

**SOUTHEASTERN SAN DIEGO PLANNING GROUP (SSDPG)**

**PROJECTS COMMITTEE AGENDA**

**January 26, 2015**

**Neighborhood House, 841 S. 41st Street, San Diego, CA 92113**

**6:00PM to 7:45PM**

1. **CALL TO ORDER, ROLL CALL, and INTRODUCTIONS:** *The Projects Committee is a subcommittee of the Southeastern San Diego Planning Group and is subject to the Brown Act. Therefore, Board attendance is limited to six (6) Board Members in order to avoid a quorum. All other Board Members must refrain from discussion of the Projects. However, we encourage your attendance so that you may listen to the discussions and make notes of your questions/concerns/recommendations to bring to the Full Board.*
2. **GENERAL COMMENTS: (limited to 2 minutes each on non-agenda items, not subject to debate)**
3. **INFO ITEMS:**
  - A. **Costco - Expansion of existing refrigeration system. SE San Diego Addition Project No. 380909; 24004915; An Amendment to PID 94-0616, Process 4, for a 1,481SF addition to an existing 133,708SF Costco building on the 25.549 acre site at 650 Gateway Center Drive in the I-1 Zone in (Gateway Center East) Mt Hope Neighborhood.** Terry Odle, AIA, Principal, MulvannyG2, Architecture.
  - B. **Jack in the Box, Memorial Neighborhood, Project No. 366524, located at 2890 National Avenue. Applying for a Site Development Permit and a Planned Development Permit in a CSR-2 zone, to build a 2,588SF Drive-Thru on a 1.93 acre vacant lot. Logan Heights Neighborhood** Gabriela Marks, Architect and Janay Kruger, Consultant, and David Beshay, Franchisee.
  - C. **Logan and Marcy Condo Conversions Tentative Map Waiver #1380543, Project No. 393899 - 2762 Logan Ave. and 2761 Marcy Ave., Logan Heights Neighborhood.** Paul Worland, P.E., MBA, President, RAAM Development, Inc.
  - D. **DRAFT: 9<sup>th</sup> Update of the Land Development Code - Pocess and Use Changes. Please read the attached Summary from the Projects Committee Meeting in November. We will be discussing Items 13-55 of the Matrix.** CPC will be hearing this Item on Tuesday, January 27<sup>th</sup>. Please see attached remarks and bring your comments.

**ADJOURNMENT**

**Reynaldo PISAÑO, Chair, Projects Committee**

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Following is a summary of the [57](#) amendments organized into Permit Process, Use, Measurement, Parking, and Sign Regulations, and Minor Corrections categories. Within each category the amendments are listed in order of the associated code sections to be amended.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
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**Permit Process Amendments:** The following 22 amendments are proposed to improve the permit process and address inconsistencies.

<b>Start</b>			
13	Regulatory Reform	126.0112	<p><b><u>Ability to Use New Regulations Without Amending a Development Permit</u></b>            Allow projects to have the benefit of new regulations without a need to amend their development permit (i.e. CUP) if the changes substantially conform to the approved permit. As proposed, where a new regulation in the Land Development Code takes effect after the effective date of a development permit, the development may have the benefit of the new regulation without requiring an amendment to the development permit if it is determined to be in substantial conformance with the approved permit.</p>
14	Regulatory Reform/ Economic Development	126.0113	<p><b><u>Flexibility for Modifications to Industrial Development</u></b>            Streamline the process for changes to design guidelines and planned industrial development permit requirements that don't meet the criteria for Substantial Conformance Review. Reduce from a Process Four Permit Amendment to a Process Two NDP (staff level decision appealable to Planning Commission) if the development meets specified criteria, including: no impact to public health, safety, and welfare; conformance to the code; no adverse affect to the land use plan; and location at least 1,000 feet from residential development. This change in permit process will benefit manufacturers (i.e. breweries that utilize outdoor silos for grain) because it's common for older industrial development permits to have explicitly excluded outdoor tanks in the permit conditions.</p>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
15	Clarification/ Regulatory Reform	126.0502 129.0710 143.0365 Repeal CP 700-18	<p><b><u>Process for Underground Encroachments</u></b></p> <p>Sections 126.0502(e)(5) and 129.0710(c) were amended to reflect the repeal of outdated Council Policy 600-16 (adopted 1962, amended 1975, repealed 2013) which required Council approval for major overhead and underground structures that span the right-of-way. The City Engineer noted that existing Council Policy 700-18 (adopted 1975) relating to underground structures in the right-of-way is also outdated and addresses encroachment scenarios that are not expressly identified in the current code. Amendments will transfer the design requirements and process exceptions from CP 700-18 to Sections 126.0502, 129.0710, and 143.0365 and allow for repeal of CP 700-18.</p>
16	Clarification/ Regulatory Reform	127.0102 127.0103 127.0104 127.0105 127.0106 127.0108 127.0109	<p><b><u>Previously Conforming</u></b></p> <p>The City’s previously conforming regulations are in need of clarification due to the potential for multiple interpretations counter to the intent of the Land Development Code. The amendments will facilitate consistent application of the regulations and a more predictable outcome for applicants and the community. The greater predictability and certainty will increase opportunities and the likelihood for reinvestment in the City’s older neighborhoods. This item deals with a highly complex subject matter. See the attached “Summary of Previously Conforming Regulations” for additional details regarding the purpose and intent and an explanation of the proposed permit process for various previously conforming development scenarios.</p>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
*  17	Regulatory Reform/ Consistency with State Law	128.0209 128.0306 128.0310 128.0312	<p><b><u>CEQA Document Processing Requirements</u></b></p> <p>The following changes will create consistency between the City’s CEQA requirements and state law, and will protect the City from certain CEQA document challenges that are currently being filed based on existing local requirements that are more restrictive than state law:</p> <ul style="list-style-type: none"> <li>• Strike 128.0209(b). There is no requirement under state law to provide a cover letter when a previously certified document is used. Transfer this project submittal requirement from the code to instead be published in the City’s environmental review procedures and information bulletin 401. Staff reports will continue to include environmental determination statements for projects.</li> <li>• Revise 128.0306(b) to be consistent with the time period provided for by state law.</li> <li>• Revise 128.0310 and 128.0312 to separate references to the final EIR from the candidate findings and statement of overriding considerations (SOC) for the project. Remove the reference to the 14 day requirement for providing candidate findings and SOC before a public hearing in order to be consistent with state law criteria. The current requirement is unnecessarily causing delay to the processing of final EIRs. The candidate findings and SOC will still be available to the public for review with other project materials before the public hearing.</li> </ul>
18	Clarification	129.0702	<p><b><u>When a Public Right-of-Way Permit is Required</u></b></p> <p>Amend the code to clarify that a public right-of-way permit is required for public improvements by a private or public entity other than the City. The existing code allows the City Engineer to waive the permit requirement as appropriate (i.e. circumstances where another governmental agency has an agreement in place with the City) pursuant to Section 129.0702(b)(2).</p>
*  19	Clarification	129.0720	<p><b><u>Qualifications to Prepare Plans and Perform Work in the Public Right-of-Way</u></b></p> <p>Replace the term “required” with the term “regulated” in Section 129.0720, and clarify that right-of-way work (regulated by Ch 12, Art 9) must be performed by a licensed contractor, with stated exceptions for public utilities and for homeowners to perform grading at their primary residence.</p>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
*  20	Regulatory Reform	131.0202	<p><b><u>Applying OP Zone to City Parkland Prior to Dedication</u></b>            As requested by the Planning Department, amend Section 131.0202 to allow the OP (open space-park) zone to be applied to City fee-owned designated park lands that have not, or will not, be formally dedicated by City ordinance or State statute. The goal is to facilitate application of the OP zone to future parkland during the community plan update process. It is common for parkland to be acquired by the City, designated for developed park purposes, and held until park facilities can be constructed, or until the property can be traded or sold to acquire land of a higher value for park purposes.</p>
*  21	Regulatory Reform/ Economic Development	142.0670	<p><b><u>Clarification of Street Light Requirement</u></b>            Street lights are a public improvement that is required of private applicants as part of a new subdivision design. The existing code does not specify the public improvement requirement is tied to subdivision maps, which has caused the need for frequent conflict resolution for businesses in existing subdivisions who have been asked to provide new street lights while processing minor improvements via a grading permit or public right-of-way permit. Street lights will continue to be required of new subdivisions, or will otherwise be provided subject to available funding via the capital improvement program in accordance with Council Policy 200-18 (Mid-Block Street Light Policy for Developed Areas).</p>
*  22	Regulatory Reform	143.0212	<p><b><u>Exemptions from Historic Resources Site Survey</u></b>            Section 143.0212 applies to all development that is 45 years or older and that has not been designated a historic resource. The code already exempts in-kind roof repair/replacement, and minor interior modifications limited in scope to an electrical or plumbing/mechanical permit. Amend 143.0212 to provide new exemptions from the requirement for a historic resources site survey for:            1) in-kind foundation repair and replacement (<u>except that structures with decorative block or cobblestone foundations still require historic review</u>), and            2) construction of swimming pools in the rear yard (<u>except that property with a likelihood of archaeological sites still require historic review</u>).</p>

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<b><u>Use Amendments:</u></b> The following 11 items clarify the application of existing use categories, create new use subcategories, and streamline the process for approval of various use types:			
23	Regulatory Reform/ Economic Development	131.0112 131.0623	<b><u>Manufacturing Uses (Light manufacturing v.s. Heavy manufacturing)</u></b> Provide an exception to Section 131.0623(e) to identify beverage production as an allowable light manufacturing use in the IP-1-1 and IP-3-1 zones. Clarify that light manufacturing does not allow the use of explosives or unrefined petroleum. (Petroleum based products are okay.) Also clarify that the use category for light manufacturing includes the manufacturing of a wide variety of products including, but not limited to food, beverages, durable goods, machinery and equipment. (Manufacturing of beer fits in this category.) Heavy manufacturing involves large outdoor equipment such as cranes and large tanks to produce unpackaged bulk products such as steel, paper, lumber, fertilizer, or petrochemicals, and manufacturing that typically produces disturbing noise, dust, or other pollutants capable of harming or annoying adjacent uses. { <b>industrial fermentation, chemical analysis</b> }
24	Regulatory Reform/ Economic Development	131.0112 131.0222 131.0322 131.0422 131.0522 131.0622 141.0507	<b><u>Tasting Rooms versus Retail Tasting Stores</u></b> Amend Section 131.0112 and Ch 13 use tables to create a new commercial subcategory for tasting rooms, and allow them by right where accessory to beverage manufacturing. Create a new separately regulated use category for stand-alone retail tasting stores that sell beer (for on and off premises consumption) and offer tastings of the beer product the business manufactures at a separate location pursuant to a duplicate license (Type 1 or Type 23). Allow as a limited use in commercial and industrial zones subject to parking requirement and limit on hours (CN zones/by residential). { <b>Are these controlled by the alcohol rules?</b> }
25	Regulatory Reform/ Economic Development	131.0112 131.0222 131.0422 131.0522 131.0622 142.0530 Table 142-05G	<b><u>Distribution and Storage Uses</u></b> Clarify the description of the distribution and storage use category and subcategories, and eliminate duplicative language. Use of the terms “wholesale” (a type of sales transaction) and “warehouse” (a type of building) as use category types has created confusion for applicants seeking to locate their businesses, especially since the category descriptions are very similar. The amendment will result in three subcategories: equipment and materials storage yards (outdoors), moving and storage facilities, and distribution facilities. Revise the Chapter 13 use tables and associated parking table 142-05G accordingly to reflect the name of the new use categories.



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* 29	Regulatory Reform/ Economic Development	131.0623	<p><b><u>Allowance for Live Entertainment in Industrial Zones</u></b>  Amend Section 131.0623 to allow eating and drinking establishments to have live entertainment in industrial zones, except for heavy industrial zones (IH zones).</p>
* 30	Clarification/ Regulatory Reform	141.0405	<p><b><u>Satellite Antennas in Industrial Zones</u></b>  Section 141.0405 is unclear as to what process is required for satellite antennas in industrial zones. The code makes an exception for satellite antennas in industrial zones to be exempt from a conditional use permit, and suggests that the use is permitted by right as an accessory use in industrial zones, but does not explicitly state that it is exempt from a discretionary permit.</p>
31	Clarification	141.0411 156.0315	<p><b><u>Historic Buildings Occupied by Uses Otherwise Not Allowed</u></b>  Clarify that in cases where proposed reuse of a historic building includes a separately regulated use, the proposed use must be designed to meet the separately regulated use requirements as applicable to that use in order to minimize detrimental effects on the neighborhood. Amend the Centre City PDO per request by Civic San Diego to make the CCPDO consistent with citywide regulations for this use category. <b>{Spell out CCPDO}</b></p>
32	Clarification	141.0504	<p><b><u>Plant Nurseries</u></b>  A “plant nursery” is a place where plants are cultivated and grown for transplant, distribution, and sale. There has been confusion as to why “plant nurseries” is a separately regulated use category. The amendment clarifies that the use is permitted by right in commercial zones and will help distinguish this use type from horticulture nurseries and greenhouses (agricultural use) and garden centers (a retail sales use). Currently, the code requires a Conditional Use Permit for plant nurseries in agricultural zones if the facility would include a retail space larger than 300 feet or allow non-plant retail sales. Retail sales of plants from garden centers in retail stores are also allowed by right in all zones that allow the sale of consumer goods. <b>{Plant nurseries need to be distinct from urban farms and should not include cannabis.}</b></p>
33	Clarification/ Regulatory Reform	141.1003	<p><b><u>Marine-Related Uses in the Coastal Zone</u></b>  Clarify that no limitations apply to this use category in industrial zones where the use is permitted (as indicated by a “P” in the Ch 13 use table). Commercial zones that require a conditional use permit will continue to be subject to the separately regulated use criteria in Section 141.1003.</p>

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**Measurement Amendments:** The following 5 items clarify how various things are defined or measured in the Land Development Code.

34	Clarification	113.0234	<p><b><u>Bay Windows</u></b>          Amend Section 113.0234 (Rules for Calculation and Measurement for Gross Floor Area) to help clarify under what circumstances bay windows are exempt from the calculation of gross floor area. Bay windows are exempt if <u>the window height is less than 5 feet, there is at least 3 feet of space between the bottom of the window sill and the grade below (with no structural supports), and the interior space does not project more than 4 feet outward.</u></p>
35	Clarification/ Regulatory Reform	131.0448 131.0461	<p><b><u>Garages and Accessory Structures</u></b>          Strike the term “detached” in subsection (c) in reference to garages. Encroachments associated with garages and non-habitable structures are limited in accordance with LDC Section 131.0461. The accessory building can’t exceed 525 sq ft in RS zones. Clarify that an accessory building in the setback can’t share a common wall with the primary dwelling unit, but can be attached via a design element and still be considered a separate building.</p>
36	Clarification	131.0461	<p><b><u>Roof Projection into the Angled Building Envelope Plane</u></b>          The existing regulation in Section 131.0461(a)(1)(D), which is depicted in Diagram 131-04S, has led to multiple interpretations about what is intended to be a limited allowance for a roof design to project into the angled building envelope plane (facing the front yard) under specified limitations. The proposed amendment would clarify that the roof design may project into the angled building envelope, but may not encroach into the setback.</p>
37	Regulatory Reform	142.0305 142.0340	<p><b><u>Retaining Walls</u></b>          Clarify when a building permit is required for a retaining wall by adding a reference in Table 142-03A to Section 129.0203. Create an exception for measurement of the height of retaining walls for zoning purposes when the elevation of the adjacent street grade is higher than the building pad. In such cases, the measurement of any portion of the wall or attached fence above grade would be taken from the adjacent street grade. This also will help clarify that the portion of the retaining wall at or below grade is not required to be broken into smaller wall sections (where it is greater than 3 feet in height) since it is interior to the private property and the majority of the wall is not visible from the public right-of-way.</p>

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38	Regulatory Reform/ Economic Development	142.0910	<p><b><u>Mechanical Equipment Used in the Manufacturing Process</u></b>          Provide an exception from the requirement in Section 142.0910(a) and (b) for mechanical equipment screening for industrial development that involves light or heavy manufacturing when the appurtenances are not readily visible from any residential development.</p>
<p><b>Parking:</b> The following 2 items address parking and driveway related regulations.</p>			
39	Regulatory Reform/ Economic Development	142.0530 Table 142-05G	<p><b><u>Parking Requirement for Capital Intensive Manufacturing</u></b>          Create a new specified parking requirement at rate of 1 space per 1,000 square feet of gross floor area for capital intensive manufacturing involving the use of large equipment, tanks, vessels, automated machinery, or any similar combination of such machinery and equipment.  <i>{Does this make sense for robots? It should be as a ratio to the number of people employed.}</i></p>
40	Regulatory Reform	142.0560	<p><b><u>Driveway Design to Meet Engineering Standards</u></b>          Clarify that the driveway gradient engineering design standards in 142.0560(j)(9)(C) apply to driveway ramps to clarify that subsections (B) and (C) are intended to apply in different circumstances. The requirement for two 8 foot transitions on driveway ramps with gradients greater than 14 percent is typically associated with parking structures and low vehicle travel speeds. Subsection (B) applies to private driveways with higher vehicle travel speeds and instead requires a 20 foot long flat transition between the driveway apron and any gradient greater than 5 percent.</p>
<p><b>Signs:</b> The following 4 items address the corresponding regulations and approval process for signs.</p>			
41	Regulatory Reform/ Economic Development	126.0113 142.1208	<p><b><u>Signage in Planned Commercial and Industrial Developments</u></b>          Provide for commercial and industrial development to add signage in accordance with the sign code without a need to amend applicable development permits that are outdated with respect to sign regulations. Also allow Process One approval per the current sign code for any sites subject to old comprehensive sign plans adopted prior to January 1, 2000. Clarify that the following signs would still require a development permit: comprehensive sign plans (adopted January 1, 2000 or later), revolving projecting signs, signs with automatic changing copy, or a theater marquee. Also, a <i>sign</i> that involves an alteration to the building where the proposed building alteration is not in substantial conformance to the applicable <i>development permit</i>; or any proposal that involves an <i>advertising display sign</i> would not be eligible for the proposed Process One exception.</p>

*{Is a gas pump cost display and advertising display?}*

*{I prefer to maximize all signs that increase competition. I also favor manitory building number signs. Virtual streets are needed for places like UCSD. The GPSs need to work.}*

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42	Regulatory Reform	<a href="#">121.0203</a> <a href="#">121.0504</a> <a href="#">121.0505</a> 129.0802 129.0804 129.0806 129.0811 129.0812 129.0813 129.0815 <a href="#">142.1206</a> <a href="#">142.1210</a>	<p><b><u>Utilization of Sign Permits, Sign Stickers, and Sign Inspections</u></b></p> <ul style="list-style-type: none"> <li>• Delete the requirement for initial utilization and maintaining utilization of a sign permit. A two year permit expiration period applies.</li> <li>• Remove outdated code language that references “sign stickers” and inspections. Sign inspections will occur only in association with a related building permit or code violation case.</li> </ul>
43	Regulatory Reform	141.1105 142.1210 142.1260	<p><b><u>Gas Station Electronic Pricing Signs</u></b></p> <p>State law sets requirements for posting of gas station pricing. However, the City currently requires a Process Two Neighborhood Use Permit for any signs with changeable copy, including gas station electronic pricing signs. The amendment will allow gas stations to obtain staff approval (Process One) of signs that display gas prices electronically, and will eliminate the unnecessary discretionary permit expense for what is considered basic signage consistent with the industry trend.</p>
44	Regulatory Reform	142.1220 Table 142-12B 142.1225 Table-12C	<p><b><u>Walls Signs and Ground Signs</u></b></p> <p>Currently, the wall sign area for an establishment is regulated with respect to the size of any ground signs. Ground signs, however, are tied to the street frontage and the adjacent street classification and speed limit of the premises as a whole. This has created unnecessary processing complications for new commercial tenants seeking approval of a wall sign, especially because the sign companies that process the permits tend to be different for wall signs versus ground signs. The change will help simplify the regulations and facilitate processing with a minimal increase, if any, to the signage as a whole. The existing requirement is a processing complication for applicants and can be especially unfair to businesses that aren’t represented by the ground signage. The existing La Jolla Shores PDO sign requirement (applicable to a small specialized area) would remain unchanged.</p>

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**Minor Corrections:** The following 13 items would fix typos, punctuation and formatting errors, incorrect terms, and incorrect section references.

45	Incorrect Section References	54.0308 54.0309	<p><b><u>Vacant Structures</u></b>  When the abandoned properties ordinance was adopted, section 54.0308 was reformatted so that subsections (a)(1) through (9) became (a) through (i). However, three references to the old code sections remain. The police department uses this section to enforce against trespassers in vacant structures and need these section references fixed. References to (a)(8) should be (h) and (a)(9) should be (i). Non-LDC change requested by City Attorney.</p>
46	Incorrect Spelling	98.0425	<p><b><u>Fee Payment</u></b>  The term fee payment is misspelled as “free” payment. Change requested by City Attorney.</p>
47	Incorrect Term	113.0103	<p><b><u>Definition of Reasonable Accommodation</u></b>  Replace “dwelling unit” with “dwelling” per state law definition of reasonable accommodation.</p>
48	Missing Section Reference	123.0101	<p><b><u>Zoning and Rezoning Actions</u></b>  The code currently provides procedures for applying zoning to property in accordance with zones in Chapter 13. A reference would be added to clarify that the procedures also apply to zoning and rezoning of planned district bases zones identified in Chapter 15.</p>
49	Incorrect Reference	126.0502	<p><b><u>Capital Improvement Program (CIP) Projects</u></b>  The Council adopted a lower process for CIP projects in various circumstances. However, Section 126.0502(c)(4) and (5) only regulates private improvements and should not refer to a separate CIP process. Delete the incorrect CIP reference and restore to the original code language.</p>
50	Incorrect Reference	131.0540	<p><b><u>Regulation of Residential in Commercial Zones</u></b>  The code contains an incorrect reference to a residential table 131-04B in a context where it should be referencing the commercial zone table 131-05B.</p>

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51	<u>Incorrect Permit Reference</u>	<u>131.0622</u>	<p><b><u>Child Care Centers in Industrial Zones</u></b>  <u>The 7<sup>th</sup> Update to the Land Development Code (Ordinance O-20081) adopted a conditional use permit requirement for child care centers in the IP-1-1, IP-2-1, IL-2-1, IL-3-1, IH-2-1, and IS-1-1 zones to protect prime industrial lands in accordance with the General Plan. It appears that when the section was subsequently amended with the Otay Mesa Plan Update (O-20361) the new zones IP-3-1 and IBT were added as limited uses “L” (the former process for that use in industrial lands) instead of a conditional use requiring a CUP. The IP-1-1, IP-2-1, IP-3-1, IL-2-1, IL-3-1, IH-2-1, IS-1-1, and IBT should all show “C”. This correction is important to protect prime industrial lands.</u></p>
52	Incorrect Section References/ Punctuation Errors	141.0619	<p><b><u>Push Carts and Retail Food Code</u></b>  The pushcart regulations refer to outdated references in SDMC Chapter 4. Instead they should just reference the CA Retail Food Code/Health and Safety Code, which establishes the health regulations that apply to food handling, storage, etc. The health regulations are enforced by the County via the required health permit.</p>
53	Grammatical Error	142.0310(a)	<p><b><u>General Fence Regulations</u></b>  Replace the term “an” with “a” under 142.0310(a)(1) in reference to a Public Right-of-Way permit.</p>
54	Italicization Error	144.0233	<p><b><u>Street System and Development</u></b>  “Street system” is not a defined term and should not be italicized under the section relating to acceptance of dedications. The term “street” is a defined term and can remain in italics, but the term “system” should not be italicized. The term “development” is a defined term and needs italics.</p>
*55 EN D	<u>Capitalization error/ Italicization Error</u>	<u>144.0242</u>	<p><b><u>Findings for Tentative Map Approval</u></b>  <u>The term “findings” should be italicized to make reference to the defined term in Section 113.0103. The reference to LDC Sections should begin with a capital “S”.</u></p>