b) Overlay Districts

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

(1) Through (5) [No change in text]

(6) Employment Overlay (E). To ensure adequate opportunities for employment based commercial uses, at least 50 percent of the *gross floor area* within each *development* in this overlay district shall be dedicated to *employment uses* such as professional office, education, *cultural uses*, retail, *hotel*, or similar commercial uses. Residential uses in this district shall not exceed 50 percent of the *gross floor area* within any *development*, unless at least one of the following conditions are met:

- (a) The development includes no less than 90 percent of the Base Maximum FAR and a minimum of 70 percent of the ground-floor street frontage contains commercial uses as permitted in the base zone, of which up to 30 percent of the ground-floor street frontage may consist of Shopkeeper Units or Live/Work Quarters.
- (b) Development that converts existing floor area in an existing structure, regardless of the percentage of Base Maximum FAR, if the development provides either 5% very-low income, 10% low-income, or 15% moderate-income affordable units on-site in accordance with the criteria in Section 143.0720 (c) and (d). An expansion of the existing structure shall be allowed subject to all applicable regulations.

Multiple *developments* on adjoining individually owned *lots* may satisfy the requirements of this section through the recordation of a legal covenant in a form approved by the City Manager and the City Attorney. Uses appropriate for the E overlay are identified in Table 156-0308-A, under Employment Overlay.

(7) through (14) [No change in text]

§156.0308 Base District Use Regulations

- (a) [No change in text.]
- (b) *Previously Conforming Land Uses and Structures*
- (1) [No change in text.]
- (2) The *gross floor area of previously conforming uses and structures* may be expanded up to 100 percent of the existing *gross floor area of structures* on the *premises* through a Process Two Neighborhood Use Development Permit.
- (3) [No change in text.]

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS

LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS = Commercial Street; E = Employment Overlay														
Use Categories/ Subcategories	C	N C	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Residential¹														
<i>Group Living Rooming House</i>	L	L	L	L	--	L	L	--	--	L	--	--	<u>§131.0112(a)(3)</u>	
Multiple Dwelling Units	[No change in text]													
Shopkeeper Units through Off-Site Alcohol Beverage Sales [No change in text]	[No change in text]													
Commercial Services														
Assembly & Entertainment <i>through Hotels and Motels</i> [No change in text]	[No change in text]													
Separately Regulated Commercial Service Uses														
Animal Grooming & Veterinary Offices	<u>P</u> <u>L</u>	<u>P</u> <u>L</u>	<u>P</u> <u>L</u>	<u>P</u> <u>L</u>	<u>P</u> <u>L</u>	<u>P</u> <u>L</u>	<u>P</u> <u>L</u>	—	—	<u>P</u> <u>L</u>	—	—	<u>§141.0604</u>	CS, E

<u>Boarding Kennels/ Pet Day Care Facilities</u>														
<u>Veterinary Clinics & Animal Hospitals & Kennels</u>	<u>N</u> <u>L</u>	-- <u>L</u>	<u>N</u> <u>L</u>	<u>N</u> <u>L</u>	--	<u>N</u> <u>L</u>	<u>N</u> <u>L</u>	—	—	—	—	—	\$141.0625	CS, E
Industrial														
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	<i>MS/CS & E Overlays</i>
<u>Artisan Food and Beverage Producer</u> ¹²	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	--	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>\$141.1001</u>	<u>CS, E</u>
Heavy Manufacturing	[No change in text]													
Light Manufacturing	<u>—</u> <u>P</u>	--	<u>—</u> <u>P</u>	<u>—</u> <u>P</u>	P	<u>P</u>	--	<u>P</u>	<u>P</u>	--	--	--		
Marine Industry	[No change in text]													
Research & Development	P	-- <u>P</u>	P	P	-- <u>P</u>	P	--	P	P	-- <u>P</u>	--	--		E
<u>Testing Labs</u>	—	—	—	—	—	—	—	—	—	—	—	—		
Trucking and Transportation Terminals <i>through</i> Temporary Uses and <i>Structures</i>	[No change in text]													

Footnotes for Table 156-0308-A

¹ through ⁷ [No change in text]

⁸ Structured parking facilities incorporated into a *development* as an *accessory use* or as part of a mixed-use development that contains at least 50 percent employment uses, shall be permitted by right and do not require a Conditional Use Permit.

⁹ through ¹¹ [No change in text]

¹² Accessory retail sales or commercial uses that are accessible to the general public are required along a minimum 25 percent of any street frontage.

§156.0309 FAR Regulations and TDRs

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

(e) FAR Bonuses

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

TABLE 156-0309-A: FAR BONUS

TABLE 156-0309-A: FAR BONUS	
Public Benefit/Development Amenity	FAR Bonus (to be added to maximum Base FAR)
Affordable Housing	See (1) below
<i>Urban Open Space</i> 10% of site 20% of site	See (2) below 1.0 2.0
Three-bedroom units	5% of total units 0.5/1.0 – See (3) below 10% of total units 1.0/2.0 – See (3) below
<i>Eco-Roofs</i>	Up to 1.0 – See (4) below
<i>Employment Uses</i>	See (5) below
Public Parking	See (6) below
FAR Payment Bonus Program	See (7) below and Figure J
Green Building	Up to 2.0 – See (8) below
<u>Greenway</u>	<u>2.0 (See 156.0304(b)(3)(D))</u>

- (1) Affordable Housing. An applicant proposing a residential development that is entitled to a density bonus pursuant to the Affordable Housing Regulations (AHR), Chapter 14, Article 3, Division 7 of the Land Development Code, may increase the permitted FAR as specified below. ~~In compliance with the State Density~~

~~Bonus Law (California Government Code Section 65915), applicants may earn FAR bonus subject to the following:~~

(A) Development utilizing the density bonus provisions of Tables 143.07A, 143.07B, and 143.07C of the AHR Chapter 14, Article 3, Division 7 shall be entitled to a percent FAR bonus equivalent to the percent density bonus cited in these tables subject to meeting all other provisions of the AHR Chapter 14, Article 3, Division 7.

(B) Development may provide either rental or for-sale affordable dwelling units, regardless of whether the market rate dwelling units within the development are for rent or sale. Development under these provisions shall be subject to the following requirements in addition to those in Chapter 14, Article 3, Division 7 the AHR:

(i) The permitted FAR for a development containing affordable housing shall be calculated as follows:

Permitted FAR equals Pre-AHR bonus FAR minus the non-residential FAR, then multiplied by the AHR bonus percentage, then that total is added to the Pre-AHR bonus FAR. For the purposes of the above calculation:

Pre-AHR bonus FAR means the Maximum Base FAR found in Figure H plus any additional bonus FAR permitted in Figure K earned through Section 156.0309(e) and Section 156.0309(g).

AHR bonus percentage means the percentage bonus for affordable housing found in Tables 143-07A, 143-07B, and 143-07C in the ~~Affordable Housing Regulations~~ (AHR).

(ii) The number of required affordable dwelling units in a development utilizing the ~~Affordable Housing Regulations in Chapter 14, Article 3, Division 7~~ AHR is calculated as follows:

Number of required affordable dwelling units equals Pre-AHR bonus FAR minus the non-residential FAR, then divided by the development's proposed residential FAR, then multiplied by the number of

proposed dwelling units in the development, then multiplied by the AHR bonus percentage.

(iii) through (iv) [No change in text.]

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

- (5) Employment Uses. To encourage the development of employment uses in the Centre City Planned District, a FAR bonus may be earned for the provision of employment uses within the development. In the Employment Overlay District, development containing 100 percent employment uses, excluding hotel/motel uses, may increase their FAR by the maximum FAR illustrated on Figure L. In all other areas of the Centre City Planned District, any development that contains at least 50 percent employment uses, excluding hotel/motel uses, may increase their maximum FAR to the maximum FAR illustrated in Figure L and may utilize the *development* regulations within the Large Floorplate Overlay District.

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

- (8) ~~Green Building. The Centre City Green (CCG) Building Incentive Program awards *development* incentives for buildings that exceed the California Green Building Standards Code (CALGreen). Two different paths to earn an *FAR bonus* are available to applicants as:~~

- (A) ~~(8) Performance Path. The Performance Path allows applicants Sustainable Building. *Development that* to demonstrates a high level of building sustainability by achieving a targeted level of performance an existing voluntary green building rating system may qualify for a *FAR bonus* of 1.0 or 2.0, subject to the following criteria: Approved rating systems include:~~

~~(i) (A) California Green Building Standard Code (CALGreen) Tier I & II: As adopted by the State of California, CALGreen includes voluntary performance tiers. Tier II is a higher level of performance than Tier I. *Development that complies with CALGreen Tier II may earn a *FAR bonus* of 1.0.*~~

~~(ii) (B) LEED®: The US Green Building Council (USGBC) manages LEED® Core & Shell and LEED® for new construction.~~

Development that achieves LEED® Silver certification may earn a FAR bonus of 1.0 and development that achieves a LEED® Gold or higher certification may earn a FAR bonus of 2.0.

- (B) ~~Prescriptive Path allows applicants to select from a menu of green building options that improve performance in one or more CCG Sustainability Indicators. Each prescriptive measure is assigned a point value that represents the extent of impacts to the CCG Sustainability Indicators. Incentives earned depend upon the combined point total of the measures selected by the applicant. For specific details about the green building options, see the CCG Submittal Manual adopted by the former Centre City Development Corporation Board on July 27, 2011 on file in the office of the City Clerk as Document No. OO-20117. Performance levels determine the extent of FAR bonuses and are based on total points earned within the Performance Path or Prescriptive Path. The FAR Bonus for both the Prescriptive and Performance Paths are summarized in Table 156-0309-C.~~

Table 156-0309 C: GREEN BUILDING FAR BONUS			
Performance Level	<i>Prescriptive Path</i> Requirements	<i>Performance Path</i> Requirements	<i>FAR Bonus</i>
High-Performance Green	45-59 CCG Points	CALGreen Tier 2 or LEED® Silver	1.0
Signature Green	60+ CCG Points	LEED® Gold or higher	2.0

- (C) ~~To qualify for incentives, an applicant must select either the Prescriptive or Performance Path (Paths cannot be combined) at the time of development application and complete the steps as outlined in the CCG Submittal Manual.~~

~~(D)~~ (C) through ~~(F)~~ (E) [renumber only; no change in text.]

~~(G)~~(F) LEED® Certification Performance Guarantee.

Applicants requesting an FAR Bonus who propose to utilize the Performance Path through LEED® certification shall,

prior to issuance of any building permits, provide a financial surety, deposit, or other suitable guarantee approved by the City Manager and the City Attorney's Office to ensure that the *applicant* completes the *LEED*® certification for the *development* as proposed to obtain an *FAR Bonus* under this Section.

If the applicant fails to submit a timely report or demonstrate LEED® certification, payment shall be deducted against the financial security, deposit, or other suitable guarantee and deposited in the FAR Bonus Fund established under the FAR Payment Bonus Program. The amount of payment shall be calculated according to the following formula:

$P = FAR \$ \times ((LCP - CPE) / LCP)$ P = the payment amount which shall be paid to the FAR Bonus Fund FAR \$ = the amount of money which would be required to purchase FAR under the FAR Payment Bonus Program

LCP = LEED® Certification Points needed to achieve the proposed LEED® certification level (Silver or Gold)

CPE = LEED® Certification Points actually earned by the development as certified by the USGBC. All funds provided by the applicant for the LEED® certification

surety, deposit, or other suitable guarantee that are not paid to the FAR Bonus Fund shall be refunded to the applicant.

In the event that the applicant submits a timely report and demonstrates the necessary level of LEED® certification for the applicant's desired FAR Bonus, the entire amount of the surety, deposit, or other suitable guarantee shall be refunded to the applicant.

- (9) *Greenways.* Development that includes *public improvements* consistent with Section 156.0304(b)(3)(D), shall be entitled to an *FAR Bonus* of 2.0.

(f) Exemptions from FAR Calculations

The following exemptions apply to the calculations for FAR:

- (1) *Historical Buildings.* ~~Any~~ The floor area within the historic building envelope of any *designated historical resource* shall not be counted as *gross floor area* for the purposes of calculating the *FAR* for the *development*, if the *designated historical resource* is preserved, rehabilitated, restored, ~~or reconstructed~~ or modified and the *development*

results in no more than minor alterations to the *designated historical resource* consistent with the Secretary of the Interior's Standards and Guidelines, or the *development* is approved through the Site Development Permit ~~or Neighborhood Development Permit~~ procedures, in accordance with Chapters ~~11 through~~ 14, Article 3, Division 2 of the Land Development Code. The floor area within the historic building envelope may also be exempted from the FAR calculations if the designated historic resource is reconstructed consistent with the Secretary of the Interior's Standards and Guidelines as part of the development.

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

(g) [No change in text]

§156.0310 Development Regulations

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

(g) Residential *Development* Requirements

The following standards apply to residential developments that contain fifty or more dwelling units:

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

(3) *Private Open Space.* At least 50 percent of all *dwelling units* shall provide *private open space* on a balcony, patio, or roof terrace, with a minimum area of 40 square feet each and an average horizontal dimension of 6 feet in depth and width. Balconies should be proportionately distributed throughout the *development* in relationship to *floor* levels and sizes of units. *Living unit developments* are exempt from this requirement.

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

(6) Commercial buildings that have been used for commercial uses for at least five years may be converted to residential without meeting the requirements listed in Section 156.0310(g)(1) through (6) above.

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

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

- (a) Residential Off-Street Parking Space Requirements.

The parking requirements in Table 156-0313-A and Section 156.0313(a) shall apply to residential uses. Reasonable accommodations to the parking requirements shall be granted if necessary to afford disabled persons equal housing opportunities under state or federal law, in accordance with Section 131.0466.

TABLE 156-0313-A
RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS
[no change in text]

- (1) through (2) [no change in text]

- (3) Maximum Parking. *Off-street parking spaces* in tandem or within a mechanical automobile lift are not counted as additional *off-street parking space*. A development may exceed the maximum *off-street parking spaces* identified in Table 156-0313-A ~~if all of the~~ following apply: subject to all of the following provisions:

- (A) The *development floor area ratio* is no less than 80 percent of the base *maximum floor area ratio*; and
- (B) At least 20 percent of the total *off-street parking spaces* provided include electric vehicle supply equipment for the ready installation of charging stations; and
- (C) The *development* provides transportation amenities in accordance with ~~Section 142.0528(e)~~ Land Development Manual Appendix Q worth at least four points; and
- (D) All *off-street parking spaces* that exceed the allowed maximum shall be within an underground parking garage on the same *premises*; and
- (E) The *development* shall pay the Active Transportation In Lieu Fee referenced in Section 143.1103 (c)

§156.0315 Separately Regulated Uses

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

- (g) *Living Units*

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

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

(11) Each *living unit* occupancy and rent, exclusive of the manager's unit or units, shall be restricted to those persons with household income at or below 80 percent of area median income as published by the California Department of Housing and Community Development for San Diego County, as adjusted for a one-person household. The *development* owner shall enter into an agreement with the City of San Diego Housing Commission for the review and enforcement of such restrictions for a period of at least 55 years.

(12) through (13) [No change in text]

(h) through (k) [No change in text]

Gaslamp Planned District Ordinance

§157.0304 Permitted Uses

Notwithstanding the uses allowed in Chapter 15, Article 1, Divisions 1 and 4, no building or improvement or portion thereof shall be used except as permitted by this Division. Permitted ground floor uses in the Gaslamp Quarter Planned District are limited to active commercial uses such as restaurants and retail of consumer goods and services. No single user or business shall occupy more than 10,000 square feet on the ground floor of a building except as provided in Section 157.0305(d).

(a) Permitted Uses on Any Floor of a Building Retail

Retail of consumer convenience goods and dispensing of consumer services from the following establishments located on any floor of a building:

(1) through (17) [No change in text]

(18) entertainment centers, either freestanding or operating in conjunction with any other permitted use, ~~which utilize electronic or mechanical games of skill or amusement not to exceed five (5) devices;~~

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

Article 10: La Jolla Shores Planned District

§1510.0107 Applicable Regulations

- (a) Where not otherwise specified in the La Jolla Shores Planned District, the following provisions of the Land Development Code apply:

Chapter 11 (Land Development Procedures);

Chapter 12 (Land Development Reviews);

Chapter 13, (Zones);

Chapter 14, Article 2, Division 1 (Grading Regulations);

Chapter 14, Article 2, Division 2 (Drainage Regulations);

Chapter 14, Article 2, Division 3 (Fence Regulations);

Chapter 14, Article 2, Division 5 (Parking Regulations);

Chapter 14, Article 2, Division 6 (Public Facility Regulations);

Chapter 14, Article 2, Division 8 (Refuse and Recyclable Materials Storage Regulations);

Chapter 14, Article 3 (Supplemental Development Regulations);

Chapter 14, Article 4 (Subdivision Regulations);

Chapter 14, Article 5 (Building Regulations);

Chapter 14, Article 6 (Electrical Regulations); and

Chapter 14, Article 7 (Plumbing and Mechanical Regulations).

- (b) [No change in text]

§1510.0301 General Design Regulations

Concurrent with the adoption of the La Jolla Shores Planned District Ordinance, the City Council adopted architectural and design standards, by resolution, to be used in evaluating the appropriateness of any development for which a permit is applied under the La Jolla Shores Planned District Ordinance; such architectural and design standards has been ~~shall be~~ filed in the office of the City Clerk as a numbered document, Resolution No. 210627 adopting the La Jolla Shores Design Manual intended to provide design guidelines for the La Jolla Shores Planned District, a copy of which is filed in the office of the City Clerk as Document No. 747629.

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

§1510.0304 Single Family Zone-Development Regulations

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

(i) Maximum Floor Area Ratio

(a) Floor Area Ratio for the Single-Family Zones

(1) The maximum permitted *floor area ratio* is based on the lot area in accordance with Table 131-04J:

Table 131-04J

<u>Lot Area</u> <u>(square feet)</u>	<u>Floor Area Ratio</u>
<u>3,000 and less</u>	<u>0.70</u>
<u>3,001 - 4,000</u>	<u>0.65</u>
<u>4,001 - 5,000</u>	<u>0.60</u>
<u>5,001 - 6,000</u>	<u>0.59</u>
<u>6,001 - 7,000</u>	<u>0.58</u>
<u>7,001 - 8,000</u>	<u>0.57</u>
<u>8,001 - 9,000</u>	<u>0.56</u>
<u>9,001 - 10,000</u>	<u>0.55</u>
<u>10,001 - 11,000</u>	<u>0.54</u>
<u>11,001 - 12,000</u>	<u>0.53</u>
<u>12,001 - 13,000</u>	<u>0.52</u>
<u>13,001 - 14,000</u>	<u>0.51</u>
<u>14,001 - 15,000</u>	<u>0.50</u>
<u>15,001 - 16,000</u>	<u>0.49</u>
<u>16,001 - 17,000</u>	<u>0.48</u>
<u>17,001 - 18,000</u>	<u>0.47</u>
<u>18,001 - 19,000</u>	<u>0.46</u>
<u>19,001 and greater</u>	<u>0.45</u>

- (2) For lots that exceed the minimum lot area required by the applicable zone and where more than 50 percent of the lot area contains steep hillsides, the maximum permitted floor area ratio shall be based on the following:
- (A) The area of the site not containing steep hillsides or the minimum lot area required by the applicable zone, whichever is greater; plus
- (B) 25 percent of the remaining lot area not included in (A), above.

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§ 1516.0107 Administration and Permits

(a) Through (c) [No change in text]

Table 1516-01A
Type of Development Proposal and Applicable Regulations

	Type of Development Proposal	Applicable Sections	Required Permit /Decision Process
1.	[No change in text]	[No change in text]	[No change in text]
2.	[No change in text]	[No change in text]	[No change in text]
<u>3.</u>	<ul style="list-style-type: none"><u>Signs</u>	<u>1516.0139, 1516.0140,</u> <u>and Appendix E</u>	<u>Sign</u> <u>Permit/Process</u> <u>One</u>

<u>34.</u>	[No change in text]	[No change in text]	[No change in text]
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	Type of Development Proposal	Applicable Sections	Required Permit /Decision Process
<u>45.</u>	<ul style="list-style-type: none"> • New construction of any building or primary structure • New construction of any habitable accessory structure • New construction of any non-habitable accessory structure that exceeds 100 square feet in gross floor area • New construction of any non-habitable accessory structure that would be visible from the public right-of-way • Signs • Walls or fences • Any addition to or alteration of any non-historical structure which is <i>major in scope</i> 	1516.0124, 1516.0125, 1516.0126, 1516.0127, 1516.0128, 1516.0130-1516.0140 <u>138</u> , Appendix A, Appendix B, Appendix C, Appendix D, Appendix E , and Appendix F	[No change in text]
<u>56.</u>	[No change in text]	[No change in text]	[No change in text]
<u>67.</u>	[No change in text]	[No change in text]	[No change in text]

1516.0139 Sign Requirements

- (a) through (c) [No change in text]
- (b) Permit Application Requirements
 - (1) All proposed signs, except *temporary signs* and *business operations signs*, require a Sign Permit ~~Neighborhood Development Permit~~(Process ~~Two~~One).
 - (2) [No change in text]
- (c) through (e) [No change in text]

Table 1516-01H [No change in text]

Footnote for Table 1516-01H [No change in text]

- (d) Through (l) [No change in text]