THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: **April 15, 2015** **REPORT NO. PC-15-004**

ATTENTION: Planning Commission, Agenda of April 30, 2015

SUBJECT: AMENDMENTS TO THE LAND DEVELOPMENT CODE AND THE CITY'S LOCAL COASTAL PROGRAM PERTAINING TO COMMUNITY PLAN IMPLEMENTATION ORDINANCE. (PROCESS 5)

SUMMARY

Issue: Should the Planning Commission recommend to the City Council approval of amendments to the Land Development Code and the City's Local Coastal Program that create new zones and modify existing zoning regulations in order to implement community plan updates?

Staff Recommendation: Recommend that the City Council approve the proposed amendments.

Community Planners Committee (CPC):
The Draft ordinance was presented to the CPC on January 27, 2015 and on February 24, 2015. The CPC voted 21-0-1 to "not oppose" the City Council adoption of the amendments. The vote to "not oppose' was made to make clear that CPC members did not, at this point in time, want to suggest that they would be recommending the implementation of any specific new zone(s) in their respective communities.

Code Monitoring Team (CMT):
The draft ordinance was presented to the CMT on December 10, 2014 and February 11, 2015. The CMT made recommendations on specific items, some of which have been incorporated into the ordinance, but did not take action on the entire package of amendments.

Environmental Review:
An Environmental Impact Report (EIR No. 96-0333) was prepared and certified on November 18, 1997 for the original project, the adoption of the Land Development Code; and a Program EIR (No. 104495) was prepared and certified on March 10, 2008 for the General Plan Update. The proposed amendments to the Land Development Code were reviewed by the Environmental Analysis Section for consistency with the above referenced environmental documents and it was determined that, in accordance with Public Resources Code 21166 and California Environmental Quality Act (CEQA)

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Guidelines Section 15162(a): (1) no substantial changes are proposed to the project which would require major revisions of the previous EIR; (2) no substantial changes occur with respect to the circumstances under which the project is undertaken that would require any revisions to the previous EIR; and (3) there is no new information of substantial importance that was not known and could not have been known at the time the previous EIR's were certified. Therefore, no subsequent EIR or other environmental document is needed for the Community Plan Implementation Ordinance, as all of the impacts were adequately addressed and disclosed in previously certified EIR No. 96-0333 (Land Development Code) and Program EIR No. 104495 (Draft General Plan). For a more detailed analysis, refer to CEQA 15162 Evaluation, Memorandum dated December 2, 2014.

BACKGROUND

The Planning Department is currently moving forward with 11 community plan updates. The 2008 General Plan established new land use designations to be made available for community plans as they are amended and updated consistent with the City of Villages Strategy. Many of those designations did not have a corresponding base zone. This became very apparent with the first two updates that used the new General Plan. The community plan updates for Barrio Logan and Otay Mesa included new zones and modified regulations designed for those communities that could also be used elsewhere in the City. It has been decided that a more comprehensive approach, not directly tied to individual plan updates, is the best approach for amending the LDC. This approach is based in part on the impact of the Barrio Logan Community Plan referendum. The Barrio Logan Community Plan update included the creation of several new zones and modified regulations that were being considered for implementation in other communities that are in the process of updating their plans. Unfortunately, the Barrio Logan Community Plan referendum included the repeal of the newly created zones.

LDC and Planning Department staff worked together over several months to identify a comprehensive list of new zones, new regulations, and modified regulations needed to implement the General Plan and community plans. The result is several new zones and modified regulations, including those previously approved as part of the Barrio Logan Community Plan Update. The intent is that the new zones and modified regulations will be readily available for use as community plan updates are adopted.

DISCUSSION

The primary goal of this zoning package is to address shortcomings in the commercial/residential mixed use zones. The LDC currently has no commercial zone that permits a density in excess of 29 dwelling units per acre. Greater density is called for in community plan updates designating land uses in villages with higher mixed-use density to support transit, reduced parking demand, and pedestrian friendly neighborhoods. It should be clear that the action of adopting these new zones does not rezone any property in the City. The new zones will be implemented with future rezones that either accompany a community plan update (Process 5) or a standalone rezone requested by an applicant (Process 5).

The discussion in this report is divided into two sections. The first discusses zones and modified regulations that were previously approved as part of the Barrio Logan Community Plan Update but need to be adopted again due to the Barrio Logan Community Plan referendum. The second category discusses new zones, and new and modified regulations developed as part of the comprehensive approach to the community plan update process.

Barrio Logan - New Zones

The Barrio Logan Community Plan Update identified the need for six new zones. The following is a summary of each.

- RT-1-5 zone is a residential townhouse zone with a density of up to 27 dwelling units per acre. The minimum lot size is 1,600 sf. with a minimum frontage of 18 feet and a variable height that is identical to all existing RT zones

- CN-1-4 zone is a neighborhood commercial zone with a density of up to 44 dwelling units per acre. The permitted uses are identical to existing CN zones and the development regulations are pedestrian oriented. The maximum height is 65 feet.

- CO-2-1 zone is an office commercial zone that prohibits residential use but otherwise allows the same uses as the existing CO-1-1 and CO-1-2 zones. It is intended to provide freeway adjacent development at a neighborhood scale. The maximum height is 45 feet.

- CO-2-2 zone is an office commercial zone that prohibits residential use but otherwise allows the same uses as the existing CO-1-1 and CO-1-2 zones. It was intended to provide freeway adjacent development in an employment center setting. The maximum height is 65 feet.

- CC-3-6 zone is a community commercial zone with a density of up to 44 dwelling units per acre. The uses are identical to the existing CC-3-4 and CC-3-5 zones (community serving commercial) and the development regulations are pedestrian oriented. The maximum height is 65 feet.

- CC-4-6 zone is a community commercial zone with a density of up to 44 dwelling units per acre. The uses are identical to the existing CC-4-1 through CC-4-5 (heavy commercial) and the development regulations are pedestrian oriented. The maximum height is 65 feet.

- CC-5-6 zone is a community commercial zone with a density of up to 44 dwelling units per acre. The uses are identical to the existing CC-5-1 through CC-5-5 zones (heavy commercial and limited light industrial) and the development regulations are pedestrian oriented. The maximum height is 65 feet. The existing regulations for light industrial uses in commercial zones apply. Those regulations require the industrial use be enclosed, occupy no more than 7,500 square feet, and not require a permit from the Hazardous Materials Management Division of the County or the San Diego Air Pollution Control District.

Barrio Logan - Modified Regulations

Modified regulations that are proposed and were part of the Barrio Logan Community Plan update relate to the regulations for the Residential Townhouse zones, a clarification of how the maximum floor area ratio (FAR) bonus works for mixed use, and a reorganization of the ground floor regulations for commercial zones.

Residential Townhouse. The Barrio Logan Community Plan Update designated two blocks in the community for future townhouse development. Staff reviewed the regulations for developing townhouses and realized the development regulations were suited to green field development and not infill development, which will soon be the only type of development available in the City (Otay Mesa is the last of the City's green fields). The existing townhouse regulations require a minimum street frontage of 300 feet or a contiguous 50 percent of the lots in a block, whichever is greater. The regulation requires consolidation of multiple properties which is an impediment to construction of townhouses in infill situations. The regulations were amended to encourage development of townhouses as infill development. The regulations were modified as follows:

- The requirement for a minimum street frontage was deleted;
- A regulation placing limitations on windows and doors along side setbacks was added;
- The requirement for a two car garage was modified to require only one space in a garage and allow the second space to be off-street surface parking; and
- Tandem parking would be allowed in all RT zones.

FAR Bonus. The development regulations for commercial zones provide a FAR bonus for including residential use in the commercial project. The formatting of this bonus in the development regulations table was confusing. Staff modified the formatting to clarify how much of an FAR bonus was being provided, and how much of that bonus was required to be applied to residential development. The modification is limited to formatting;~~,~~ the bonus has not changed.

Ground Floor Restriction. Sections 131.0540(c) and (d) address restrictions on ground floor residential development in commercial zones. The existing organization separates the coastal zone ground floor restrictions into two subsections. This modification simply reorganizes the section to place the coastal restrictions in one subsection [131.0504(c)(2)]. The regulation has not changed.

Comprehensive Approach - New Zones

The comprehensive review of General Plan land use designations identified the need for seven new commercial zones to provide increased density and pedestrian oriented development regulations. The densities of the zones follow those in the General Plan, draft community plan updates, and the existing multi-family residential zones. The following is a summary of each.

- CN-1-5 zone is a <u>neighborhood commercial</u> zone with a density up to 54 dwelling units per acre. The permitted uses are identical to existing CN zones and the development regulations are pedestrian oriented. The maximum height is 65 feet.

- CO-3-1 zone is an office commercial zone with a density of up to 54 dwelling units per acre. The permitted uses are identical to the existing CO-1-1 zone and the development regulations are pedestrian oriented. The maximum height is 65 feet.

- CO-3-2 zone is an office commercial zone with a density of up to 73 dwelling units per acre. The permitted uses are identical to the existing CO-1-1 zone and the development regulations are pedestrian oriented. The maximum height is 65 feet.

- CC-2-4 zone is a community commercial zone that prohibits residential use but otherwise allows the same uses as the existing CC-2-1 through CC-2-3 zones (community serving) and the development regulations are pedestrian oriented. The maximum height is 30 feet.

- CC-2-5 zone is a community commercial zone that prohibits residential use but otherwise allows the same uses as existing CC-2-1 through CC-2-3 zones (community serving) and the development regulations are pedestrian oriented. The maximum height is 100 feet.

- CC-3-7 zone is a community commercial zone with a density of up to 54 dwelling units per acre. The uses are identical to the existing CC-3-4 and CC-3-5 zones (community serving) and the development regulations are pedestrian oriented. The maximum height is 65 feet.

- CC-3-8 zone is a community commercial zone with a density of up to 73 dwelling units per acre. The uses are identical to the existing CC-3-4 and CC-3-5 zones (community serving) and the development regulations are pedestrian oriented. The maximum height is 100 feet.

- CC-3-9 zone is a community commercial zone with a density of up to 109 dwelling units per acre. The uses are identical to the existing CC-3-4 and CC-3-5 zones (community serving) and the development regulations are pedestrian oriented. The maximum height is 100 feet.

Comprehensive Approach – New & Modified Regulations

The current community plan update process has highlighted the need to create a new land use (shopkeeper), provide an exception to the measurement of height, modify the number of commercial uses and commercial regulations in higher density multi-family zones, add a new ground floor height requirement in specified commercial zones, and provide an FAR bonus for providing underground parking.

Shopkeeper Unit. The LDC allows, as a separately regulated use, live/work quarters; where under certain conditions a residential use could also serve as a work place. However, in order to be a live/work quarters the structure needs to be a commercial or industrial building that has been converted to residential use. This means one cannot, from the ground up, construct a new live/work quarter. Additionally, live/work quarters limit the type of work permitted to that done by artists and artisans. The new residential use of "shopkeeper unit" was developed to address the desire to create options for smaller scale commercial uses in mixed use neighborhoods. The shopkeeper unit is already an adopted use in the Centre City Planned District Ordinance (CCPDO). The shopkeeper unit would also be available in commercial zones in Planned District Ordinances that permit residential use. The LDC would define it as follows:

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

Exception to Height. The LDC currently includes uninhabited rooftop structures that conceal mechanical equipment, elevators, stair overruns, as well as trellises, shade structures and fencing/railings in the calculation of height. In general, the height restriction is tied to the desire to minimize the bulk and scale of a structure. Often these rooftop structures are invisible from the public realm due to their location on the roof, the height of the building, or the design of the structure. The intent of the change is threefold: first, exempt out of sight facilities; second, free up the base zone height limit for residential development; and third, provide an incentive for creating useable rooftops.

The draft language is modeled after exemptions in the CCPDO and the Interim Height Ordinance (IHO) currently in effect in Uptown. The CCPDO exempts structures that conceal mechanical equipment, and elevator and stair overruns provided they don not exceed 30 feet in height, are not habitable, and do not project above a 45-degree plane inclining inward from the top of the parapet of the nearest wall. The IHO exempts stairs for roof access, elevator overrides, mechanical equipment, screening, green roofs and solar power facilities provided they do not exceed 15 feet in height, are not habitable, and do not exceed 20 percent of the roof area.

The proposed height exemption applies to mixed use development in structures that are 45 feet tall and greater, and maintains the lower 15-foot height limit of the IHO. It includes the 45-degree plane of the CCPDO, and adds exemptions for fencing that is 75 percent open to light (up to 4 feet tall) and trellises/shade structures (up to 9 feet tall) outside of the 45-degree plane. The proposed exemption follows.

Uninhabited roof-top *structures* up to 15 feet in height that conceal mechanical equipment, elevators, stair overruns; trellises and shade structures; and *fencing* that has at least 75 percent of its surface area open to light are not included in the calculation of *structure height* for *development* in accordance with the following:

- The *development* is not located within the Coastal Height Limit Overlay Zone, the Clairemont Mesa Height Limit Overlay Zone, or within a designated view corridor within the Coastal Overlay Zone.
- The *structure height*, not inclusive of the exemptions permitted in Section 113.0270(a)(5) is 45 feet or greater,
- The *development* is a commercial and residential mixed use project, and the exempted *structure* does not project above a 45-degree plane inclined inward from the top of the parapet of the nearest wall, except that trellises and shade structures outside of the 45-degree plane may be 9 feet in height, and *fencing* outside of the 45-degree plane that has at least 75 percent of its surface area open to light may be 4 feet in height.

Commercial Uses in Multi-Family Zones. The LDC currently permits only a limited number of commercial uses in multi-family zones with densities of 44 dwelling units per acre and greater (RM-3-7 through RM-5-12) consistent with a number of limitations. The community plan update process has identified a need for more transitional multi-family zones where a greater

number of non-impacting commercial uses are permitted with modified limitations. Table 1 lists the uses that are currently permitted and proposed to be permitted in these zones. The uses that are proposed to be added are wearing apparel & accessories, business support, and business & professional office. Medical, dental, & health practitioner is proposed to be added to the RM-5-12 zone.

Table 1
Commercial Uses Permitted in Residential Zones with Densities of 44 DU/AC and Greater

USE	RM-3-7, RM-3-8, RM-3-9		RM-4-10, RM-4-11		RM-5-12	
	Current	Proposed	Current	Proposed	Current	Proposed
Food, Beverages & Groceries	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)
Sundries, Pharmaceuticals, & Convenience Sales	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)
Wearing Apparel & Accessories	-	P(1)	-	P(1)	-	P(1)
Business Support	-	P(1)	-	P(1)	-	P(1)
Instructional Studios	P	P	P	P	P	P
Personal Services	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)
Visitor Accommodations	-	-	P	P	P	P
Bed & Breakfast						
1-2 Guests	L	L	P	P	P	P
3-5 Guests	L	L	P	P	P	P
6+ Guests	N	N	P	P	P	P
Childs Care Facilities						
Child Care Centers	C	C	C	C	-	-
Large Family Child Care Homes	L	L	L	L	-	-
Small Family Child Care Homes	L	L	L	L	-	-
Private Clubs, Lodges & Fraternal Organizations	-	-	-	-	P	P
Business & Professional	-	P(1)	-	P(1)	-	P(1)
Medical, Dental, & Health Practitioner	P(1)	P(1)	P(1)	P(1)	-	P(1)

(1) See Table 2

Footnote 1 refers to the limitations on commercial use in Section 131.0423. Table 2 identifies how the limitations are currently, and proposed to be, applied to Medical, Dental & Health Practitioner and Retail Sales & Commercial Services.

Table 2
Limitations on Commercial Uses in Residential Zones with Densities of 44 DU/AC and Greater

Regulation	Medical, Dental & Health Practitioner		Retail Sales and Commercial Services	
	Current	Proposed	Current	Proposed
Percent optional commercial	100%	100% on ground floor only	25% on ground floor only	100% on ground floor only
Minimum DU onsite	No restriction	Comply with community plan density	25 DU	Comply with community plan density
Overnight patients	No overnight patients	No change	N/A	N/A
Practitioners and employees	Max. 2 practitioners & max. 3 employees per practitioner	No restriction	N/A	N/A
Location	No restriction	On ground floor only	On ground floor only	No change
Hours of Operation	No restriction	Limited to between 6 a.m. & 10 p.m.	No restriction	Limited to between 6 a.m. & 10 p.m.

Ground Floor Height. The Centre City PDO requires the ground floor of commercial developments have adequate height for commercial uses. The plan update process also identified this as an important regulation in that the required height provides a quality commercial space that would be attractive to a greater diversity of commercial uses and makes the space more marketable. It is applied only in zones with a building height of 45 feet and greater (application of the ground floor height to structures less than 45 feet could result in the loss of story of residential units in mixed use developments).

FAR Bonus for Underground Parking. Providing an underground structure is very costly and providing surface parking is an inefficient use of land that disrupts the urban fabric. The Mid City Planned District Ordinance (MCPDO) and the LDC provide incentives for developing underground parking. In the MCPDO the bonus is for *any project* developed at a density of 44 dwelling units per acre and is capped at a maximum FAR of 1.0. The LDC doesn't cap the FAR bonus however it is only applicable in the multi-family zones. The proposed modifications are as follows:

- The language in the RM development regulations has been modified to read as an exception.
- The proposed FAR bonus for underground parking structures in the RM zones of the LDC is now extended to mixed use commercial development in the commercial zones.

CONCLUSION

The proposed amendments to the LDC and the City's Local Coastal Program are driven by the community plan update process. The LDC predates the City of Villages strategy of the General Plan and did not anticipate the need for higher densities in commercial mixed use densities, creative commercial/residential spaces (shopkeeper unit), or the need for greater flexibility in allowable commercial uses in residential zones. The amendments also create incentives for creation of useable rooftops and construction of underground parking; and address the need for creating quality commercial space.

ALTERNATIVES

The Planning Commission may recommend to the City Council that it not adopt the ordinance or that it adopt an ordinance with modifications.

Respectfully submitted,

Robert Vacchi
Director
Development Services Department

Dan Normandin
Project Manager
Development Services Department

VACCHI/DPN

Attachments:

1. Draft Strikeout/underline Regulations
2. CEQA 15162 Evaluation Memo dated December 2, 2014

§113.0103 Definitions

Abutting property through *shared parking* [No change in text.]

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

Side street through *yard* [No change in text.]

113.0270 Measuring Structure Height

(a) *Structure Height* of Buildings and *Structures* (Excluding *Fences*, *Retaining Walls,* or *Signs)*

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

(5) Structures excluded from the measurement of *structure height*

Uninhabited roof-top *structures* up to 15 feet in height that conceal mechanical equipment, elevators, stair overruns; trellises and shade structures; and *fencing* that has at least 75 percent of its surface area open to light are not included in the calculation of *structure height* for *development* in accordance with the following:

(A) The *development* is not located within the Coastal Height Limit Overlay Zone or within the Clairemont Mesa Height Limit Overlay Zone, or within a designated view corridor within the Coastal Overlay Zone;

(B) The *structure height*, not inclusive of the exemptions permitted in Section 113.0270(a)(5) is 45 feet or greater,

(C) The *development* is a commercial and residential mixed use project, and

(D) The *structure* does not project above a 45-degree plane inclined inward from the top of the parapet of the nearest wall, except that trellises and shade structures outside of the 45-degree plane may be 9 feet in height, and *fencing* outside of the 45-degree plane that has at least 75 percent of its surface area open to light may be 4 feet in height.

§131.0222 Use Regulations Table for Open Space Zones

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

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

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	**Zones**					
	1st & 2nd >>	OP-		OC-	OR(1)-		OF(11)-
	3rd >>	1-	2-	1-	1-		1-
	4th >>	1	1	1	1	2	1
Open Space through ***Rooming House*** [No change in text.]		[No change in text.]					
Shopkeeper Units		-	-	-	-		-
Single Dwelling Units through **Separately Regulated *Signs* Uses,** Theater *Marquees* – [No change in text.]		[No change in text.]					

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

§131.0322 Use Regulations Table for Agricultural Zones

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

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

Table 131-03B
Use Regulations Table for Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	**Zones**			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through ***Rooming House*** [No change in text.]		[No change in text.]			
Shopkeeper Units		-		-	
Single Dwelling Units through **Separately Regulated *Signs* Uses,** Theater *Marquees* – [No change in text.]		[No change in text.]			

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

§131.0401 through **§131.0404** [No change in text.]

§131.0405 Purpose of the RT (Residential--Townhouse) Zones

(a) [No change in text.]

(b) The RT zones are differentiated based on the minimum *lot* size as follows:

- RT-1-1 requires minimum 3,500-square-foot *lots*
- RT-1-2 requires minimum 3,000-square-foot *lots*
- RT-1-3 requires minimum 2,500-square-foot *lots*
- RT-1-4 requires minimum 2,200-square-foot *lots*
- RT-1-5 requires minimum 1,600-square-foot *lots*

§131.0406 through **§131.0420** [No change in text.]

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B
[No change in text.]

Table 131-04B
Use Regulations Table for Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1st & 2nd >>	RE-			RS-														RX-		RT-				
	3rd >>	1-			1-														1-		1-				
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5
Open Space																									
Active Recreation		P			P														P		P				
Passive Recreation		P			P														P		P				
Natural Resources Preservation		P			P														P		P				
Park Maintenance Facilities		-			-														-		-				
Agriculture																									
Agricultural Processing		-			-														-		-				
Aquaculture Facilities		-			-														-		-				
Dairies		-			-														-						
Horticulture Nurseries & Greenhouses		-			-														-		-				
Raising & Harvesting of Crops		P(3)			-														-		-				
Raising, Maintaining & Keeping of Animals		P(3)(~~9~~8)			-														-		-				
Separately Regulated Agriculture Uses																									
Agricultural Equipment Repair Shops		-			-														-		-				
Commercial Stables		-			-														-		-				
Community Gardens		L			L														L		L				
Equestrian Show & Exhibition Facilities		-			-														-		-				
Open Air Markets for the Sale of Agriculture-Related Products & Flowers		-			-														-		-				
Residential																									
Mobilehome Parks		-			P(1)														P(1)		-				
Multiple Dwelling Units		-			-														-		-				

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	**Zones**																							
	1st & 2nd >>	RE-			RS-														RX-		RT-				
	3rd >>	1-			1-														1-		1-				
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5
Rooming House [See Section 131.0112(a)(3)(A)]		-			-														-		-				
Shopkeeper Units		-			-														-		-				
Single Dwelling Units		P			P														P		P				
Separately Regulated Residential Uses																									
Boarder & *Lodger* Accommodations		L			L														L		L				
Companion Units		L			L														L		L				
Employee Housing:																									
6 or Fewer Employees		-			-														-		-				
12 or Fewer Employees		-			-														-		-				
Greater than 12 Employees		-			-														-		-				
Fraternities, Sororities and Student Dormitories		-			-														-		-				
Garage, Yard, & Estate Sales		L			L														L		L				
Guest Quarters		L			L														L		-				
Home Occupations		L			L														L		L				
Housing for Senior Citizens		C			C														C		C				
Live/Work Quarters		-			-														-		-				
Residential Care Facilities:																									
6 or Fewer Persons		P			P														P		P				
7 or More Persons		C			C														C		C				
Transitional Housing:																									
6 or Fewer Persons		P			P														P		P				
7 or More Persons		C			C														C		C				
Watchkeeper Quarters		-			-														-		-				
Institutional																									
Separately Regulated Institutional Uses																									
Airports		-			-														-		-				
Botanical Gardens & Arboretums		C			C														C		C				
Cemeteries, Mausoleums, Crematories		-			-														-		-				
Correctional Placement Centers		-			-														-		-				
Educational Facilities:																									
Kindergarten through Grade 12		C			C														C		C				
Colleges / Universities		C			C														C		C				
Vocational / Trade School		-			-														-		-				
Energy Generation & Distribution Facilities		-			-														-		-				
Exhibit Halls & Convention Facilities		-			-														-		-				
Flood Control Facilities		L			L														L		L				
Historical Buildings Used for Purposes Not Otherwise Allowed		C			C														C		C				
Homeless Facilities:																									

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	**Zones**																								
	1st & 2nd >>	RE-			RS-														RX-		RT-					
	3rd >>	1-			1-														1-		1-					
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5
Congregate Meal Facilities		-			-														-		-					
Emergency Shelters		-			-														-		-					
Homeless Day Centers		-			-														-		-					
Hospitals, Intermediate Care Facilities & Nursing Facilities		-			-														-		-					
Interpretive Centers		-			-														-		-					
Museums		C			C														C		C					
Major Transmission, Relay, or Communications Switching Stations		-			-														-		-					
Satellite *Antennas*		L			L														L		L					
Social Service Institutions		-			-														-		-					
Wireless communication facility:																										
Wireless communication facility in the *public right-of-way* with subterranean equipment adjacent to a non-residential use		L			L														L		L					
Wireless communication facility in the *public right-of-way* with subterranean equipment adjacent to a residential use		N			N														N		N					
Wireless communication facility in the *public right-of-way* with above ground equipment		C			C														C		C					
Wireless communication facility outside the *public right-of-way*		C			C														C		C					
Retail Sales																										
Building Supplies & Equipment		-			-														-		-					
Food, Beverages and Groceries		-			-														-		-					
Consumer Goods, Furniture, Appliances, Equipment		-			-														-		-					
Pets & Pet Supplies		-			-														-		-					
Sundries, Pharmaceuticals, & Convenience Sales		-			-														-		-					
Wearing Apparel & Accessories		-			-														-		-					
Separately Regulated Retail Sales Uses																										
Agriculture Related Supplies & Equipment		-			-														-		-					
Alcoholic Beverage Outlets		-			-														-		-					
Farmers' Markets																										
Weekly Farmers' Markets		-			-														-		-					
Daily Farmers' Market Stands		-			-														-		-					
Plant Nurseries		-			-														-		-					
Retail Farms		-			-														-		-					

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	**Zones**																							
	1st & 2nd >>	RE-			RS-													RX-		RT-				
	3rd >>	1-			1-													1-		1-				
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5
Retail Tasting Stores		-			-														-		-				
Swap Meets & Other Large Outdoor Retail Facilities		-			-														-		-				
Commercial Services																									
Building Services		-			-														-		-				
Business Support		-			-														-		-				
Eating & Drinking Establishments		-			-														-		-				
Financial Institutions		-			-														-		-				
Funeral & Mortuary Services		-			-														-		-				
Instructional Studios		-			-														-		-				
Maintenance & Repair		-			-														-		-				
Off-Site Services		-			-														-		-				
Personal Services		-			-														-		-				
Radio & Television Studios		-			-														-		-				
Tasting Rooms		-			-														-		-				
Visitor Accommodations		-			-														-		-				
Separately Regulated Commercial Services Uses																									
Adult Entertainment Establishments:																									
Adult Book Store		-			-														-		-				
Adult Cabaret		-			-														-		-				
Adult Drive-In Theater		-			-														-		-				
Adult Mini-Motion Picture Theater		-			-														-		-				
Adult Model Studio		-			-														-		-				
Adult *Motel*		-			-														-		-				
Adult Motion Picture Theater		-			-														-		-				
Adult Peep Show Theater		-			-														-		-				
Adult Theater		-			-														-		-				
Body Painting Studio		-			-														-		-				
Massage Establishment		-			-														-		-				
Sexual Encounter Establishment		-			-														-		-				
Assembly and Entertainment Uses, Including Places of Religious Assembly		-			-														-		-				
Bed & Breakfast Establishments:																									
1-2 Guest Rooms		N			N														N		-				
3-5 Guest Rooms		N			C														C		-				
6+ Guest Rooms		C			C														-		-				
Boarding Kennels/Pet Day Care		-			-														-		-				
Camping Parks		-			-														-		-				
Child Care Facilities:																									
Child Care Centers		C			C														C		C				

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	**Zones**																								
	1st & 2nd >>	RE-			RS-														RX-		RT-					
	3rd >>	1-			1-														1-		1-					
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5
Large Family Child Care Homes		L			L														L		L				
Small Family Child Care Homes		L			L														L		L				
Eating and Drinking Establishments with a Drive-in or Drive-through Component		-			-														-		-				
Fairgrounds		-			-														-		-				
Golf Courses, Driving Ranges, and Pitch & Putt Courses		C			C														C		C				
Helicopter Landing Facilities		-			-														-		-				
Massage Establishments, Specialized Practice		-			-														-		-				
Medical Marijuana Consumer Cooperatives		-			-														-		-				
Mobile Food Trucks		-			-														-		-				
Nightclubs & Bars over 5,000 square feet in size		-			-														-		-				
Parking Facilities as a *Primary Use*:																									
Permanent Parking Facilities		-			-														-		-				
Temporary Parking Facilities		-			-														-		-				
Private Clubs, Lodges and Fraternal Organizations		-			-														-		-				
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size[4]		-			-														-		-				
Pushcarts:																									
Pushcarts on Private Property		-			-														-		-				
Pushcarts in *public right-of-way*		-			-														-		-				
Recycling Facilities:																									
Large Collection Facility		-			-														-		-				
Small Collection Facility		-			-														-		-				
Large Construction & Demolition Debris *Recycling Facility*		-			-														-		-				
Small Construction & Demolition Debris *Recycling Facility*		-			-														-		-				
Drop-off Facility		-			-														-		-				
Green Materials Composting Facility		-			-														-		-				
Mixed Organic Composting Facility		-			-														-		-				
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic		-			-														-		-				
Large Processing Facility Accepting All Types of Traffic		-			-														-		-				

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	**Zones**																						
	1st & 2nd >>	RE-			RS-													RX-		RT-				
	3rd >>	1-			1-													1-		1-				
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic		-			-														-		-				
Small Processing Facility Accepting All Types of Traffic		-			-														-		-				
Reverse Vending Machines		-			-														-		-				
Tire Processing Facility		-			-														-		-				
Sidewalk Cafes		-			-														-		-				
Sports Arenas & Stadiums		-			-														-		-				
Theaters that are outdoor or over 5,000 square feet in size		-			-														-		-				
Urgent Care Facilities		-			-														-		-				
Veterinary Clinics & Animal Hospitals		-			-														-		-				
Zoological Parks		-			-														-		-				
Offices																									
Business & Professional		-			-														-		-				
Government		-			-														-		-				
Medical, Dental, & Health Practitioner		-			-														-		-				
Regional & Corporate Headquarters		-			-														-		-				
Separately Regulated Office Uses																									
Real Estate Sales Offices & Model Homes		L			L														L		L				
Sex Offender Treatment & Counseling		-			-														-		-				
Vehicle & Vehicular Equipment Sales & Service																									
Commercial Vehicle Repair & Maintenance		-			-														-		-				
Commercial Vehicle Sales & Rentals		-			-														-		-				
Personal Vehicle Repair & Maintenance		-			-														-		-				
Personal Vehicle Sales & Rentals		-			-														-		-				
Vehicle Equipment & Supplies Sales & Rentals		-			-														-		-				
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses																									
Automobile Service Stations		-			-														-		-				
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a *Primary Use*		-			-														-		-				
Distribution and Storage																									
Equipment & Materials Storage Yards		-			-														-		-				
Moving & Storage Facilities		-			-														-		-				
Distribution Facilities		-			-														-		-				

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	**Zones**																								
	1st & 2nd >>	RE-			RS-														RX-		RT-					
	3rd >>	1-			1-														1-		1-					
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5
Separately Regulated Distribution and Storage Uses																										
Impound Storage Yards		-			-														-		-					
Junk Yards		-			-														-		-					
Temporary Construction Storage Yards located off-site		N			N														N		N					
Industrial																										
Heavy Manufacturing		-			-														-		-					
Light Manufacturing		-			-														-		-					
Marine Industry		-			-														-		-					
Research & Development		-			-														-		-					
Trucking & Transportation Terminals		-			-														-		-					
Separately Regulated Industrial Uses																										
Hazardous Waste Research Facility		-			-														-		-					
Hazardous Waste Treatment Facility		-			-														-		-					
Marine Related Uses Within the Coastal Overlay Zone		-			-														-		-					
Mining and Extractive Industries		-			-														-		-					
Newspaper Publishing Plants		-			-														-		-					
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises		-			-														-		-					
Very Heavy Industrial Uses		-			-														-		-					
Wrecking & Dismantling of Motor Vehicles		-			-														-		-					
Signs																										
Allowable *Signs*		P			P														P		P					
Separately Regulated *Signs* Uses																										
Community Entry *Signs*		L			L														L		L					
Neighborhood Identification *Signs*		N			N														N		N					
Comprehensive Sign Program		-			-														-		-					
Revolving *Projecting Signs*		-			-														-		-					
Signs with Automatic Changing Copy		-			-														-		-					
Theater *Marquees*		-			-														-		-					

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	**Zones**											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Agriculture		[No change in text.]											

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	**Zones**											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Residential													
Mobilehome Parks through ***Rooming House***		[No change in text.]											
Shopkeeper Units		~~-~~			~~-~~			P			P		P
Single Dwelling Units		P(~~13~~12)			P(~~13~~12)			P(~~13~~12)			P(~~13~~12)		P(~~13~~12)
Separately Regulated Residential Uses Garage, Yard, & Estate Sales		[No change in text.]											
Guest Quarters		L~~1~~0			-			-			-		-
Home Occupations through Watchkeeper Quarters		[No change in text.]											
Institutional through **Separately Regulated Institutional Uses** *Wireless communication facility* outside the *public right-of-way*		[No change in text.]											
Retail Sales													
Building Supplies & Equipment		[No change in text.]											
Food, Beverages and Groceries		-			-			P(~~8~~7)			P(~~8~~7)		P(~~8~~7)
Consumer Goods, Furniture, Appliances, Equipment		[No change in text.]											
Pets & Pet Supplies		[No change in text.]											
Sundries, Pharmaceuticals, & Convenience Sales		-			-			P(~~8~~7)			P(~~8~~7)		P(~~8~~7)
Wearing Apparel & Accessories		-			-			~~-~~P			~~-~~P		~~-~~P
Separately Regulated Retail Sales Uses													
Agriculture Related Supplies & Equipment through Swap Meets & Other Large Outdoor Retail Facilities		[No change in text.]											
Commercial Services													
Building Services		[No change in text.]											
Business Support		-			-			~~-~~P(7)			~~-~~P(7)		~~-~~P(7)
Eating & Drinking Establishments through **Funeral & Mortuary Services**		[No change in text.]											
Instructional Studios		P			P			P			P		P
Maintenance & Repair		[No change in text.]											
Off-Site Services		[No change in text.]											
Personal Services		-			-			P(~~8~~7)			P(~~8~~7)		P(~~8~~7)
Radio & Television Studios		[No change in text.]											
Tasting Rooms		[No change in text.]											
Visitor Accommodations		[No change in text.]											
Separately Regulated Commercial Services Uses													
Adult Entertainment Establishments: through *Medical Marijuana Consumer Cooperatives*		[No change in text.]											
Mobile Food Trucks		-			N			L(~~12~~1)			L(~~12~~1)		L(~~12~~1)
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks		[No change in text.]											

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	**Zones**											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Offices													
Business & Professional		-			-			- P(7)			- P(7)		- P(7)
Government		[No change in text.]											
Medical, Dental, & Health Practitioner		-			-			P(7)			P(7)		- P(7)
Regional & Corporate Headquarters		[No change in text.]											
Separately Regulated Office Uses		[No change in text.]											
Vehicle & Vehicular Equipment Sales & Service through **Industrial**		[No change in text.]											
Signs													
Allowable *Signs* through **Separately Regulated *Signs* Uses** *Signs* with Automatic Changing Copy		[No change in text.]											
Theater *Marquees*		-			-			-			-		-

Footnotes for Table 131-04B

1 through 5 [No change in text

6 Two *guest rooms* are permitted for visitor accommodations per the specified square footage of lot area required per dwelling unit (maximum permitted *density*), as indicated on Table 131-04G.

7 See Section 131.0423~~(a)~~.

~~8 See Section 131.0423(b) and (c).~~

~~9~~8 Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a *premises* of at least 5 acres. Maintaining, raising, feeding, or keeping of swine is not permitted.

~~10~~9 A Residential High Occupancy Permit is required in accordance with Section 123.0502 for a *single dwelling unit* when the occupancy of the *dwelling unit* would consist of six or more persons eighteen years of age and older residing in the *dwelling unit* for a period of 30 or more consecutive days.

~~11~~10 A guest quarters or habitable accessory building is permitted in accordance with Section 141.0306 only as an *accessory use* to a *single dwelling unit*.

~~12~~11 This use is permitted by right on the property of a *school*, university, hospital, religious facility, or construction site. It is permitted as a limited use only in association with a ~~multiple dwelling unit~~ *multiple dwelling unit development* with at least 16 dwelling units and only if the commercial service is limited to the residents and their guests, and the use is designed and operated in compliance with Section 141.0612.

~~13~~12 *Development* of a small *lot subdivision* is permitted in accordance with Section 143.0365.

§131.0423 Additional Use Regulations of Residential Zones

The additional use regulations identified in this section are applicable to retail sales, commercial services, and office uses where indicated in Table 131-04B.

(a) Medical, dental, and health practitioner offices are permitted ~~subject to the following:~~provided no overnight patients are permitted.

~~(1) No overnight patients are permitted; and~~

~~(2) Not more than two practitioners, and not more than three employees of each practitioner, shall work on the *premises*.~~

~~(b) Sales and commercial service uses, where identified in the RM zones are permitted subject to the following:~~

(~~1~~b) ~~Identified retail and commercial services u~~Uses ~~are~~ is permitted only ~~as~~ in a mixed-use ~~in *developments*~~ where the density complies with the applicable land use plan~~with 25 or more residential dwelling units;~~.

(~~2~~c) ~~Retail and commercial u~~Uses ~~must~~may be located only on the ground *floor*~~; and~~.

~~(3) Retail and commercial uses shall not occupy more than a total of 25 percent of the *gross floor area* of the ground *floor*.~~

(d) Hours of operation shall be limited to the hours between 6 a.m. and 12 midnight.

§131.0430 [No change in text.]

§131.0431 Development Regulations Table of Residential Zones

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

(a) RE Zones

Table 131-04C
Development Regulations of RE Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	**Zones**		
	1st & 2nd >>	RE-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
Max permitted *density* (DU per *lot*) through **Supplemental requirements**		[No change in text.]		
~~**Diagonal plan dimension**~~				
Refuse and Recyclable Material Storage [See Section 142.0805]		[No change in text.]		

(b) RS Zones

Table 131-04D
Development Regulations of RS Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	**Zones**						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
Max permitted *density* (DU per *lot*) through **Refuse and Recyclable Material Storage**		[No change in text.]						

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	**Zones**						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	8	9	10	11	12	13	14
Max permitted *density* (DU per *lot*) through **Supplemental requirements**		[No change in text.]						
~~**Diagonal plan dimension**~~								
Bedroom regulation		[No change in text.]						
Refuse and Recyclable Material Storage [See Section 142.0805]		[No change in text.]						

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

(c) RX Zones

Table 131-04E
Development Regulations of RX Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	**Zones**	
	1st & 2nd >>	RX-	
	3rd >>	1-	1-
	4th >>	1	2
Maximum permitted *density* (DU per *lot*) through **Supplemental regulations**		[No change in text.]	
~~**Diagonal plan dimension**~~			
Refuse and Recyclable Material Storage [See Section 142.0805]		[No change in text.]	

Footnote for Table 131-04E

[1] If a *lot* abuts an *alley*, see Section 131.0442(c).

(d) RT Zones

Table 131-04F
Development Regulations of RT Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator 1st & 2nd >> 3rd >> 4th >>	**Zones** RT- 1- 1	1- 2	1- 3	1- 4	1- 5
Maximum permitted *density* (DU per *lot*)		1	1	1	1	1
Min lot area (sf) [See Section 131.0441]		3,500	3,000	2,500	2,200	1,600
Min lot dimensions						
Lot width (ft)		25	25	25	25	18
~~s~~*Street frontage* (ft)		25	25	25	25	18
Lot width (corner) (ft)		25	25	25	25	25
Lot depth (ft)		100	100	90	80	80
***Setback* requirements**						
Min Front *setback* (ft) [See Section 131.0443(c)(1)]		5	5	5	5	5
Max Front *setback* (ft) [See Section 131.0443(c)(1)]		15	15	15	15	10
Side *setback* (ft) [See Section 131.0443(c)(2)]		0	0	0	0	0
Min *Street* side *setback* (ft)		5	5	5	5	5
Min Rear *setback* (ft)		3	3	3	3	3
Max ***structure height*** [See 131.0444(d)]						
1 and 2 *story* buildings (ft)						
slab *floor*		21	21	21	21	21
raised *floor*		25	25	25	25	25
3 *story* buildings (ft)						
slab *floor*		31	31	31	31	31
raised *floor*		35	35	35	35	35
Max *lot coverage* (%) [See Section 131.0445(b)]		60	65	70	75	75
Max *floor area ratio* [See 131.0446(d)]						
1 and 2 *story* buildings		0.85	0.95	1.00	1.10	1.20
3 *story* buildings		1.20	1.30	1.40	1.50	1.60
Accessory uses* and *structures [See Sections 131.0448 and 141.0306]		applies	applies	applies	applies	applies
Garage regulations [See Section 131.0449(b)]		applies	applies	applies	applies	applies
~~**Min *development*** [See Section 131.0451]~~		~~applies~~	~~applies~~	~~applies~~	~~applies~~	~~applies~~
***Parkway* requirement** [See Section 131.0452]		applies	applies	applies	applies	applies
Architectural projections* and *encroachments *[See S*ection 131.0461(b)]		applies	applies	applies	applies	applies
Supplemental requirements [See Section 131.0464(c)]		applies	applies	applies	applies	applies
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies	applies

(e) RM Zones

Table 131-04G
Development Regulations of RM Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	**Zones**					
	1st & 2nd >>	RM-					
	3rd >>	1-	1-	1-	2-	2-	2-
	4th >>	1	2	3	4	5	6
Maximum permitted density[(1),(2)] (sf per DU) through ***Accessory uses* and *structures***		[No change in text.]					
Ground-floor height [See Section 131.0451]		-	-	-	-	-	-
***Lot* consolidation regulations** through **Refuse and Recyclable Material Storage**		[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 through ***Accessory uses* and *structures***		[No change in text.]					
Ground-*floor* height [See Section 131.0451]		-	applies	applies	applies	applies	applies
***Lot* consolidation regulations** through **Refuse and Recyclable Material Storage**		[No change in text.]					

~~Footnotes for Table 131-04G~~ **Footnotes for Table 131-04G**

[1] through [36] [No change in text.]

§131.0441 and §131.0442 [No change in text.]

§131.0443 Setback Requirements in Residential Zones

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

(c) *Setbacks* in RT Zones

(1) [No change in text.]

(2) Side *Setbacks* in RT Zones

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

(D) Windows and doors adjacent to side *setbacks* shall only be permitted when the distance to the property line is a minimum of 5 feet or when the side *setback* is a *street* side *yard.*

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

§131.0444 and §131.0445 [No change in text.]

§131.0446 Maximum Floor Area Ratio in Residential Zones

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

(e) In the RM-1-2, RM-1-3, RM-2-4, RM-2-5, and RM-2-6 zones, a minimum of one-fourth of the permitted *floor area ratio* shall be reserved for required parking. ~~If underground parking is provided, an area equal to the *gross floor area* of the underground parking may be added to the maximum *gross floor area* permitted for nonparking uses.~~ The maximum *floor area ratio* for all *structures* on the *premises*, excluding underground parking structures, shall not exceed the maximum permitted *floor area ratio* for the zone as identified in Table 131-04G, except that a *floor area ratio* bonus shall be provided equal to the *gross floor area* of the underground parking structure.

(f) In the RM-3-7, RM-3-8, RM-3-9, RM-4-10, RM-4-11, and RM-5-12 zones, a minimum of one-third of the permitted *floor area ratio* shall be reserved for required parking. ~~If underground parking is provided, an area equal to the *gross floor area* of the underground parking may be added to the maximum *gross floor area* permitted for nonparking uses.~~ The maximum *floor area ratio* for all *structures* on the *premises*, excluding underground parking structures, shall not exceed the maximum permitted *floor area ratio* for the zone as identified in Table 131-04G, except that a *floor area ratio* bonus shall be provided equal to the *gross floor area* of the underground parking structure.

(g) [No change in text.]

§131.0447 and §131.0448 [No change in text.]

§131.0449 Garage Regulations in Residential Zones

(a) [No change in text.]

(b) Garages in RT Zones

(1) An enclosed and detached one~~two~~-car garage is required except as otherwise provided in this section. The second required off-street parking space may be unenclosed provided the space is located consistent with the garage location requirements in Section 131.0449(b)(5).

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

(~~2~~3) Access to required parking shall be from an *alley* abutting the *premises*. In lieu of public *alleys* in new *subdivisions*, private easements may be used to provide access for abutting residents and authorized service vehicles only.

(~~3~~4) The garage shall provide at least ~~two~~one 9-foot by 20-foot parking space~~s~~ perpendicular to, and directly accessible from, the abutting *alley*.

(~~4~~5) The garage shall be located within the rear 30 feet of the *lot*, except to the extent that it is necessary to accommodate a 21-foot distance between the edge of the garage and the edge of the *alley* opposite the *lot*.

(~~5~~6) The detached garage may not exceed 12 feet in height.

(~~6~~7) The garage may have a *roof deck* with open or solid safety fencing not to exceed 42 inches in height.

(~~7~~8) The garage shall abut one interior *property line*.

(~~8~~9) The garage may be attached to the dwelling unit, subject to the following conditions:

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

(~~9~~10) Habitable space may be located above an attached garage.

§131.0450 [No change in text.]

§131.0451 ~~**Minimum Development in the RT Zones**~~**Ground-*floor* Height**

~~Townhouse *development* is permitted only if there is concurrent *development* of at least 300 feet of *street frontage* or a contiguous 50 percent of the *lots* in a block, whichever provides the greatest *street frontage*.~~

Ground-floor height applies to buildings with commercial uses on the ground floor. The minimum ground-*floor* height for buildings, measured from the average grade of the adjoining sidewalk, in increments of no more than 100 feet along a *development* frontage, to the finished elevation of the second *floor*, shall be the average of 15 feet, but not less than 13 feet.

§131.0452 through **§131.0466** [No change in text.]

§131.0501 [No change in text.]

§131.0502 **Purpose of the CN (Commercial--Neighborhood) Zones**

(a) The purpose of the CN zones is to provide residential areas with access to a limited number of convenient retail and personal service uses. The CN zones are intended to provide areas for ~~smaller~~ small scale, low~~er~~ intensity *developments* that are consistent with the character of the surrounding residential areas. The zones in this category may include residential *development*. Property within the CN zones will be primarily located along local and selected collector *streets*.

(b) The CN zones are differentiated based on the permitted lot size and pedestrian orientation as follows:

- CN-1-1 allows *development* of a limited size with a pedestrian orientation and medium *density*
- CN-1-2 allows *development* with an auto orientation and medium *density*
- CN-1-3 allows *development* with a pedestrian orientation and medium *density*
- CN-1-4 allows *development* with a pedestrian orientation with a medium high residential *density*
- CN-1-5 allows *development* with a pedestrian orientation with a high residential *density*

§131.0503 **Pur*pose of the* CR (Commercial--Regional) Zones**

(a) [No change in text.]

(b) The CR zones are designed for auto-oriented *development* and are differentiated based on the uses allowed as follows:

- CR-1-1 allows a mix of regional serving commercial uses and residential uses, with an auto orientation and medium *density*
- CR-2-1 allows regional serving commercial and limited industrial uses with an auto orientation but no residential use.

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

(a) The purpose of the CO zones is to provide areas for employment uses with limited, complementary retail uses and residential use as specified. ~~and medium to high *density* residential *development*.~~ The CO zones are intended to apply in ~~larger~~ large-scale activity centers or in specialized areas where a full range of commercial activities is not desirable.

(b) The CO zones are differentiated based on the uses allowed, and development scale allowed as follows:

(1) The following zones allow residential *development*:

- CO-1-1 is intended to accommodate ~~allows~~ a mix of office and residential uses with a neighborhood scale and orientation and medium *density*
- CO-1-2 is intended to accommodate ~~allows~~ a mix of office and residential uses that serve as an employment center and medium *density*

(2) The following zones prohibit residential *development*:

- CO-2-1 is intended to accommodate office uses with a neighborhood scale and orientation
- CO-2-2 is intended to accommodate office uses that serve as an employment center

(3) The following zones allow residential *development* in a pedestrian oriented development:

- CO-3-1 is intended to accommodate a mix of office and residential uses and a medium high density
- CO-3-2 is intended to accommodate a mix of office and residential uses and a high density

§131.0505 Purpose of the CV (Commercial--Visitor) Zones

(a) [No change in text.]

(b) The CV zones are differentiated based on *development* size and orientation as follows:

- CV-1-1 is intended to accommodate ~~allows~~ a mix of large-scale, visitor-serving uses and residential uses and medium *density*
- CV-1-2 is intended to accommodate ~~allows~~ a mix of visitor-serving uses and residential uses with a pedestrian orientation and medium *density*

§131.0506 [No change in text.]

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

(a) [No change in text.]

(b) The CC zones are differentiated based on the uses allowed and regulations as follows:

(1) The following zones allow a mix of community-serving commercial uses and residential uses:
- CC-1-1 is intended to accommodate *development* with strip commercial characteristics and medium *density*
- CC-1-2 is intended to accommodate *development* with high intensity, strip commercial characteristics and medium *density*
- CC-1-3 is intended to accommodate *development* with an auto orientation and medium *density*

(2) The following zones allow community-serving uses with no residential uses:
- CC-2-1 is intended to accommodate *development* with strip commercial characteristics
- CC-2-2 is intended to accommodate *development* with high intensity, strip commercial characteristics
- CC-2-3 is intended to accommodate *development* with an auto orientation
- CC-2-4 is intended to accommodate *development* with a pedestrian orientation.
- CC-2-5 is intended to accommodate *development* with a high intensity, pedestrian orientation

(3) The following zones allow a mix of pedestrian-oriented, community-serving commercial uses and residential uses:
- CC-3-4 is intended to accommodate *development* with a pedestrian orientation and medium *density*
- CC-3-5 is intended to accommodate *development* with a high intensity, pedestrian orientation and medium *density*
- CC-3-6 is intended to accommodate *development* with a high intensity, pedestrian orientation, and medium high density

- CC-3-7 intended to accommodate *development* with a high intensity, pedestrian orientation, and high density
- CC-3-8 intended to accommodate *development* with a high intensity, pedestrian orientation, and very high density
- CC-3-9 intended to accommodate *development* with a high intensity, pedestrian orientation, and the highest density

(4) The following zones allow heavy commercial uses and residential uses:

- CC-4-1 is intended to accommodate *development* with strip commercial characteristics and medium *density*
- CC-4-2 is intended to accommodate *development* with high intensity, strip commercial characteristics and medium *density*
- CC-4-3 is intended to accommodate *development* with an auto orientation and medium *density*
- CC-4-4 is intended to accommodate *development* with a pedestrian orientation and medium *density*
- CC-4-5 is intended to accommodate *development* with a high intensity and medium *density*, pedestrian orientation
- CC-4-6 is intended to accommodate *development* with a high intensity, pedestrian orientation, and medium high density.

(5) The following zones allow a mix of heavy commercial and limited industrial uses and residential uses:

- CC-5-1 is intended to accommodate *development* with strip commercial characteristics and medium *density*
- CC-5-2 is intended to accommodate *development* with high intensity, strip commercial characteristics and medium *density*
- CC-5-3 is intended to accommodate *development* with an auto orientation and medium *density*
- CC-5-4 is intended to accommodate *development* with a pedestrian orientation and medium *density*
- CC-5-5 is intended to accommodate *development* with a high intensity, pedestrian orientation and medium *density*
- CC-5-6 is intended to accommodate *development* with a high intensity, pedestrian orientation, and medium high density.

§131.0515 and **§131.0520** [No change in text.]

§131.0522 Use Regulations Table of Commercial Zones

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

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

Table 131-05B
Use Regulations Table for Commercial Zones

Use Categories/Subcategories	**Zone Designator**	**Zones**													
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	CN-(1)					CR-		CO-					CV-	CP-
	3rd >>	1-					1-	2-	1-		2-		3-	1-	1-
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1 2	1 2	1
Open Space															
Active Recreation		-					-	-	-		-		-	-	-
Passive Recreation		-					-	-	-		-		-	-	-
Natural Resources Preservation		-					-	-	-		-		-	-	-
Park Maintenance Facilities		-					-	-	-		-		-	-	-
Agriculture															
Agricultural Processing		-					-	-	-		-		-	-	-
Aquaculture Facilities		-					-	-	-		-		-	-	-
Dairies		-					-	-	-		-		-	-	-
Horticulture Nurseries & Greenhouses		-					-	-	-		-		-	-	-
Raising & Harvesting of Crops		-					-	-	-		-		-	-	-
Raising, Maintaining & Keeping of Animals		-					-	-	-		-		-	-	-
Separately Regulated Agriculture Uses															
Agricultural Equipment Repair Shops		-					P	P	-		-		-	-	-
Commercial Stables		-					-	-	-		-		-	L	-
Community Gardens		L					L	L	L		L		-	L	L
Equestrian Show & Exhibition Facilities		-					-	-	-		-		-	C	-
Open Air Markets for the Sale of Agriculture-related Products & Flowers		-					-	-	-		-		-	-	-
Residential															
Mobilehome Parks		-					-	-	-		-		-	-	-
Multiple Dwelling Units		P(2)					P(2)	-	P(2)		-		P(2)	P(2)	-
Rooming House [See Section 131.0112(a)(3)(A)]		P(2)					P	-	P		-		P	P(2)	-
Shopkeepers Units		P(2)					P(2)	-	P(2)		-		P(2)	P(2)	-
Single Dwelling Units		-					-	-	-		-		-	-	-
Separately Regulated Residential Uses															
Boarder & Lodger Accommodations		L(2)					L	-	L		-		-	L(2)	-
Companion Units		-					-	-	-		-		-	-	-
Employee Housing:															
6 or Fewer Employees		-					-	-	-		-		-	-	-
12 or Fewer Employees		-					-	-	-		-		-	-	-
Greater than 12 Employees		-					-	-	-		-		-	-	-
Fraternities, Sororities and Student Dormitories		C(2)					C	-	C		-		-	C(2)	-
Garage, Yard, & Estate Sales		-					-	-	-		-		-	-	-
Guest Quarter		-					-	-	-		-		-	-	-
Home Occupations		L					L	-	L		-		L	L	-
Housing for Senior Citizens		C(2)					C	-	C		-		C	C(2)	-
Live/Work Quarters		-					L	-	-		-		L	-	-
Residential Care Facilities:															

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 >>	CN-(1)					CR-		CO-					CV-	CP-
	3rd >>	1-					1-	2-	1-		2-		3-		1-	1-
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1	2	1
6 or Fewer Persons		P(2)					P	-	P		-		P		P(2)		-
7 or More Persons		C(2)					C	-	C		-		C		C(2)		-
Transitional Housing:																	
6 or Fewer Persons		P(2)					P	-	P		-		P		P(2)		-
7 or More Persons		C(2)					C	-	C		-		C		C(2)		-
Watchkeeper Quarters		-					-	L	-		-		-		-		-
Institutional																	
Separately Regulated Institutional Uses																	
Airports		-					C	C	C		C		-		C(10)		-
Botanical Gardens & Arboretums		-					P	P	C		C		-		P		-
Cemeteries, Mausoleums, Crematories		-					C	C	C		C		-		C(10)		-
Correctional Placement Centers		-					C	C	C		C		-		C(10)		-
Educational Facilities:																	
Kindergarten through Grade 12		C (10)					C	C	C		C		C		C(10)		-
Colleges / Universities		-					C	C	C		C		C		C(10)		-
Vocational / Trade School		-					P	P	P		P		C		-		-
Energy Generation & Distribution Facilities		C(10)					P	C	P		P		P		P(10)		-
Exhibit Halls & Convention Facilities		-					P	P	C		C		-		P		-
Flood Control Facilities		L					L	L	L		L		L		L		-
Historical Buildings Used for Purposes Not Otherwise Allowed		C(10)					C	C	C		C		C		C(10)		-
Homeless Facilities:																	
Congregate Meal Facilities		C(10)					C	-	C		C		C		C(10)		-
Emergency Shelters		C(10)					C	-	C		C		C		C(10)		-
Homeless Day Centers		C(10)					C	-	C		C		C		C(10)		-
Hospitals, Intermediate Care Facilities & Nursing Facilities		-					P	P	C		C		C		P(10)		-
Interpretive Centers		-					-	-	-		-		-		-		-
Museums		-					P	P	C		C		C		P		-
Major Transmission, Relay, or Communications Switching Stations		-					C	C	C		C		C		C(10)		-
Satellite *Antennas*		L					L	L	L		L		L		L		L
Social Service Institutions		-					C	C	C		C		C		C(10)		-
Wireless communication facility:																	
Wireless communication facility in the *public right-of-way* with subterranean equipment adjacent to a non-residential use		L					L	L	L		L		L		L		L
Wireless communication facility in the *public right-of-way* with subterranean equipment adjacent to a residential use		N					N	N	N		N		N		N		N
Wireless communication facility in the *public right-of-way* with above ground equipment		C					C	C	C		C		C		C		C

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 >>	CN-(1)					CR-		CO-					CV-	CP-
	3rd >>	1-					1-	2-	1-		2-		3-		1-	1-
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1	1
Wireless communication facility outside the *public right-of-way*		L					L	L	L		L		L		L	L
Retail Sales																
Building Supplies & Equipment		P(11)					P(11)	P(11)	-		-		-		-	-
Food, Beverages and Groceries		P(11)					P(11)	P(11)	P(11)		P(11)		P(11)		P(11)	-
Consumer Goods, Furniture, Appliances, Equipment		P(11)					P(11)	P(11)	P(3,11)		P(3,11)		P(3,11)		P(13)	-
Pets & Pet Supplies		P(11)					P(11)	P(11)	-		-		-		-	-
Sundries, Pharmaceutical, & Convenience Sales		P(11)					P(11)	P(11)	P(11)		P(11)		P(11)		P(11)	-
Wearing Apparel & Accessories		P(11)					P(11)	P(11)	-		-		-		P(11)	-
Separately Regulated Retail Sales Uses																
Agriculture Related Supplies & Equipment		-					P	P	-		-		-		-	-
Alcoholic Beverage Outlets		L					L	L	L		L		L		L	-
Farmers' Markets																
Weekly Farmers' Markets		L					L	L	L		L		L		L	L
Daily Farmers' Market Stands		L					L	L	L		L		L		L	-
Plant Nurseries		P					P	P	-		-		-		-	-
Retail Farms		L					L	L	L		L		L		-	-
Retail Tasting Rooms		-					-	-	-		-		-		-	-
Swap Meets & Other Large Outdoor Retail Facilities		-					C	C	-		-		-		C(10)	-
Commercial Services																
Building Services		-					P	P	P(6)		P(6)		P(6)		-	-
Business Support		P					P	P	P(7)		P(7)		P(7)		-	-
Eating & Drinking Establishments		P(4,16)					P(16)	P(16)	P(5,16)		P(5,16)		P(5,16)		P(16)	-
Financial Institutions		P					P	P	P		P		P		-	-
Funeral & Mortuary Services		-					P	P	-		-		-		-	-
Instructional Studios		P					P	P	P		P		P		P(12)	-
Maintenance & Repair		P					P	P	P(6)		P(6)		P(6)		-	-
Off-site Services		-					P	P	-		-		-		-	-
Personal Services		P					P	P	-		-		-		P	-
Radio & Television Studios		-					P	P	-		-		-		-	-
Tasting Rooms		-					-	-	-		-		-		-	-
Visitor Accommodations		-					P	P	-		-		-		P	-
Separately regulated Commercial Services Uses																
Adult Entertainment Establishments:																

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 >>	CN-(1)					CR-		CO-						CV-	CP-
	3rd >>	1-					1-	2-	1-		2-		3-		1-	1-
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1 2	1
Adult Book Store		L					L	L	-		-		-		-	-
Adult Cabaret		-					L	L	-		-		-		L	-
Adult Drive-In Theater		-					L	L	-		-		-		L	-
Adult Mini-Motion Picture Theater		-					L	L	-		-		-		L	-
Adult Model Studio		L					L	L	-		-		-		L	-
Adult *Motel*		-					L	L	-		-		-		L	-
Adult Motion Picture Theater		-					L	L	-		-		-		L	-
Adult Peep Show Theater		-					L	L	-		-		-		L	-
Adult Theater		-					L	L	-		-		-		L	-
Body Painting Studio		L					L	L	-		-		-		L	-
Massage Establishment		L					L	L	-		-		-		-	-
Sexual Encounter Establishment		L					L	L	-		-		-		L	-
Assembly and Entertainment, Including Places of Religious Assembly		L(10)					L	L	L		L		L		L(10)	-
Bed & Breakfast Establishments:																
1-2 Guest Rooms		-					P	P	-		-		-		P	-
3-5 Guest Rooms		-					P	P	-		-		-		P	-
6+ Guest Rooms		-					P	P	-		-		-		P	-
Boarding Kennels/Pet Day Care		L					L	L	N		N		-		N(10)	-
Camping Parks		-					C	C	C		C		-		C	-
Child Care Facilities:																
Child Care Centers		L					L	-	L		L		L		L(10)	-
Large Family Child Care Homes		L					L	-	L		L		L		L(10)	-
Small Family Child Care Homes		L					L	-	L		L		L		L	-
Eating and Drinking Establishments with a Drive-in or Drive-through Component		-	C	-	-	-	P	P	P		P		-		P -	-
Fairgrounds		-					C	C	-		-		-		C	-
Golf Courses, Driving Ranges, and Pitch & Putt Courses		-					C	C	C		C		-		C	-
Helicopter Landing Facilities		-					C	C	C		C		C		C(10)	-
Massage Establishments, Specialized Practice		L					L	L	-		-		-		L(14)	-
Medical Marijuana Consumer Cooperatives		-					-	C	-		-		-		-	-
Mobile food Trucks		L(15)					L(15)	L(15)	L(15)		L(15)		L(15)		L(15)	L(15)
Nightclubs & Bars over 5,000 square feet in size		-					C	C	C		C		C		C	-
Parking Facilities as a *Primary Use*:																
Permanent Parking Facilities		-					P	P	C		C		-		C	P
Temporary Parking Facilities		-					N	N	C		C		C		C	N
Private Clubs, Lodges and Fraternal Organizations		P(10)					P	P	P		P		P		P(10)	-
Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size(9)		-					P	P	C		C		-		C	-
Pushcarts:																

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 >>	CN-(1)					CR-		CO-					CV-	CP-
	3rd >>	1-					1-	2-	1-		2-		3-		1-	1-
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1	1
Pushcarts on Private Property		L					L	L	L		L		L		L	-
Pushcarts in Public Right of Way		N					N	N	N		N		N		N	-
Recycling Facilities:																
Large Collection Facility		N					N	N	N		N		N		N(10)	-
Small Collection Facility		L					L	L	L		L		L		L(10)	-
Large Construction & Demolition Debris *Recycling Facility*		-					-	-	-		-		-		-	-
Small Construction & Demolition Debris *Recycling Facility*		-					-	-	-		-		-		-	-
Drop-off Facility		L					L	L	L		L		L		L	-
Green Materials Composting Facility		-					-	-	-		-		-		-	-
Mixed Organic Composting Facility		-					-	-	-		-		-		-	-
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic		-					-	-	-		-		-		-	-
Large Processing Facility Accepting All Types of Traffic		-					-	-	-		-		-		-	-
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic		-					-	-	-		-		-		-	-
Small Processing Facility Accepting All Types of Traffic		-					-	-	-		-		-		-	-
Reverse Vending Machines		L					L	L	L		L		L		L	-
Tire Processing Facility		-					-	-	-		-		-		-	-
Sidewalk Cafes		L					L	L	L		L		L		L	-
Sports Arenas & Stadiums		-					C	C	C		C		-		C	-
Theaters that are outdoor or over 5,000 square feet in size		-					C	C	C		C		-		C	-
Urgent Care Facilities		N					N	N	N		N		N		N(10)	-
Veterinary Clinics & Animal Hospitals		L					L	L	N		N		N		-	-
Zoological Parks		-					-	-	-		-		-		-	-
Offices																
Business & Professional		P(7)					P	P	P		P		P		-	-
Government		P					P	P	P		P		P		-	-
Medical, Dental, & Health Practitioner		P					P	P	P		P		P		-	-
Regional & Corporate Headquarters		P					P	P	P		P		P		-	-
Separately Regulated Office Uses																
Real Estate Sales Offices & Model Homes		L					L	-	L		L		L		L	-
Sex Offender Treatment & Counseling		L					L	L	L		L		L		L(10)	-
Vehicle & Vehicular Equipment Sales & Service																
Commercial Vehicle Repair & Maintenance		-					P	P	-		-		-		-	-
Commercial Vehicle Sales & Rentals		-					P	P	-		-		-		-	-

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 >>	CN-(1)					CR-		CO-						CV-	CP-
	3rd >>	1-					1-	2-	1-		2-		3-		1-	1-
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1 2	1
Personal Vehicle Repair & Maintenance		-					P	P	-		-		-		-	-
Personal Vehicle Sales & Rentals		-					P	P	-		-		-		-	-
Vehicle Equipment & Supplies Sales & Rentals		-					P	P	-		-		-		-	-
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses																
Automobile Service Stations		-					N	N	C		C		C		C	-
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a *Primary Use*		-					C	C	-		-		-		-	-
Distribution and Storage																
Equipment & Materials Storage Yards		-					-	P	-		-		-		-	-
Moving & Storage Facilities		-					-	P	-		-		-		-	-
Distribution Facilities		-					-	P(8)	-		-		-		-	-
Separately Regulated Distribution and Storage Uses																
Impound Storage Yards		-					-	C	-		-		-		-	-
Junk Yards		-					-	-	-		-		-		-	-
Temporary Construction Storage Yards Located off-site		L					L	L	L		L		L		L	-
Industrial																
Heavy Manufacturing		-					-	-	-		-		-		-	-
Light Manufacturing		-					-	P(8)	-		-		-		-	-
Marine Industry		-					-	-	-		-		-		-	-
Research & Development		-					P	P	P		P		P		-	-
Trucking & Transportation Terminals		-					P	P	-		-		-		-	-
Separately Regulated Industrial Uses																
Hazardous Waste Research Facility		-					-	-	-		-		-		-	-
Hazardous Waste Treatment Facility		-					-	-	-		-		-		-	-
Marine Related Uses Within the Coastal Overlay Zone		-					C	C	C		L		-		C	-
Mining and Extractive Industries		-					-	-	-		-		-		-	-
Newspaper Publishing Plants		-					C	C	C		C		-		C(10)	-
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises		-					-	-	-		-		-		-	-
Very Heavy Industrial Uses		-					-	-	-		-		-		-	-
Wrecking & Dismantling of Motor Vehicles		-					-	-	-		-		-		-	-
Signs																
Allowable *Signs*		P					P	P	P		P		P		P	P
Separately Regulated *Signs* Uses																
Community Entry *Signs*		L					L	L	L		L		L		L	L
Neighborhood Identification *Signs*		-					-	-	-		-		-		-	-
Comprehensive Sign Program		N					N	N	N		N		N		N	N
Revolving *Projecting Signs*		N					N	N	N		N		N		N	N

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	**Zone Designator**	**Zones**																	
	1st & 2nd >>	CN-(1)					CR-		CO-								CV-		CP-
	3rd >>	1-					1-	2-	1-		2-		3-				1-		1-
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2			1	2	1
Signs with Automatic Changing Copy		N					N	N	N		N		N				N		N
Theater *Marquees*		-					N	N	-		-		-				N		-

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																															
Active Recreation		-			-					-						-						-									
Passive Recreation		-			-					-						-						-									
Natural Resources Preservation		-			-					-						-						-									
Park Maintenance Facilities		-			-					-						-						-									
Agriculture																															
Agricultural Processing		-			-					-						-						-									
Aquaculture Facilities		-			-					-						-						-									
Dairies		-			-					-						-						-									
Horticulture Nurseries & Greenhouses		-			-					-						-						-									
Raising & Harvesting of Crops		-			-					-						-						-									
Raising, Maintaining & Keeping of Animals		-			-					-						-						-									
Separately Regulated Agriculture Uses																															
Agricultural Equipment Repair Shops		P			P					-						P						P									
Commercial Stables		-			-					-						-						-									
Community Gardens		L			L					L						L						L									
Equestrian Show & Exhibition Facilities		-			-					-						-						-									
Open Air Markets for the Sale of Agriculture-Related Products & Flowers		-			-					-						-						-									
Residential																															
Mobilehome Parks		-			-					-						-						-									
Multiple Dwelling Units		P(2)			-					P(2)						P(2)						P(2)									
***Rooming** House* [See Section 131.0112(a)(3)(A)]		P			-					P						P						P									
Shopkeepers Units		P			-					P						P						P									
Single Dwelling Units		-			-					-						-						-									
Separately Regulated Residential Uses																															
Boarder & *Lodger* Accommodations		L			-					L						L						L									
Companion Units		-			-					-						-						-									
Employee Housing:																															
6 or Fewer Employees		-			-					-						-						-									
12 or Fewer Employees		-			-					-						-						-									
Greater than 12 Employees		-			-					-						-						-									

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
Fraternities, Sororities and Student Dormitories		C	-	C	C	C
Garage, Yard, & Estate Sales		-	-	-	-	-
Guest Quarters		-	-	-	-	-
Home Occupations		L	-	L	L	L
Housing for Senior Citizens		C	-	C	C	C
Live/Work Quarters		L	-	L	L	L
Residential Care Facilities:						
6 or Fewer Persons		P	-	P	P	P
7 or More Persons		C	-	C	C	C
Transitional Housing:						
6 or Fewer Persons		P	-	P	P	P
7 or More Persons		C	-	C	C	C
Watchkeeper Quarters		-	L	-	-	-
Institutional						
Separately Regulated Institutional Uses						
Airports		C	C	C	C	C
Botanical Gardens & Arboretums		C	C	C	C	C
Cemeteries, Mausoleums, Crematories		C	C	C	C	C
Correctional Placement Centers		C	C	C	C	C
Educational Facilities:						
Kindergarten through Grade 12		C	C	C	C	C
Colleges / Universities		C	C	-	C	C
Vocational / Trade School		P	P	-	P	P
Energy Generation & Distribution Facilities		P	C	C	C	P
Exhibit Halls & Convention Facilities		C	C	C	C	C
Flood Control Facilities		L	L	L	L	L
Historical Buildings Used for Purposes Not Otherwise Allowed		C	C	C	C	C
Homeless Facilities:						
Congregate Meal Facilities		C	-	C	C	C
Emergency Shelters		C	-	C	C	C
Homeless Day Centers		C	-	C	C	C
Hospitals, Intermediate Care Facilities & Nursing Facilities		C	C	C	C	C
Interpretive Centers		-	-	-	-	-
Museums		C	C	C	C	C
Major Transmission, Relay, or Communications Switching Stations		C	C	C	C	C
Satellite Antennas		L	L	L	L	L
Social Service Institutions		C	C	C	C	C
Wireless communication facility:						
Wireless communication facility in the *public right-of-way* with subterranean equipment		L	L	L	L	L

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	**Zone 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
adjacent to a non-residential use						
Wireless communication facility in the *public right-of-way* with subterranean equipment adjacent to a residential use		N	N	N	N	N
Wireless communication facility in the *public right-of-way* with above ground equipment		C	C	C	C	C
Wireless communication facility outside the *public right-of-way*		L	L	L	L	L
Retail Sales						
Building Supplies & Equipment		P(11)	P(11)	-	P(11)	P(11)
Food, Beverages and Groceries		P(11)	P(11)	P(11)	P(11)	P(11)
Consumer Goods, Furniture, Appliances, Equipment		P(11)	P(11)	P(11)	P(11)	P(11)
Pets & Pet Supplies		P(11)	P(11)	P(11)	P(11)	P(11)
Sundries, Pharmaceutical, & Convenience Sales		P(11)	P(11)	P(11)	P(11)	P(11)
Wearing Apparel & Accessories		P(11)	P(11)	P(11)	P(11)	P(11)
Separately Regulated Retail Sales Uses						
Agriculture Related Supplies & Equipment		-	-	-	P	P
Alcoholic Beverage Outlets		L	L	L	L	L
Farmers' Markets						
Weekly Farmers' Markets		L	L	L	L	L
Daily Farmers' Market Stands		L	L	L	L	L
Plant Nurseries		P	P	P	P	P
Retail Farms		L	L	L	L	L
Retail Tasting Rooms		L	L	L	L	L
Swap Meets & Other Large Outdoor Retail Facilities		-	-	-	-	C
Commercial Services						
Building Services		-	-	-	P	P
Business Support		P	P	P	P	P
Eating & Drinking Establishments		P(16)	P(16)	P(16)	P(16)	P(16)
Financial Institutions		P	P	P	P	P
Funeral & Mortuary Services		P	P	P	P	P
Instructional Studios		P	P	P	P	P
Maintenance & Repair		P	P	P	P	P
Off-site Services		-	-	-	P	P
Personal Services		P	P	P	P	P
Radio & Television Studios		P	P	P	P	P
Tasting Rooms		-(17)	-(17)	-(17)	-(17)	P
Visitor Accommodations		P	P	P	P	P
Separately Regulated Commercial Services Uses						
Adult Entertainment Establishments:						

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
Adult Book Store		L	L	L	L	L
Adult Cabaret		L	L	L	L	L
Adult Drive-In Theater		L	L	L	L	L
Adult Mini-Motion Picture Theater		L	L	L	L	L
Adult Model Studio		L	L	L	L	L
Adult Motel		L	L	L	L	L
Adult Motion Picture Theater		L	L	L	L	L
Adult Peep Show Theater		L	L	L	L	L
Adult Theater		L	L	L	L	L
Body Painting Studio		L	L	L	L	L
Massage Establishment		L	L	-	-	L
Sexual Encounter Establishment		L	L	L	L	L
Assembly and Entertainment, Including Places of Religious Assembly		L	L	L	L	L
Bed & Breakfast Establishments:						
1-2 Guest Rooms		P	P	P	P	P
3-5 Guest Rooms		P	P	P	P	P
6+ Guest Rooms		P	P	P	P	P
Boarding Kennels/Pet Day Care		L	L	L	L	L
Camping Parks		C	C	C	C	C
Child Care Facilities:						
Child Care Centers		L	-	L	L	L
Large Family Child Care Homes		L	-	L	L	L
Small Family Child Care Homes		L	-	L	L	L
Eating and Drinking Establishments with a Drive-in or Drive through Component		P	P	P	P	P
Fairgrounds		C	C	-	C	C
Golf Courses, Driving Ranges, and Pitch & Putt Courses		C	C	C	C	C
Helicopter Landing Facilities		C	C	C	C	C
Massage Establishments, Specialized Practice		L	L	L	L	L
Medical Marijuana Consumer Cooperatives		-	C	-	-	-
Mobile Food Trucks		L(15)	L(15)	L(15)	L(15)	L(15)
Nightclubs & Bars over 5,000 square feet in size		C	C	C	C	C
Parking Facilities as a *Primary Use*:						
Permanent Parking Facilities		P	C	P	P	P
Temporary Parking Facilities		N	C	N	N	N
Private Clubs, Lodges and Fraternal Organizations		P	P	P	P	P
Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size(9)		C	C	C	C	C
Pushcarts:						
Pushcarts on Private Property		L	L	L	L	L
Pushcarts in *public right-of-way*		N	N	N	N	N

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
Recycling Facilities:						
Large Collection Facility		N	N	N	N	N
Small Collection Facility		L	L	L	L	L
Large Construction & Demolition Debris *Recycling Facility*		-	-	-	-	-
Small Construction & Demolition Debris *Recycling Facility*		-	-	-	-	-
Drop-off Facility		L	L	L	L	L
Green Materials Composting Facility		-	-	-	-	-
Mixed Organic Composting Facility		-	-	-	-	-
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic		-	-	-	-	-
Large Processing Facility Accepting All Types of Traffic		-	-	-	-	-
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic		-	-	-	C	C
Small Processing Facility Accepting All Types of Traffic		-	-	-	C	C
Reverse Vending Machines		L	L	L	L	L
Tire Processing Facility		-	-	-	-	-
Sidewalk Cafes		L	L	L	L	L
Sports Arenas & Stadiums		C	C	C	C	C
Theaters That Are Outdoor or over 5,000 Square Feet in Size		C	C	C	C	C
Urgent Care Facilities		N	N	N	N	N
Veterinary Clinics & Animal Hospitals		L	L	L	L	L
Zoological Parks		-	-	-	-	-
Offices						
Business & Professional		P	P	P	P	P
Government		P	P	P	P	P
Medical, Dental & Health Practitioner		P	P	P	P	P
Regional & Corporate Headquarters		P	P	P	P	P
Separately Regulated Office Uses						
Real Estate Sales Offices & Model Homes		L	-	L	L	L
Sex Offender Treatment & Counseling		L	L	L	L	L
Vehicle & Vehicular Equipment Sales & Service						
Commercial Vehicle Repair & Maintenance		-	-	-	P	P
Commercial Vehicle Sales & Rentals		-	-	-	P	P
Personal Vehicle Repair & Maintenance		P	P	-	P	P
Personal Vehicle Sales & Rentals		P	P	-	P	P
Vehicle Equipment & Supplies Sales & Rentals		P	P	-	P	P

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	**Zone Designator**	**Zones**				
	1st & 2nd >>	**CC-**				
	3rd >>	1-	2-	3-	4-	5-
	4th >>	1 2 3	1 2 3 4 5	4 5 6 7 8 9	1 2 3 4 5 6	1 2 3 4 5 6
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses						
Automobile Service Stations		N	N	N	N	N
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a *Primary Use*		C	C	-	C	C
Distribution and Storage						
Equipment & Materials Storage Yards		-	-	-	-	-
Moving & Storage Facilities		-	-	-	P	P
Distribution Facilities		-	-	-	-	P(8)
Separately Regulated Distribution and Storage Uses						
Impound Storage Yards		-	-	-	C	C
Junk Yards		-	-	-	-	-
Temporary Construction Storage Yards Located off-site		L	L	L	L	L
Industrial						
Heavy Manufacturing		-	-	-	-	-
Light Manufacturing		-	-	-	-	P(8)
Marine Industry		-	-	-	-	-
Research & Development		P	P	-	P	P
Trucking & Transportation Terminals		-	-	-	-	-
Separately Regulated Industrial Uses						
~~Extractive Industries~~		-	-	-	-	-
Hazardous Waste Research Facility		-	-	-	-	-
Hazardous Waste Treatment Facility		-	-	-	-	-
Marine Related Uses Within the Coastal Overlay Zone		C	C	C	C	C
Newspaper Publishing Plants		C	C	C	C	P
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises		-	-	-	-	-
Very Heavy Industrial Uses		-	-	-	-	-
Wrecking & Dismantling of Motor Vehicles		-	-	-	-	-
Signs						
Allowable *Signs*		P	P	P	P	P
Separately Regulated *Signs* Uses						
Community Entry *Signs*		L	L	L	L	L
Neighborhood Identification *Signs*		-	-	-	-	-
Comprehensive Sign Program		N	N	N	N	N
Revolving *Projecting Signs*		N	N	N	N	N
Signs with Automatic Changing Copy		N	N	N	N	N
Theater *Marquees*		N	N	N	N	N

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

§131.0530 [No change in text.]

§131.0531 Development Regulations Tables of Commercial Zones

The following development regulations apply in each of the commercial zones as shown in Tables 131-05C, 131-05D, and 131-05E.

(a) CN Zones

Table 131-05C
Development Regulations of CN Zones

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	**Zone Designator**	**Zones**				
	1st & 2nd >>	CN-				
	3rd >>	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5
Max permitted residential density[1]		3,000	1,500	1,500	1,000	800
Supplemental residential regulations [See Section 131.0540]		applies	applies	applies	applies	applies
Lot area						
Min Lot Area (sf)		2,500	5,000	5,000	2,500	2,500
Max Lot Area (ac)		0.3	10	10	0.3	0.3
Lot dimensions						
Min Lot Width (ft)		25	50	50	25	25
Min *street frontage* (ft)		25	50	50	25	25
Min Lot Depth (ft)		100	--	--	--	---
***Setback* requirements**						
Min Front *setback* (ft) Max Front *setback* (ft) [See Section 131.0543(a)~~(1)~~]		-- 10[2]	-- --	-- 10[2]	-- 10[2]	-- 10[2]
Min Side *setback* (ft) Optional Side *setback* (ft) [See Section 131.0543(b)]		10 0	10 0	10 0	10 0	10 0
Side *Setback* abutting residential [See Section 131.0543(c)]		applies	applies	applies	applies	applies
Min *Street* Side *setback* (ft) Max *Street* Side *setback* (ft) [See Section 131.0543(a)~~(1)~~]		-- 10[2]	-- --	-- 10[2]	-- 10[2]	-- 10[2]
Min Rear *setback* (ft) Optional Rear *setback* (ft) [See Section 131.0543(b)]		10 0	10 0	10 0	10 0	10 0
Rear *Setback* abutting residential [See Section 131.0543(c)]		applies	applies	applies	applies	applies
Max *structure height* (ft)		30	30	30	65	65
Max *floor area ratio*		1.0[3,4]	1.0[3,4]	1.0[3,4]	1.0[3,4]	1.0[3,4]
Floor Area Ratio bonus for residential mixed use ~~/ Minimum percentage of bonus required for~~		0.5 ~~/100~~	0.75 ~~/50~~	0.75 ~~/50~~	1.2	1.2

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	**Zone Designator**	**Zones**				
	1st & 2nd >>	**CN-**				
	3rd >>	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5
~~residential use~~[See Section 131.0546(a)]						
Minimum Floor Area Ratio for residential use		0.5	0.38	0.38	0.6	0.6
Ground-*floor* height [See Section 131.0548]		--	--	--	applies	applies
Pedestrian paths [See Section 131.0550]		applies	applies	applies	applies	applies
Transparency [See Section 131.0552]		applies	--	applies	applies	applies
Building articulation [See Section 131.0554]		applies	applies	applies	applies	applies
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies	applies
Loading Dock and Overhead Door Screening Regulations [See Section 142.1030]		applies	applies	applies	applies	applies

~~Footnotes for Table 131-05C~~ **Footnotes for Table 131-05C**

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

(b) CR, CO, CV, and CP Zones

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

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	**Zone Designator**	**Zones**									
	1st & 2nd >>	**CR-**		**CO-**					**CV-**		**CP-**
	3rd >>	1-	2-	1-		2-		3-	1-		1-
	4th >>	1		1	2	1-	2-	1	2	1	2	1
Max permitted residential *density* [(1)]		1,500		1,000	1,500	-	-	800	600	1,500	1,500	--
Supplemental residential regulations [See Section 131.0540]		applies		applies	applies	applies	applies	applies	applies	applies	applies	--
Lot area												
Min Lot Area (sf)		15,000		5,000	5,000	5,000	5,000	5,000	5,000	15,000	5,000	--
Max Lot Area (ac)		--		--	--	--	--	--	--	--	--	--
Lot dimensions												
Min Lot Width (ft)		100		50	50	50	50	50	50	100	50	--
Min *street frontage* (ft)		100		50	50	50	50	50	50	100	50	--
Min Lot Depth (ft)		100		100	100	100	100	100	100	100	100	--
***Setback* requirements**												
Min Front *setback* (ft) Max Front *setback* (ft) [See Section 131.0543(a)~~(1)~~]		10 --		10 25[(2)]	10 --	10 25[(2)]	10 --	-- 10[(2)]	-- 10[(2)]	10 --	-- 10[(2)]	10 --
Min Side *setback* (ft) Optional Side *setback* (ft)		10 --		10 0[(3)]	10 0[(3)]	10 0[(3)]	10 0[(3)]	10 0	10 0	10 --	10 0[(3)]	10 --
Side *Setback* abutting residential [See Section 131.0543(c)]		applies		applies	applies	applies	applies	applies	applies	applies	applies	applies

Min *Street* Side *setback* (ft) Max *Street* Side *setback* (ft) [See Section 131.0543(a)~~(1)~~]	10 --	10 25[2]	10 --	10 25[2]	10 --	-- 10[2]	-- 10[2]	-- --	-- 10[2]	-- --
Min Rear *setback* (ft) Optional Rear *setback* (ft)	10 --	10 0[3]	10 0[3]	10 0[3]	10 0[3]	10 0[3]	10 0[3]	10 --	10 0[3]	10 0[3]
Rear *Setback* abutting residential [See Section 131.0543(c)]	applies	applies	applies	applies	applies	applies	applies	applies	applies	applies
Max *structure height* (ft)	60	45	60	45	65	65	70	60	45	30
Min *lot coverage* (%)	--	--	--	--	--	--	--	--	35	--
Max *floor area ratio*	1.0[4,5]	0.75[4,5]	1.5[4,5]	0.75[4,5]	1.5[4,5]	2.0[4,5]	2.0[4,5]	2.0[4,5]	2.0[4,5]	1.0[4,5]
Floor Area Ratio bonus for residential mixed use~~/ Minimum percentage of bonus required for residential use~~ [See Section 131.0546(a)]	1.0~~/50~~	1.0 ~~/100~~	1.5	---	---	2.5	2.5	--	--	--
Minimum *Floor Area Ratio* for residential use	0.5	1.0	0.75	---	---	1.5	1.5	--	--	--
Floor Area Ratio bonus for child care [See Section 131.0546(b)]	applies	--	applies	--	applies	applies	applies	--	--	--
Ground-*floor* height [See Section 131.0548]	applies	applies	applies	applies	applies	applies	applies	applies	applies	--
Pedestrian paths [See Section 131.0550]	applies	applies	applies	applies	applies	applies	applies	applies	applies	--
Transparency [See Section 131.0552]	--	applies	--	applies	--	applies	applies	--	applies	--
Building articulation [See Section 131.0554]	applies	applies	applies	applies	applies	applies	applies	applies	applies	--
***Street yard* parking restriction** [See Section 131.0555]	--	applies	--	applies	--	applies	applies	--	--	--
Parking lot orientation [See Section 131.0556]	applies	--	applies	--	applies	--	--	applies	applies	--
Refuse and Recyclable Material Storage [See Section 142.0805]	applies	applies	applies	applies	applies	applies	applies	applies	applies	applies
Loading Dock and Overhead Door Screening Regulations [See Section 142.1030]	applies	applies	applies	applies	applies	applies	applies	applies	applies	applies

~~Footnotes for Table 131-05D~~ **Footnotes for Table 131-05D**

1 [No change in text.]

2 See section 131.0543(a)(~~2~~1).

3 through 5[No change in text.]

(c) CC Zones

Table 131-05E
Development Regulations of CC Zones

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	**Zone Designator**	**Zones**			
	1st & 2nd >>	**CC-**			
	3rd >>	1- 2- 4- 5-	1- 2- 4- 5-	1- 2- 4- 5-	2- 3- 4- 5-
	4th >>	1	2	3	4
Max permitted residential density[1]		1,500	1,500	1,500	1,500
Supplemental residential regulations [See Section 131.0540]		applies	applies	applies	applies
Lot area					
Min Lot Area (sq. ft.)		5,000	5,000	5,000	2,500
Max Lot Area (ac)		--	--	--	--
Lot dimensions					
Min Lot Width (ft)		50	50	100	25
Min *street frontage* (ft)		50	50	100	25
Min Lot Depth (ft) Max Lot Depth (ft)		100 150	100 150	-- --	-- --
***Setback* requirements**					
Min Front *setback* (ft) Max Front *setback* (ft) [See Section 131.0543(a)~~(1)~~]		-- 100[2,3]	-- 100[2,3]	-- --	-- 10[2]
Min Side *setback* (ft) Optional Side *setback* (ft) [See Section 131.0543(b)]		10 0	10 0	10 0	10 0
Side *Setback* abutting residential [See Section 131.0543(c)]		applies	applies	applies	applies
Min *Street* Side *setback* (ft) Max *Street* Side *setback* (ft) [See Section 131.0543(a)~~(1)~~]		-- --	-- --	-- --	-- 10[2]
Min Rear *setback* (ft) Optional Rear *setback* (ft) [See Section 131.0543(b)]		10 0	10 0	10 0	10 0
Rear *Setback* abutting residential [See Section 131.0543(c)]		applies	applies	applies	applies
Max *structure height* (ft)		30	60	45	30
Min *lot coverage* (%)		--	--	--	35
Max *floor area ratio*		0.75[4,5]	2.0[4,5]	0.75[4,5]	1.0[4,5]
Floor Area Ratio bonus for residential mixed use~~/ Minimum percentage of bonus required for residential use~~ [See Section 131.0546(a)]		-0.75~~/75~~	--	0.75~~/75~~	0.5~~/50~~
Minimum *Floor Area Ratio* for residential use		0.56	--	0.56	0.25
Ground-*floor* height [See Section 131.0548]		--	applies	applies	--

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	**Zone Designator**	**Zones**			
	1st & 2nd >>	**CC-**			
	3rd >>	1- 2- 4- 5-	1- 2- 4- 5-	1- 2- 4- 5-	2- 3- 4- 5-
	4th >>	1	2	3	4
Pedestrian paths [See Section 131.0550]		applies	applies	applies	applies
Transparency [See Section 131.0552]		---	---	---	applies
Building articulation [See Section 131.0554]		applies	applies	applies	applies
Parking *lot* orientation [See Section 131.0556]		applies	applies	applies	-
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies
Loading Dock and Overhead Door Screening Regulations [See Section 142.1030]		applies	applies	applies	applies

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	**Zone Designator**	Zones				
	1st & 2nd >>	CC				
	3rd >>	2- 3- 4- 5-	3- 4- 5-	3-	3-	3-
	4th >>	5	6	7	8	9
Max permitted residential density[1]		1,500	1,000	800	600	400
Supplemental residential regulations [See Section 131.0540]		applies	applies	applies	applies	applies
Lot area						
Min Lot Area (sq. ft.)		2,500	2,500	2,500	2,500	2,500
Max Lot Area (ac)		--	--	--	--	--
Lot dimensions						
Min Lot Width (ft)		25	25	25	25	25
Min *street frontage* (ft)		25	25	25	25	25
Min Lot Depth (ft) Max Lot Depth (ft)		-- --	-- --	-- --	-- --	-- --
***Setback* requirements**						
Min Front *setback* (ft) Max Front *setback* (ft) [See Section 131.0543(a)~~(1)~~]		-- 10[2]	-- 10[2]	-- 10[2]	-- 10[2]	-- 10[2]
Min Side *setback* (ft) Optional Side *setback* (ft) [See Section 131.0543(b)]		10 0	10 0	10 0	10 0	10 0
Side *Setback* abutting residential [See Section 131.0543(c)]		applies	applies	applies	applies	applies
Min *Street* Side *setback* (ft) Max *Street* Side *setback* (ft) [See Section 131.0543(a)~~(1)~~]		-- 10[2]	-- 10[2]	-- 10[2]	-- 10[2]	-- 10[2]
Min Rear *setback* (ft) Optional Rear *setback* (ft)		10 0	10 0	10 0	10 0	10 0

Development Regulation	**Zone Designator**	Zones				
[See Section 131.0530 for Development Regulations of Commercial Zones]	1st & 2nd >>	**CC**				
	3rd >>	2- 3- 4- 5-	3- 4- 5-	3-	3-	3-
	4th >>	5	6	7	8	9
[See Section 131.0543(b)]						
Rear *Setback* abutting residential [See Section 131.0543(c)]		applies	applies	applies	applies	applies
Max *structure height* (ft)		100	65	65	100	-
Min *lot coverage* (%)		35	35	35	35	35
Max *floor area ratio*		2.0(4,5)	2.0(4,5)	2.0(4,5)	2.0(4,5)	2.0(4,5)
Floor Area Ratio bonus for residential mixed use~~/Minimum percentage of bonus required for residential use~~ [See Section 131.0546(a)]		2.0~~/50~~	2.0	2.5	2.5	3.0
Minimum *Floor Area Ratio* for residential use		1.0	1.0	1.5	1.5	2.0
Ground-*floor* height [See Section 131.0548]		applies	applies	applies	applies	applies
Pedestrian paths [See Section 131.0550]		applies	applies	applies	applies	applies
Transparency [See Section 131.0552]		applies	applies	applies	applies	applies
Building articulation [See Section 131.0554]		applies	applies	applies	applies	applies
Parking *lot* orientation [See Section 131.0556]		-	-	-	-	-
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies	applies
Loading Dock and Overhead Door Screening Regulations [See Section 142.1030]		applies	applies	applies	applies	applies

~~Footnotes for Table 131-05E~~ **Footnotes for Table 131-05E**

1 [No change in text.]
2 See Section 131.0543(a)(~~2~~1).
3 See Section 131.0543(a)(~~3~~2).
4 and 5 [No change in text.]

§131.0540 Maximum Permitted Residential Density and Other Residential Regulations

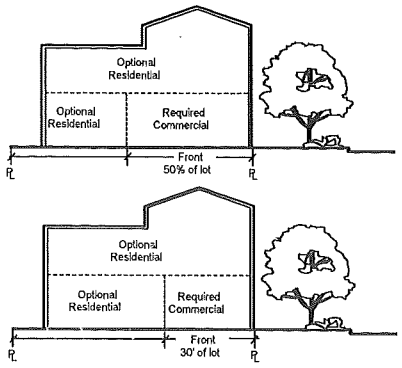
The following regulations apply to all residential *development* within commercial zones where indicated in Table 131-05B:

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

(c) Ground *Floor* Restrictions.

(1) Residential use and residential parking are prohibited on the ground *floor* in the front half of the *lot*, except in the CC-3-4, CC-3-5, CC-3-6, CC-3-7, CC-3-8, CC-3-9, CC-4-4, CC-4-5, CC-4-6, CC-5-4, CC-5-5, CC-5-6, and CV-1-2 zones, where these uses are prohibited on the ground *floor* in the front 30 feet of the *lot* as shown in Diagram 131-05A.

Diagram 131-05A
Ground Floor Restriction



(2) Within the Coastal Overlay Zone~~,~~.

(A) ~~r~~Required parking cannot occupy more than 50 percent of the ground floor in the CV-1-1 or CV-1-2 zones.

(B) Residential uses are not permitted on the ground floor.

(d) Residential *Development*. Where residential *development* is permitted, the development regulations of the RM-1-1, RM-2-5, ~~and~~ RM-3-7, RM-3-8, RM-3-9, and RM-3-10 zones as appropriate according to the maximum permitted residential *density* apply, except that the lot area, lot dimensions, *setback*, *floor area ratio*, and *structure height* requirements of the applicable commercial zone apply. The *floor area ratio* bonus for providing underground parking in Sections 131.0446(e) and 131.0446(f) shall apply.

(e) [No change in text.]

~~(f) Within the Coastal Overlay Zone, residential uses are not permitted on the ground floor.~~

§131.0543 [No change in text.]

§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) *Floor Area Ratio* Bonus for Mixed Use

(1) A *floor area ratio* bonus is provided in some commercial zones, as indicated in Tables 131-05C, 131-05D, and 131-05E, for residential uses that are developed as a part of a mixed-use project. A ~~minimum percentage of the FAR bonus~~ minimum required residential *floor area*

ratio is shown in the tables~~, which~~ and must be applied toward the residential portion of the project. The remainder of the bonus may be used for either commercial or residential uses.

(2) If an underground parking structure is provided as part of a mixed use project a *floor area ratio* bonus shall be provided equal to the *gross floor area* of the underground parking structure, but not to exceed a *floor area* ratio of the 1.0. The additional *floor area ratio* must be applied toward the residential portion of the project.

(b) Child Care Facilities Bonus
In the CR-1-1, CR-2-1, ~~and~~ CO-1-2, CO-2-2, CO-3-1, and CO-3-2 zones, a bonus over the otherwise maximum allowable *gross floor area* is permitted at the rate of 4 square feet of additional *gross floor area* for each 1 square foot of *gross floor area* devoted to the *child care facility*. The area designated for the facility must be used for child care for a minimum of 10 years and must be in compliance with the requirements of Section 141.0606 (Child Care Facilities).

§131.0548 Ground-*floor* Height

Ground-floor height applies to buildings with commercial uses on the ground floor. The minimum ground-*floor* height for buildings, measured from the average grade of the adjoining sidewalk, in increments of no more than 100 feet along a *development* frontage, to the finished elevation of the second *floor*, shall be average of 15 feet, but not less than 13 feet.

§131.0550 and **§131.0554** [No change in text.]

§131.0555 Parking Restriction

In the CO-1-1, CO-3-1, and CO-3-2 zones, parking is not permitted in the required front and street side yard.

§131.0556 [No change in text.]

§131.0622 Use Regulations Table for Industrial Zones
The uses allowed in the industrial zones are shown in the Table 131-06B.

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

Table 131-06B
Use Regulations Table for Industrial Zones

Use Categories/Subcategories	Zone Designator	**Zones**									
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	**IP-**			**IL-**			**IH-**		**IS-**	**IBT-**
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through ***Rooming House*** [No change in text.]		[No change in text.]									
Shopkeeper Units		-	-	-	-	-	-	-	-	-	-
Single Dwelling Units through **Separately Regulated *Signs* Uses,** Theater *Marquees* – [No change in text.]		[No change in text.]									

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

142.0501 through **§142.0520** [No change in text.]

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

(a) Minimum Required Parking Spaces. The required automobile parking spaces, motorcycle parking spaces, and bicycle parking spaces for *development* of *multiple dwelling units*, whether attached or detached, and related and *accessory uses* are shown in Table 142-05C. Other allowances and requirements, including the requirement for additional common area parking for some projects, are provided in Section 142.0525(b) through (d).

§142.0527 [No change in text.]

§142.0530 Nonresidential Uses — Parking Ratios

(a) Retail Sales, Commercial Services, and Mixed-Use Development.
Table 142-05E establishes the ratio of required parking spaces to building *floor* area in the commercial zones, industrial zones, and planned districts shown, for retail sales uses and for those commercial service uses that are not covered by Table 142-05F or 142-05G. Table 142-05E also establishes the required parking ratios for mixed-use developments in a single *structure* that include an allowed use from at least two of the following use categories: (1) retail sales, (2) commercial services, and (3) offices.

Table 142-05E
Parking Ratios for Retail Sales, Commercial Services, Offices, and Mixed-Use Development

Zone	Parking Spaces Required per 1,000 Square Feet of *Floor* Area Unless Otherwise Noted (*Floor* Area Includes *Gross Floor Area* plus below *Grade Floor* Area and Excludes *Floor* Area Devoted to Parking)		
	Required Automobile Parking Spaces[1]		
	Minimum Required Outside a *Transit Area*	Minimum Required Within a *Transit Area* [2]	Maximum Permitted
Commercial Zones			
CC-1-1 through CC-5-3	[No change in text.]		
CC-2-4 CC-3-4 CC-4-4 CC-5-4	2.5	2.1	6.5
CC-3-5 through CC-4-5	[No change in text.]		
CC-2-5 CC-5-5	1.25	1.25	5.5
CC-3-6 CC-4-6 CC-5-6	2.5	2.1	6.5
CC-3-7	2.5	2.1	6.5
CC-3-8	2.5	2.1	6.5
CC-3-9	2.5	2.1	6.5
CN-1-1 through CN-1-3	[No change in text.]		
CN-1-4	2.5	2.1	6.5
CR-1-1 and CR-2-1	[No change in text.]		
CO-1-1 CO-1-2 CO-2-1 CO-2-2CO-3-1 CO-3-2	5.0	4.3	6.5
CV-1-1 and CV-1-2	[No change in text.]		
Industrial Zones through **Planned Districts** [No change in text.]			

Footnotes for Table 142-05E [No change in text.]

(b) Eating and Drinking Establishments. Table 142-05F establishes the required ratio of parking spaces to building *floor* area in the commercial zones, industrial zones, and planned districts shown, for eating and drinking establishments that are the primary use on a *premises*.

Table 142-05F
Parking Ratios for Eating and Drinking Establishments

Zone	**Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment[1] *Floor* Area Unless Otherwise Noted** (*Floor* Area Includes *Gross Floor Area* plus below *Grade Floor* Area and Excludes *Floor* Area Devoted to Parking)		
	Required Automobile Parking Spaces[2]		
	Minimum Required Outside a *Transit Area*	**Minimum Required Within a *Transit Area*[3]**	**Maximum Permitted**
Commercial Zones			
CC-1-1 through CC-5-3	[No change in text.]		
CC-2-4 CC-3-4 CC-4-4	2.5	2.1	25.0
CC-4-4/Coastal Overlay Zone[4] and CC-5-4	[No change in text.]		
CC-2-5 CC-3-5	1.0 [5]	1.0 [5]	20.0
CC-3-5/Coastal Overlay Zone[4] through CC-5-5	[No change in text.]		
CC-3-6	2.5	2.1	25.0
CC-4-6	2.5	2.1	25.0
CC-5-6	2.5	2.1	25.0
CC-3-7	2.5	2.1	25.0
CC-3-8	2.5	2.1	25.0
CC-3-9	2.5	2.1	25.0
CN-1-1 through CR-2-1	[No change in text.]		
CO-1-1 CO-1-2 CO-2-1 CO-2-2 CO-3-1 CO-3-2	15.0	12.8	25.0
CV-1-1 and CV-1-2	[No change in text.]		
Industrial Zones through Planned Districts [No change in text.]			

Footnotes for Table 142-05F [No change in text.]

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

Chapter 15: Planned Districts
Article 2: Barrio Logan Planned District
Division 3: Zoning and Subdistricts

§152.0316 Redevelopment Subdistrict Permitted Land Use Categories

Six major land use categories, described in Figure 2 of the Barrio Logan Planned District are permitted within the Redevelopment Subdistrict. They are Commercial Use, Mercado District, Commercial/Residential Mixed Use, Residential Use, Public/Quasi- Public Use and Light Industry/Commercial Use. The permitted land use classifications within each of these 6 land use categories are described in Section 152.0316 (Redevelopment Subdistrict - Land Use Classifications) and are further set out in Table 152-03A.

Legend for Table 152-03A
P Permitted
CUP Conditional Use Permit
- Not Permitted

Table 152-03A
Permitted Land use Categories

Land Use Classifications	Land Use Categories					
	Commercial Use	Mercado District	Comm/Res. Mixed Use	Residential Use	Public/ Quasi - Public Use	Light Industrial/ Comm. Use
Residential						
Single-Family through Mercado District Residential [No change in text.]						
Shopkeeper Units (See Section 113.0103)	P	P	P	-	-	-
Commercial Retail through **Accessory Uses** [No change in text.]						

§152.0317 Redevelopment Subdistrict - Land Use Classifications

Permitted land uses within the Barrio Logan Redevelopment Subdistrict are grouped into Land Use Classifications. Land use classifications describe one or more uses having similar characteristics but do not list every use or activity that may be appropriate within the use classification. If a classification of use is necessary, the Planning Commission shall make that determination, in accordance with Process Four, taking into consideration the purpose and intent of the Redevelopment Subdistrict. The Planning Commission shall adopt a resolution embodying their

determination. Certain land uses, as indicated in Section 152.0317, shall be examined on a case by case basis by the City Manager to determine whether and under which conditions those uses may be approved at a given site in accordance with Municipal Code Section 151.0401.

(a) Residential

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

(7) Shopkeeper unit

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

Chapter 15: Planned Districts
Article 5: Planned Districts
Division 2: Central Urbanized Planned District

§155.0238 Use Regulations Table of CU Zones

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

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

Table 155-02C
Use Regulations Table for CU Zones

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	**Zones**								
	1st & 2nd >>	**CU-**								
	3rd >>	1-(1)		2-			3-			
	4th >>	1	2	3	4	5	3(3)(12)	6	7	8
Open Space through		[No change in text.]								
Residential										
Group Living Accommodations through **Multiple Dwelling Units**		[No change in text.]								
Shopkeepers Units (See Section 113.0103)		P		P(4)			P(4)			
Single Dwelling Units through **Separately Regulated Uses**		[No change in text.]								
Institutional through **Signs**		[No change in text.]								

Footnotes to Table 155-02C {No change in text.]

Chapter 15: Planned Districts
Article 10: La Jolla Shores
Division 3: Zones

§1510.0301 through **§1510.0308** [No change in text.]

§1510.0309 Commercial Center Zone-Permitted Uses

In the Commercial Center (CC), designated on that certain map referenced in Section 1510.0102, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes provided that the ground floor area of any establishment does not exceed 6,000 square feet. The minimum floor area for each dwelling unit or apartment is 400 square feet.

(a) Retailing of consumer goods and dispensing of consumer services from the following establishments:

(1) Antique shops through (32) [No change in text.]

(33) Shopkeeper Units (See Section 113.0103)

(3~~3~~4) Sporting goods stores

(34~~5~~) Stationers

(35~~6~~) Travel agencies

(36~~7~~) Variety stores

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

Chapter 15: Planned Districts
Article 12: Mid-Cities Community Planned District
Division 3: Zoning

§1512.0305 Commercial Zones (CN, CL, CV, NP) - Permitted Uses

(a) No building or improvement, or portion thereof, shall be erected, constructed, converted, established, altered, or enlarged, nor be used except for one or more of the purposes indicated with an "P" in Table 1512-03I. No use may be conducted outdoors on any premises except as indicated by footnote 4, or by specific reference.

Legend for Table 1512-03I
"P" = Permitted
"-" = Not Permitted

Table 1512-03I
Permitted Uses Table

Permitted Uses	**CN-1,2 CN-1A,2A CL-1(6) CL-3 CL-6 CV-1,2,4**	**CL-2(6)**	**CN-3,4(2) CV-3(2)**	**CL-5(6)**	**NP-1,2,3**
Advertising, Secretarial & Telephone Answering Services through Shoe Repair Shops	[No change in text.]				
Shopkeepers Units (See Section 113.0103) (Subject to Specific Zone Limitations)	P(10)	P	P	P	P
Sporting Goods Stores through Accessory Uses determined by the Development Review Director to be appropriate in character and placement in relationship to a primary use.	[No change in text.]				

Footnotes for Table 1512-03I [No change in text.]

ATTACHMENT 2

THE CITY OF SAN DIEGO

MEMORANDUM

DATE: December 2, 2014

TO: Dan Normandin, Senior Planner, Development Services Department

FROM: Anne B. Jarque, Senior Planner, Development Services Department

SUBJECT: Amendments to Land Development Code Chapter 11, Article 2, Division 2 Definitions; Chapter 11, Article 3, Division 2, Rules for Calculation and Measurement; Chapter 13, Article 1, Division 4, Residential Base Zones; Chapter 13, Article 1, Division 5 Commercial Base Zones; and Chapter 14, Article 2, Division 5: Parking Regulations; California Environmental Quality Act – Section 15162 Evaluation

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The Development Services Department (DSD) has completed a California Environmental Quality Act (CEQA) Section 15162 – Subsequent EIRs and Negative Declaration consistency evaluation in compliance with Public Resources Code 21166 for the proposed amendments to Land Development Code (LDC) Chapter 11, Article 2, Division 2 Definitions; Chapter 11, Article 3, Division 2, Rules for Calculation and Measurement; Chapter 13, Article 1, Division 4, Residential Base Zones; Chapter 13, Article 1, Division 5 Commercial Base Zones; Chapter 14, Article 2, Division 5: Parking Regulations; and Chapter 15: Planned Districts. The proposed amendments are primarily related to new residential townhome (RT), Community Commercial (CC), Neighborhood Commercial (CN) and Commercial Office (CO) use-development regulations package(s) (i.e. zoning package(s)) that implement the City's General Plan City of Villages strategy. Consequently, the zoning package also includes amendments to the code that define a shopkeeper unit; clarifies calculations measuring structure height, ground floor height, and maximum floor area ratio (FAR) bonus; adds uses in high density multi unit residential (RM) zones; and assigns parking ratios for the proposed commercial zones.

This evaluation was performed to determine if conditions specified in CEQA Guidelines Sections 15162 would require preparation of additional CEQA review for the proposed amendments. As outlined in the evaluation matrix attached, DSD has determined that the proposed amendments are consistent with the original LDC Environmental Impact Report (EIR) No. 96-0333/SCH No. 96081056, certified by City Council on November 18, 1997, Resolution No. 98-288; as well as the City of San Diego General Plan Program EIR No. 104495/SCH No 20006091032, certified by City Council on March 10, 2008, Resolution No. 2008-685; and would not result in new impacts.

BACKGROUND

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

The associated EIR analyzed the environmental effects associated with adoption and implementation of the proposed LDC, related regulations, amendments and appeals. The LDC EIR identified significant unmitigated impacts in the following issue areas: Land Use, Biological Resources, Landform Alteration, Historical Resources, Paleontological Resources, and Human Health and Public Safety. Cumulative impacts were also identified to Soils/Erosion Hazard, Air Quality, Hydrology/Water Quality, Biological Resources, Land Use, Transportation/Circulation, Landform Alteration, Historical Resources, and Paleontological Resources. A Mitigation Monitoring and Reporting Program was adopted with LDC EIR to reduce potentially significant impacts to Land Use, Biological Resources, Historical Resources, Landform Alteration/Neighborhood Character, Paleontological Resources, Natural Resources, and Human Health and Safety. The proposed amendments would not result in new significant environmental effects or substantially increase the severity of previously identified significant effects in any of these issue areas or mitigation requirements; therefore, no further documentation is required for the proposed project.

The City of San Diego General Plan (General Plan) is a citywide comprehensive policy-level document that anticipated future actions, including community plan updates, land development code amendments and applicable ordinances to be required as a result of its implementation. The General Plan's City of Villages strategy implements policies that encourage mixed-use development that are pedestrian-friendly, centers of community, and linked to regional transit system. The associated Program EIR (PEIR) analyzed the environmental effects associated with its adoption and implementation The General Plan PEIR identified significant unmitigated impacts in the following issue areas: Air Quality, Biological Resources, Geologic Conditions, Health and Safety, Historical Resources, Hydrology, Land Use, Mineral Resources, Noise, Paleontological Resources, Population and Housing, Public Facilities, Public Utilities, Transportation/Traffic/Circulation/Parking, Visual Effects and Neighborhood Character, and Water Quality. The General Plan PEIR included a Mitigation Framework to identify means by which potentially significant impacts could be reduced or avoided in cases where the PEIR analysis determined such impacts to be potentially significant. Standard existing regulations requirements, programs and procedures that are applied to all similar projects were taken into account in identifying additional project specific mitigation that may be needed to reduce identified significant impacts. The proposed amendments would not result in new significant environmental effects or substantially increase the severity of previously identified significant effects in any of these issue areas or mitigation requirements; therefore, no further documentation is required for the proposed project.

CEQA 15162 CONSISTENCY EVALUATION

DSD reviewed the proposed amendments and conducted an 15162 consistency evaluation in compliance with Public Resources Code Section 21166 with the previously certified LDC EIR No. 96-0333/SCH No. 96081056 and the General Plan PEIR No. 104495/SCH No. 2006091032. The evaluation matrix (Attachment 1) substantiates the conclusion that supports a determination that no subsequent document is required.

CONCLUSION

Overall, it is not anticipated that the implementation of the proposed amendments would result in any significant direct, indirect or cumulative impacts over and above those disclosed in the previously certified LDC EIR No. 96-0333/SCH No. 96081056 and the General Plan EIR No. 104495/SCH No. 2006091032. The project would not result in new impacts or changed circumstances that would require a new environmental document.

Section 15162 of the CEQA Guidelines states:

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

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

   (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

   (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

   (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

   (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

DSD finds that none of the three criteria listed above has occurred. In addition, this evaluation supports the use of the LDC EIR No. 96-0333/SCH No. 96081056 and the 2008 General Plan

PEIR No. 104495/SCH No. 2006091032 for the proposed amendments pursuant to Public Resources Code 21166 and CEQA Guidelines Section 15162.

Therefore, the certified EIR No. 96-0333/SCH No. 96081056 and General Plan PEIR No. 104495/SCH No. 2006091032 adequately covers the modifications to LDC Chapter 11, Article 2, Division 2 Definitions; Chapter 11, Article 3, Division 2, Rules for Calculation and Measurement; Chapter 13, Article 1, Division 4, Residential Base Zones; Chapter 13, Article 1, Division 5 Commercial Base Zones; Chapter 14, Article 2, Division 5: Parking Regulations; and Chapter 15: Planned Districts being proposed.

Anne B. Jarque

Anne B. Jarque
Senior Planner

Attachment: 1. CEQA Guidelines Section 15162 Consistency Evaluation Matrix

cc: Myra Herrmann, Senior Planner, Planning Department

CEQA Guidelines Section 15162 Consistency Evaluation Matrix
Zoning Package

Following is analysis of each amendment in the Zoning Package in accordance with CEQA Guidelines Section 15162.

No.	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
1	**Section 113.0103 Definitions; and various Sections in Chapter 15: Planned Districts** Defines "Shopkeeper unit" to mean a dwelling unit with both living quarters and commercial space that meets all occupancy separation requirements of the Building Code, where the commercial use is located on the ground floor and operated by the resident of the dwelling unit. Adds "Shopkeeper unit" as a permitted land use category, identified in corresponding tables, within the following Planned Districts (Chapter 15) that already allow for mixed-use development: Barrio Logan (Article 2, Division 3), Central Urbanized (Article 5, Division 2), La Jolla Shores (Article 10, Division 3), Mid-Cities Community (Article 12, Division 3), Old Town San Diego (Article 16, Division 3). **CEQA 15162 Evaluation:** The Centre City Planned District Ordinance (Section 151.0302 Definitions) defines Shopkeeper units as "*a unit with both living quarters and commercial space that meets all occupancy separation requirements of the Building Code.*" The revised definition incorporated in the Land Development Code (LDC) Section 113.0103 clarifies that the commercial component must be on the ground floor and operated by the resident of the dwelling unit. As stated in the LDC EIR, many of the definition changes would have no effect on the implementation of regulations. Some changes in definitions and some newly defined terms, however, could have an effect on what is regulated in the sense that a regulation may apply more broadly or narrowly depending on how the issue that is being regulated is defined. Shopkeeper units are intended for small scale commercial businesses that are operated by the resident who resides in a connected living quarter. Building Code requirements that separate the living quarters from the commercial space would still apply; as well as the requirement to have the commercial component on the ground floor, typical of other mixed-use development. Shopkeeper units promote the General Plan's City of Villages strategy where housing in mixed-use commercial areas provide opportunities for people who live near their place of work, and helps support the use of neighborhood shops and services. As analyzed in the LDC EIR, the commercial zones that support mixed-use development where a shopkeeper unit would be permitted would comply with specific standards and regulations that encourage community-serving commercial services, pedestrian-friendly commercial streets, and residential areas with access to a limited number of convenient retail and personal services uses. The shopkeeper units as permitted in amended planned districts would have to comply with all existing regulations for mixed use. The proposed definition or permitted use in planned districts that allow mixed use development would not result in a physical impact that results in new significant environmental effects or substantially increase in the severity of previously identified

No.	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
	significant effects in any of these issue areas or mitigation requirements beyond those identified in the previously certified LDC EIR No. 96-0333/SCH No. 96081056; therefore, no further documentation or environmental analysis is required.
2	**Section 113.0270(a)(5) Measuring Height Structure** Excludes 1) uninhabited roof structures up to 15 feet in height that conceal mechanical equipment, elevators, stair overruns or enhance outdoor common space; and 2) open fencing that has at least 75% of its surface area open to light from the structure height measurement that meet specific criteria. **CEQA 15162 Evaluation:** As analyzed in the certified LDC EIR, the code would protect the character and design of the surrounding community. Height limitations on structures would address potential neighborhood character issues related to bulk, scale or style. In addition, for multiple-unit development, the regulations would create more incentives and flexibility in building design. To be consistent with this analysis, the proposed amendment would only apply to development 1) not located within the Coastal Height Limit Overlay Zone; 2) where the structure height, not inclusive to the exemptions permitted in Section 113.0270(a)(5) is 45 feet or greater; 3) that is a commercial and residential mixed use project; and 4) where structures that conceal mechanical equipment, elevators, and stair overruns do not project above a 45-degree plane inclined inward from the top of the parapet(s). Excluding these structures that meet these criteria for height measurement would be consistent with the LDC EIR's intent to provide some flexibility in building design, while ensuring bulk and scale are still limited to preserve neighborhood character. The proposed amendment would not result in new significant environmental effects or substantially increase in the severity of previously identified significant effects in any of the issue areas or mitigation requirements beyond those identified in the previously certified LDC EIR No. 96-0333/SCH No. 96081056; therefore, no further documentation or environmental analysis is required.
3	**LDC Section 131.0401 Residential Base Zones** Creates new residential-townhouse use-development regulation package (RT-1-5). • Density of 27 du/ac • Allowed uses are the same as other RT zones • See Table 131.04F for development regulations **CEQA 15162 Evaluation:** As analyzed and described in the certified LDC EIR, the Residential-Townhome (RT) zone was created to allow for attached single dwelling units on very narrow, separate lots. The proposed amendment creates a new use-development regulation package (i.e. zoning package) for the RT zone on lots that are a minimum of 1,600 square feet and allow a density of 27 dwelling units/acre. The RT development regulations would still apply to the new RT-1-5 zone and be consistent with its intended purpose as was analyzed in the LDC EIR. As described in LDC Section 131.0405, the RT zones are 1) intended for development for more urbanized, single-unit living at

<table>
<tr><th>No.</th><th>AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION</th></tr>
<tr><td></td><td>densities that are historically more typical of multiple-unit zones; 2) provide transition opportunities between single-unit neighborhoods and higher density multiple-unit neighborhoods and in some instances may replace multiple-unit zones at similar densities; and 3) applied on subdivided blocks with alleys that are within or close to highly urbanized areas, transit areas, and redevelopment areas.

Furthermore, this new zoning package would also be consistent with the environmental analysis described in the General Plan's certified Program Environmental Impact Report (PEIR) and the City of Villages policies and goals. The General Plan's policy and PEIR mitigation measure, LU-1.d, encourages revitalization of transit corridors through the application of plan designations and zoning that permits a higher intensity of mixed-use development which includes some combination of: residential above commercial development, employment uses, commercial uses, and higher density-residential development. The proposed RT-1-5 zone would allow/encourage higher density of single dwelling units on smaller lots to be located within or close to highly urbanized areas, transit areas, and redevelopment areas.

The proposed amendment would not result in new significant environmental effects or substantially increase in the severity of previously identified significant effects in any of the issue areas or mitigation requirements beyond those identified in the previously certified LDC EIR No. 96-0333/SCH No. 96081056; therefore, no further documentation or environmental analysis is required. Implementation of the proposed amendment related to residential townhome development in highly urbanized transit areas was adequately addressed in the 2008 General Plan PEIR No. 104495/SCH No. 2006091032 and, therefore, would not result in additional environmental impacts beyond those previously identified.</td></tr>
<tr><td>4</td><td><u>LDC Section 131.0449(b) Garages in RT Zones and previous 131.0451 Minimum Development in RT Zone</u>
Change in regulations for the RT zones:
<table>
<tr><th>LDC Section</th><th>Current Requirement</th><th>Proposed Additional Change</th></tr>
<tr><td>131.0449(b)(1)</td><td>Two car garage required</td><td>One car garage required second required space may be unenclosed consistent with section 131.0449(b)(5)</td></tr>
<tr><td>131.0449(b)(2)</td><td>Subject to Residential Tandem Parking Overlay Zone (could do tandem only in specified locations</td><td>Tandem parking allowed in all RT zones regardless of location</td></tr>
<tr><td>131.0451 and Table 131.04F</td><td>Allows development of townhomes only if 300 contiguous feet of frontage or contiguous 50% of lots in a block whichever is greatest.</td><td>No limitation on frontage. Can develop a single townhome on a lot</td></tr>
</table>
CEQA 15162 Evaluation: As analyzed and described in the certified LDC EIR, the Residential-Townhome (RT) zone was created to allow for attached single dwelling units on very narrow, separate lots. The proposed amendment to Section 131.0449(b)(1)</td></tr>
</table>

No.	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
	would change the parking requirements for garages in the RT zone from a two-car garage to a one-car garage, provided that the second off-street parking space may be unenclosed but located within the rear 30 feet of the lot, except to the extent that it is necessary to accommodate a 21-foot distance between the edge of the garage and the edge of the alley opposite the lot as described in Section 149.0449(b)(5). Additionally, as described in Section 131.0449(b)(2), tandem parking would be allowed in a two-car garage in the RT zone even outside the Residential Tandem Parking Overlay Zone. This new amendment would accommodate the need to provide two required parking spaces on narrow lots typical of RT development. Furthermore, the minimum development requirement in the RT zone, as previously described under Section 131.0451, would no longer apply for townhome development and has been deleted. This change removes the requirement that states a residential townhome can only be built on a lot that has a minimum of 300 feet of contiguous frontage or contiguous 50% of lots in a block. Eliminating this restrictive requirement would allow a single townhome (single family residence) to be built on a lot that meets the RT zoning regulations, without any limitation to frontage. The existing and proposed regulations to RT zones would still apply to the new RT-1-5 zone and be consistent with the zone's intended purpose as was analyzed in the LDC EIR. As described in LDC Section 131.0405, the RT zones are 1) intended for development for more urbanized, single-unit living at densities that are historically more typical of multiple-unit zones; 2) provide transition opportunities between single-unit neighborhoods and higher density multiple-unit neighborhoods and in some instances may replace multiple-unit zones at similar densities; and 3) applied on subdivided blocks with alleys that are within or close to highly urbanized areas, transit areas, and redevelopment areas. Changes to required parking in garages and eliminating the restrictive limitation related to frontage for RT development would be proposed within the existing lot constraints. Furthermore, this new zoning package would also be consistent with the environmental analysis described in the General Plan's certified PEIR and the City of Villages policies and goals. The General Plan's policy and PEIR mitigation measure, LU-1.d, encourages revitalization of transit corridors through the application of plan designations and zoning that permits a higher intensity of mixed-use development which includes some combination of: residential above commercial development, employment uses, commercial uses, and higher density-residential development. The proposed RT-1-5 zone would allow/encourage higher density on smaller lots to be located within or close to highly urbanized areas, transit areas, and redevelopment areas. The proposed amendment would not result in new significant environmental effects or substantially increase in the severity of previously identified significant effects in any of the issue areas or mitigation requirements beyond those identified in the previously certified LDC EIR No. 96-0333/SCH No. 96081056; therefore, no further documentation or environmental analysis is required. Implementation of the proposed amendments

No.	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
	related to changes to the RT zones was adequately addressed in the 2008 General Plan PEIR No. 104495/SCH No. 2006091032 and, therefore, would not result in additional environmental impacts beyond those previously identified.
5	**LDC Section 131.0446(e) – (f) Maximum Floor Area Ratio in Residential Zones** Clarifies that a floor area ratio (FAR) bonus is provided equal to the *gross floor area* (GFA) of underground parking, but not to exceed a FAR of 1.0, where the vertical distance between adjacent grade and finished floor elevation above is five feet or less. **CEQA 15162 Evaluation:** As previously analyzed in the LDC EIR, the code includes regulations that address a variety of treatments, options, exceptions and bonuses; specifically allowing floor area bonuses for day care and residential projects. The proposed change clarifies the previous language which stated the gross floor of an underground parking garage could be added to the maximum GFA permitted for nonparking uses. The language states that a FAR bonus can include the calculation equal to the GFA of the proposed underground garage, not exceeding an FAR of 1.0, as long as the vertical distance between the adjacent grade and finished floor elevation above is 5 feet or less. The rules for calculating density exempt underground parking from GFA if the adjacent grade is 5 feet or less from finished floor. This new language makes clear there is an incentive and rules for calculating GFA for underground parking garages that provide for a FAR bonus. As revised under LDC Sections 131.0446(e) and 131-0446(f), this FAR bonus would only be applicable in the Residential-Multiple Unit (RM)-1-2, RM-1-3, 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. This is consistent with the Mid-City Planned District Ordinance Section 1512.0303(f)(3) through (4) and 1512.0311 (b)(4)(C) for multi-family residential (MR) and Neighborhood Professional (NP) zones, respectively. The proposed amendment would not result in new significant environmental effects or substantially increase in the severity of previously identified significant effects in any of the issue areas or mitigation requirements beyond those identified in the previously certified LDC EIR No. 96-0333/SCH No. 96081056; therefore, no further documentation or environmental analysis is required.
6	**LDC Section 131.0451 Ground-floor Height** Adds a new regulation for minimum ground floor height for structures with non-residential uses on the ground floor where the maximum building height is 45 feet or greater (Section 131.0451). This new regulation, although unrelated, replaces the previous code section that required a minimum development standard in the RT zone (refer to analysis in No. 4 above.) **CEQA 15162 Evaluation:** The proposed regulation would require the minimum ground-floor height to be an average of 15 feet, but not less than 13 feet for development that has a maximum building height of 45 feet or greater and containing ground-floor non-residential uses. An average floor height of 15 feet, but not less than 13 feet, is typically standard for non-residential uses on the ground floor of a building. This requirement would also be consistent with the Centre City Planned District Ordinance Section

No.	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
	156.0310(e)(2), but applied city-wide. The measurement would be calculated from the average grade of adjoining sidewalk, in increments of no more than 100 feet along a development frontage, to the finished elevation of the second floor. The requirement would only dictate how to measure the height of a non-residential use on the ground floor for a mixed-use development, and maximum building heights would still apply according to its underlying zone. In addition, this regulation would only apply to buildings that propose a maximum building height of 45 feet or greater. For structures that are below 45 feet in height, a floor/story could be lost to accommodate the average 15-foot ceiling height on the ground floor; and consequently could affect meeting minimum residential density requirements. As was analyzed in the certified LDC EIR, the code regulations would protect the character and design of the surrounding community. Height limitations on structures would address potential neighborhood character issues related to bulk, scale or style. In addition, for multiple-unit development, the regulations would create more incentives for some flexibility in the building design. The proposed amendment would not result in new significant environmental effects or substantially increase in the severity of previously identified significant effects in any of the issue areas or mitigation requirements beyond those identified in the previously certified LDC EIR No. 96-0333/SCH No. 96081056; therefore, no further documentation or environmental analysis is required.
7	**LDC Section 131.0423 Additional Use Regulations of Residential Zones and Table 131-04B Use Regulations Table of Residential Zones** Expands ground floor commercial uses in the higher density multi-family zones: RM-3-7 through -9; RM-4-10 through -11, and RM-5-12, as amended in Section 131.0423 Additional Use Regulations of Residential Zones. **CEQA 15162 Evaluation:** The proposed amendment would expand specific retail sales, commercial services, and office uses in higher density multi-family zones to encourage community-serving commercial businesses in transition zones between and within commercial and residential development. Proposed subcategory uses, as described in Section 131.0112, are optional and similar to already permitted retail sales, commercial services and office uses that are currently compatible and allowed in these higher density RM zones. New subcategories would include:

Use Category	Existing Permitted Subcategory Uses	Proposed Additional Permitted Subcategory Uses
Retail Sales	• Food, Beverages and Groceries • Sundries • Pharmaceuticals, and • Convenience Sales	• Wearing Apparel & Accessories
Commercial Services	• Instructional Studios • Personal Services • Visitor Accommodations	• Business Support • Financial Institutions
Offices	• Medical, Dental, & Health Practitioner *(in RM-3-7 through -9, and RM 4-10 through -11)*	• Business & Professional • Medical, Dental, & Health Practitioner (*in*

No.	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
	RM-5-12 zone) Applicable zoning and land use regulations and policies would still apply to each proposed development such as parking, noise, etc. Furthermore, as required under the proposed amendment, the hours of operation for proposed retail, commercial services, and office uses would be limited to 6 a.m. to 12 midnight. These additional uses allowed in the RM zones would also be consistent with the environmental analysis described in the General Plan's certified PEIR and the City of Villages policies and goals. The General Plan's policy and PEIR mitigation framework measure, LU-1.d, encourages revitalization of transit corridors through the application of plan designations and zoning that permits a higher intensity of mixed-use development which includes some combination of: residential above commercial development, employment uses, commercial uses, and higher density-residential development. In addition, General Plan policy LU-H.4 strives for balanced commercial development that a) supports communities' efforts to identify the desired business growth model for their area and implement a strategy to achieve that goal, b) encourage greater opportunities or local ownership of businesses and/or assets, c) ensure that commercial districts are balanced and do not exclude the retail, employment , and service needs of local residents, d) encourage local employment within new developments and provide entrepreneurial opportunities for local residents, e) assist existing business owners in accessing programs that can provide financial assistance and business consulting services, and f) consider, in redevelopment and community plan update and amendment processes, where businesses displaced by commercial gentrification can be relocated. The proposed amendments would allow/encourage additional retail, commercial, and office uses that would meet these goals and policies as was anticipated with the implementation of the General Plan's City of Villages strategy. The additional uses are anticipated to be neighborhood-serving or be proposed between residential nodes to avoid incompatible uses or expansion of existing commercial uses that would impact residential development. The proposed amendment would not result in new significant environmental effects or substantially increase in the severity of previously identified significant effects in any of the issue areas or mitigation requirements beyond those identified in the previously certified LDC EIR No. 96-0333/SCH No. 96081056; therefore, no further documentation or environmental analysis is required. Implementation of the proposed amendment related to compatible uses for mixed-used development was adequately addressed in the 2008 General Plan PEIR No. 104495/SCH No. 2006091032 and, therefore, would not result in additional environmental impacts beyond those previously identified.
8	**<u>LDC Section 131.0501 Commercial Base Zones</u>** Creates new Commercial zones. See Section 131.0507 for short descriptions of each. *Commercial Neighborhood (CN):* o CN-1-4 | o CN-1-5

No.	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION		
	• Density of 44 du/ac • Uses the same as other CN zones • See Table 131.05C for development regulations	• Density 54 du/ac • Uses same as other CN • See Table 131-05C for development regulations	
	Commercial Community (CC):		
	o CC-2-4 • Density 29 du/ac • Uses same as other CC-2 zones • See Table 131-05E for development regulations	o CC-2-5 • Density 29 du/ac • Uses same as other CC-2 zones • See Table 131-05E for development regulations	o CC-3-6 • Density of 44 du/ac • Uses same as other CC-3 zones • See Table 131-05E for development regulations
	o CC-3-7 • Density 54 du/ac • Uses same as other CC-3 zones • See Table 131-05E for development regulations	o CC-3-8 • Density 73 du/ac • Uses same as other CC-3 zones • See Table 131-05E for development regulations	o CC-3-9 • Density 109 du/ac • Uses same as other CC-3 zones • See Table 131-05E for development regulations
	o CC-4-6 • Density of 44 du/ac • Uses same as other CC-4 zones • See Table 131-05E for development regulations	o CC-5-6 • Density of 44 du/ac • Uses same as other cc-5 zones • See Table 131-05E for development regulations	
	Commercial Office (CO):		
	o CO-2-1 & CO-2-2 mirrors existing CO-1-1 and CO-1-2 except residential uses are prohibited	o CO-3-1 • Density 54 du/ac • Uses see Table 131-05B • See Table 131-05D for development regulations	o CO-3-2 • Density 73 du/ac • Uses Table 131-05B • See Table 131-05D for development regulations
	CEQA 15162 Evaluation: As analyzed and described in the certified LDC EIR, the Commercial Neighborhood (CN), Commercial Office (CO), and Commercial Community (CC) zones were intended to provide residential and employment areas access to a range of community-serving development patterns that include retail and personal services in commercial zones that are pedestrian-friendly and typically located in transit areas. Implementation of new commercial base zones, designed to provide new mixed-use development, would also be consistent with the environmental analysis described in the General Plan's certified PEIR and the City of Villages policies and goals. The General Plan's policy and PEIR mitigation framework measure, LU-1.d, encourages revitalization of transit corridors through the application of plan designations and zoning that permits a higher intensity of mixed-use development which includes some		

No.	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
	combination of: residential above commercial development, employment uses, commercial uses, and higher density-residential development. In addition, General Plan policy LU-H.4 strives for balanced commercial development that a) supports communities' efforts to identify the desired business growth model for their area and implement a strategy to achieve that goal, b) encourage greater opportunities or local ownership of businesses and/or assets, c) ensure that commercial districts are balanced and do not exclude the retail, employment , and service needs of local residents, d) encourage local employment within new developments and provide entrepreneurial opportunities for local residents, e) assist existing business owners in accessing programs that can provide financial assistance and business consulting services, and f) consider, in redevelopment and community plan update and amendment processes, where businesses displaced by commercial gentrification can be relocated. The proposed amendments would allow/encourage additional retail, commercial, and office uses that would meet these goals and policies as anticipated with the implementation of the General Plan's City of Villages strategy. The new zoning packages are intended to be located along transportation corridors to provide greater opportunities that support transit, pedestrian-oriented development, and provide for higher residential density (greater than 29/acre) in compliance with the City of Villages policies and goals. The proposed amendment would not result in new significant environmental effects or substantially increase in the severity of previously identified significant effects in any of the issue areas or mitigation requirements beyond those identified in the previously certified LDC EIR No. 96-0333/SCH No. 96081056; therefore, no further documentation or environmental analysis is required. Implementation of the proposed amendments are consistent with the City of Villages strategy which was adequately addressed in the 2008 General Plan PEIR No. 104495/SCH No. 2006091032 and, therefore, would not result in additional environmental impacts beyond those previously identified.
9	**LDC Section 131.0540(c) through (d) Maximum Permitted Residential Density and other Residential Regulations; Tables 131-05D-Development Regulations of CR, CO, CV, CP Zones; and Tables 131-05E-Development Regulations of CC Zones** Reorganizes Section 131.0540 ground floor restrictions to combine Coastal Zone restrictions in one location and incorporate reference to the applicable zones that this requirement is subject to, as amended. **CEQA 15162 Evaluation:** The proposed clarifications to Section 131.0540 incorporates 1) the ground floor restriction requirements within the Coastal Overlay Zone under 131.0540(c)(2) and 2) the new Community Commercial (CC) use-development regulation packages (i.e. zoning packages) and Multi-Residential (RM) requirements, as proposed (refer to analysis in No(s). 5 and 8 above). As analyzed in the previous LDC EIR, residential uses are strictly prohibited in certain zones, both within and outside the Coastal Overlay Zone. These amendments would not change what was previously analyzed or covered in the LDC EIR since the intent of the higher density RM and CC

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	zones to encourage mixed-use development already preclude residential on the ground floor. These edits would also not change any other regulations required in the Coastal Overlay Zone and/or applicable commercial zones for mixed-use development. The proposed amendment would not result in new significant environmental effects or substantially increase in the severity of previously identified significant effects in any of the issue areas or mitigation requirements beyond those identified in the previously certified LDC EIR No. 96-0333/SCH No. 96081056; therefore, no further documentation or environmental analysis is required.
10	**LDC Section 131.0546(a)(1) through (2) Floor Area Ratio Bonus for Mixed Use; Tables 131-05C-Development Regulations of CN Zones; Tables 131-05D-Development Regulations of CR, CO, CV, CP Zones; and Tables 131-05E-Development Regulations of CC Zones** Clarifies that a FAR bonus is provided equal to the *gross floor area* of the underground parking, but not to exceed a *floor area ratio* of 1.0, where the vertical distance between adjacent grade and finished floor elevation above is five feet or less. Revised the table format for Maximum Floor Area Ratio (FAR) to make it easier to understand the bonus provided for mixed use. **CEQA 15162 Evaluation:** As previously analyzed in the LDC EIR, the code includes regulations that address a variety of treatments, options, exceptions and bonuses; specifically allowing floor area bonuses for day care and residential projects. The proposed change clarifies the previous language which stated the gross floor of an underground parking garage could be added to the maximum GFA permitted for nonparking uses. Similar to the proposed amendment for RM zones (refer to analysis in No. 5 above), the language states that a FAR bonus can include the calculation equal to the GFA of the proposed underground garage, not exceeding an FAR of 1.0, as long as the vertical distance between the adjacent grade and finished floor elevation above is 5 feet or less. The rules for calculating density exempt underground parking from GFA if the adjacent grade is 5 feet or less from finished floor. This new language makes clear there is an incentive and rules for calculating GFA for underground parking garages to provide a FAR bonus. As revised under LDC Section 131.0546(a) this FAR bonus would only be applicable for mixed-use development in some commercial zones as identified and incorporated in Tables 131-095C, 131-05D, and 131-05E. This regulation is also consistent with the Mid-City Planned District Ordinance Section 1512.0303(f)(3) through (4) and 1512.0311 (b)(4)(C) for multi-family residential (MR) and Neighborhood Professional (NP) zones, respectively. The proposed amendment would not result in new significant environmental effects or substantially increase in the severity of previously identified significant effects in any of the issue areas or mitigation requirements beyond those identified in the previously certified LDC EIR No. 96-0333/SCH No. 96081056; therefore, no further documentation or environmental analysis is required.

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11	**LDC Section 131.0548 Ground-floor Height; Tables 131-05D-Development Regulations of CR, CO, CV, CP Zones; and Tables 131-05E-Development Regulations of CC Zones** Adds a regulation for minimum ground floor height for structures with non-residential uses on the ground floor where the maximum building height is 45 feet or greater (Section 131.0548). **CEQA 15162 Evaluation:** The proposed regulation would require the minimum ground-floor height to be an average of 15 feet, but not less than 13 feet for development that has a maximum building height of 45 feet or greater and containing ground-floor non-residential uses. An average floor height of 15 feet, but not less than 13 feet, is typically standard for non-residential uses on the ground floor. This requirement is also consistent with the Centre City Planned District Ordinance Section 156.0310(e)(2), but applied city-wide. The measurement would be calculated from the average grade of adjoining sidewalk, in increments of no more than 100 feet along a development frontage, to the finished elevation of the second floor. The maximum building height would still be applicable and the requirement would only dictate how to measure the height of a non-residential use on the ground floor for a mixed-use development. This regulation would only be applicable to buildings that propose a maximum building height of 45 feet or greater. For structures that are less than 45 feet in height, a floor/story could be lost to accommodate the average 15-foot ceiling height on the ground floor, and consequently could affect meeting minimum residential density requirements. As was analyzed in the certified LDC EIR, the code regulations would protect the character and design of the surrounding community. Height limitations on structures would address potential neighborhood character issues related to bulk, scale or style. In addition, for multiple-unit development, the regulations would create more incentives for flexibility in the design. The proposed amendment would not result in new significant environmental effects or substantially increase in the severity of previously identified significant effects in any of the issue areas or mitigation requirements beyond those identified in the previously certified LDC EIR No. 96-0333/SCH No. 96081056; therefore, no further documentation or environmental analysis is required.
12	**142.0525 Parking Regulations Tables 142-05C, 142-05E and 142-05F** Clarifies parking regulation tables related to multiple dwelling units and related accessory uses; retail sales, commercial services, offices and mixed use development; and eating and drinking establishments and provides parking requirements for new commercial zoning packages. **CEQA 15162 Evaluation:** As analyzed in LDC EIR, the code would impose regulations that increased parking dimensions but reduced minimum requirements to provide parking in certain transit areas or for specific uses (i.e. very low income housing). This offset would not substantially increase the need for parking or the total area dedicated to

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	parking citywide. The proposed commercial use-development regulation packages (refer to analysis in No. 8 above) would require parking based on this analysis and the ratios have been calculated consistent with the same type of community-serving, neighborhood, and regional development/uses allowed in existing CC, CN, and CO zones. The edits to the Parking Tables 142-05C, 142-05E and 142-05F, as amended, identify the required minimum parking ratios for the new commercial zoning packages and would be consistent with previous LDC EIR. Furthermore, as analyzed in the General Plan PEIR, the parking needs of new development would be provided in accordance with the City's LDC regulations, including use of shared parking and Transit Area parking reductions. As a project, the General Plan seeks to create conditions that will reduce the demand for parking and the space devoted to the automobile, through various factors that encourage mixed-use development; comfortable, attractive sidewalks; multiple and direct pedestrian street connection; high quality transit services; improved bicycle facilities; and the use of parking management tools. The regulations would not change for the proposed or similar use-development regulation packages for the CC, CN, and CO zones and the parking ratios would be consistent with the environmental analysis described in the General Plan's certified PEIR and the City of Villages policies and goals. Parking would still be considered significant and unavoidable at the Program EIR level; however as individual projects under these new zoning packages are submitted for review, future discretionary projects may require project-specific measures that could reduce significant impacts to a less than significant level. The proposed amendment would not result in new significant environmental effects or substantially increase in the severity of previously identified significant effects in any of the issue areas or mitigation requirements beyond those identified in the previously certified LDC EIR No. 96-0333/SCH No. 96081056; therefore, no further documentation or environmental analysis is required. Implementation of the proposed amendment related to public assembly was adequately addressed in the 2008 General Plan PEIR No. 104495/SCH No. 2006091032 and, therefore, would not result in additional environmental impacts beyond those previously identified.