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DRAFT: 10th Update Code Language—Measurement and Parking

MEASUREMENT AMENDMENTS:

ISSUE #23: Visibility Area

§113.0103 Definitions

Visibility area means the area necessary to allow adequate sight distance for safe vehicle and pedestrian movement at intersections involving a *public right-of-way*. See Section 113.0273 and the Street Design Manual for additional information on adequate sight distance and measuring visibility areas.

§113.0273 Measuring Visibility Area

The *visibility area* is a triangular portion of a *premises* formed by drawing one line perpendicular to and one line parallel to the *property line* or *public right-of-way* for a specified length and one line diagonally joining the other two lines, as shown in Diagram 113-02SS.

(a) The City Engineer shall determine whether proposed development provides adequate sight distance based on the context of the development and shall require visibility areas accordingly. No *structures* may be located within a *visibility area* unless otherwise provided by the applicable zone or the regulations in Chapter 14, Article 2 (General Development Regulations).

~~(a)~~(b) Typical Distances Used to Measure Visibility Areas

- (1) For *visibility areas* at the intersection of *streets*, two sides of the triangle extend along the intersecting *property lines* for 25 feet and the third side is a diagonal line that connects the two.
- ~~(b)~~(2) For *visibility areas* at the intersection of a *street* and *alley*, two sides of the triangle extend along the intersecting *property lines* for 10 feet and the third side is a diagonal line that connects the two.
- ~~(c)~~(3) For *visibility areas* at the intersection of a *street* and driveway, one side of the triangle extends from the intersection of the *street* and the driveway for 10 feet along the *property line*. The second side extends from the intersection of the *street* and driveway for 10 feet inward from the property line along the driveway edge and the third side of the triangle connects the two.
- ~~(d)~~(4) Where the required front and street side yards measure less than 25 feet when combined, that measurement or 15 feet, whichever is greater, establishes the *visibility area* at the street intersection.

**Diagram 113-02SS
Visibility Area**

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- (c) The City Engineer may modify the requirement for *visibility areas* specified in Section 113.0273(a) and (b) through Process One permit review pursuant to the authority in Section 129.0104.
- (1) The distance specified in Section 113.0273(b) may be increased if it is determined by the City Engineer that a greater distance is required to maintain public health and safety.
- (2) The distance specified in Section 113.0273(b) may be reduced if it is determined by the City Engineer that the reduced distance would not create a public health and safety hazard.

Chapter 13 Tables

Comment [a3j1]: Add a row to the Chapter 13 development regulation tables to refer to Section 113.0273.

§131.0231 Development Regulations Table for Open Space Zones

The following development regulations apply in the open space zones as shown in Table 131-02C.

**Table 131-02C
Development Regulations of Open Space Zones**

§131.0331 Development Regulations Table for Agricultural Zones

The following development regulations apply in the agricultural zones as shown in Table 131-03C.

**Table 131-03C
Development Regulations of Agricultural Zones**

§131.0431 Development Regulations Table for Residential Zones

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

- (a) RE Zones

**Table 131-04C
Development Regulations for RE Zones**

- (b) RS Zones

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

- (c) RX Zones

**Table 131-04E
Development Regulations for RX Zones**

- (d) RT Zones

**Table 131-04F
Development Regulations for RT Zones**

- (e) RM Zones

**Table 131-04G
Development Regulations for RM Zones**

§131.0531 Development Regulations Tables for 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 for CN Zones**

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

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

- (c) CC Zones

**Table 131-05E
Development Regulations for CC Zones**

§131.0631 Development Regulations Table for Industrial Zones

The following development regulations apply in the industrial zones as shown in Table 131-06C.

**Table 131-06C
Development Regulations for Industrial Zones**

ISSUE #24: Calculating Separation Distance Between Uses

§113.0225 Measuring Distance Between Uses

When there is a separation requirement between uses, the distance of the separation shall be measured as follows (this is illustrated in Diagram 113-02E).

**Diagram 113-02E
Distance Between Uses**

- (a) The distance shall be measured between *property lines*, buildings, or use locations, as required by the regulations for the particular use.
- (b) **The Where the purpose of the separation distance is to minimize the effect of noise, air quality or odor disturbances generated by one of the uses, the** distance **between uses** shall be measured **horizontally** in a straight line between the two closest points of the *property lines*, buildings, or use locations **as applicable to the context of the development.** ~~(e)~~The distance shall be measured horizontally without regard to topography or *structures* that would interfere with a straight-line measurement.
- (c) **Otherwise, the measurement of distance between uses may take into account natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that reconnects direct access via a straight-line.**

ISSUE #25: Floor Area Calculation for Mixed Use Projects

§113.0234 Calculating Gross Floor Area

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

- (a) [No change]
- (b) Additional Elements Included in *Gross Floor Area* in Residential Zones and for Residential Development in Other Zones. **(Section 113.0234(b) does not apply to commercial development.)**
 - (1) through (2) [No change]

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- (3) *Gross floor area* includes any at-grade space that is built with enclosed space above, when there is at least 7-foot 6-inches between grade and the finish-floor elevation above, and the enclosed space above projects at least 4 feet from the face of the *structure* and exceeds a height of 5 feet measured from the top of the wall or post supporting the space to the top of the roof above, as shown in Diagram 113-02P. Where the gradient along any edge of the at-grade space is greater than 25 percent, the unenclosed at-grade space shall not be counted as *gross floor area*.

(c) through (d) [No change]

Issue #26: Regional and Corporate Headquarters

§131.0622 Use Regulations Table for Industrial Zones

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

**Table 131-06B
Use Regulations Table for Industrial Zones**

Regional & Corporate Headquarters

Footnotes for Table 131-06B

1 ~~A regional and corporate headquarters establishment shall have a gross floor area of at least 40,000 square feet. Tasting rooms are only permitted as an accessory use to a beverage manufacturing plant.~~

2 through 13 [No change]

14 ~~Only one regional and corporate headquarters establishment is permitted on an individual parcel of land. Distribution facilities are permitted in the IP-1-1 zone only within the Otay Mesa Community Plan area.~~

15 through 18 [No change]

~~19 Distribution facilities are permitted in the IP 1 1 zone only within the Otay Mesa Community Plan area.~~

~~20 Tasting rooms are only permitted as an accessory use to a beverage manufacturing plant.~~

Issue #27: Drive-through Queuing Space for Vehicles

§141.0607 Eating and Drinking Establishments with Drive-in or Drive-through Service

Comment [a3j2]:

Remove Footnote 1 from the IP-1-1, IP-3-1, IL-1-1, and IBT-1-1

Remove Footnote 14 from the IH-2-1 zone.

Move existing Footnote 20 (tasting rooms) to new footnote 1 and reflect in table.

Move existing footnote 19 (distribution facilities) to new footnote 14 and reflect in table.

Comment [a3j3]: Existing text. Only footnote number is changing to avoid reordering the whole list.

Comment [a3j4]: Existing text. Only footnote number is changing to avoid reordering the whole list.

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Eating and drinking establishments that offer drive-in or drive-through service are permitted in zones indicated with a “P” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones). Eating and drinking establishments that offer drive-in or drive-through service may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the regulations in this Section. The Conditional Use Permit decision maker shall consider whether the proposed use minimizes adverse impacts on adjacent properties and surrounding neighborhoods. The decision maker may impose conditions in the Conditional Use Permit in addition to requiring compliance with the following:

- (a) [No change]
- (b) Space for vehicle queuing for the drive-in or drive-through service shall be provided as follows:
 - (1) Queue space for a minimum of five cars shall be provided for each drive-up service window or position, as measured from the food and beverage pick-up window or position. The queue space for each car shall be 10 feet wide and 20 feet long, in accordance with Section 142.0560(i). ~~(2)~~ Required queue spaces shall not obstruct access to parking aisles or parking spaces.
 - (2) A minimum of 40 feet in additional space shall be provided from the order window to the closest curb cut to provide additional queuing space on the premises.

(c) through (g) [No change]

§142.0560 Development and Design Regulations for Parking Facilities

(a) through (h) [No change]

- (i) Queue Requirements for Drive-Up Service. Queue space for a minimum of five cars shall be provided for each drive-up service window or position. The queue space for each car shall be 10 feet wide and 20 feet long. Required queue spaces shall not obstruct access to parking aisles or parking spaces. See Section 141.0607(b) for additional queue requirements that apply to eating and drinking establishments with drive up or drive through service.

(j) [See Issue #32]

Comment [a3j5]: Consider whether to require 5 queue spaces from the pick-up window and at least 40 feet between curb cut and order window (to accommodate at least two cars).

Comparable standards:
Ventura County requires 6 spaces total
Riverside requires 10 spaces total
Portland requires 150 ft of stacking space from service window to curb cut (60 ft min for non-food).

Issue #28: Criteria for Small Lot Subdivisions Related to Lot Area

§142.0402 When Landscape Regulations Apply

- (a) [No change in text.]

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- (b) Table 142-04A provides the applicable regulations and type of permit required by this division for the landscaping required in conjunction with the specific types of *development* proposals. Any project that proposes more than one of the types of *development* shown is subject to all of the regulations for each type of *development*.

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

Type of <i>Development</i> Proposal			Applicable Regulations	Required Permit Type/ Decision Process
Column A	Column B	Column C ⁽¹⁾		
1. New <i>structures</i> that equal or exceed the <i>gross floor area</i> shown (Column B), and are proposing the type of <i>development</i> shown (Column C) through 14. Commercial <i>development</i> with at least 1,000 square feet of landscape area [No change in text.] [No change in text.]			[No change in text.]	
<u>15. Small Lot Subdivision</u>			<u>142.0403</u> <u>142.0404</u> <u>142.0413</u>	<u>No permit required by this division</u>

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

§142.0404 Street Yard and Remaining Yard Planting Area and Point Requirements

[No change first paragraph]

**Table 142-04C
Street Yard and Remaining Yard Planting Requirements**

Type of Development Proposal⁽⁶⁾	Type of Yard	Planting Area Required (Percentage of total yard area unless otherwise noted below) ⁽¹⁾	Plant Points Required⁽¹⁾
Multiple Dwelling Unit through Condominium Conversion [No change]			
Small Lot Subdivision	[No change]	[No change]	0.5 0.05 points per square foot of total street yard area
Commercial Development through Large Retail Establishments [No change]			

§143.0365 Supplemental Site Development Permit Regulations for Small Lot Subdivisions

The purpose of these regulations is to provide supplemental *development* regulations for *development* of *single dwelling units* in a *small lot subdivision*. A *small lot subdivision* subdivides lots zoned for *multiple dwelling units* into smaller lots for *development* of *single dwelling units*. The intent is to encourage *development* of single family housing on small lots in order to provide a space efficient and economical alternative to traditional *single dwelling unit development*. It is also the intent of these regulations to provide pedestrian friendly *developments* that are appropriate to neighborhood character. The following supplemental regulations apply to a Site Development Permit for a *small lot subdivision*.

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

**Table 143-03C
Development Regulations for Small Lot Subdivisions**

Max permitted density pre-subdivided lot (DU per lot)	
Pre-subdivided lot	Per the base zone
Subdivided lot	1
Min lot area (sf)	maximum permitted density of base zone 1
Min lot dimensions	

**Table 143-03C
Development Regulations for Small Lot Subdivisions**

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

Footnotes for Table 143-03C [No change in text.]

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

(i) The ~~planting~~ **landscape** requirements shall be in accordance with the requirements for small lot subdivisions shown in **Section 142.0402**, ~~Table 142-04C~~ **142-04A**.

(j) [No change in text]

Issue #29: Landscape Water Budgets

§142.0413 Water Conservation

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- (a) through (b) [No change]
- (c) Mulch Requirements. All required planting areas and all exposed soil areas without vegetation shall be covered with mulch to a minimum depth of ~~2~~ **3** inches, excluding slopes.
- (d) Water Budget.
 - (1) ~~Developments listed in Table 142-04I~~ **All new development with a landscape area of 500 square feet or greater** shall be subject to a water budget.

**Table 142-04I
Water Budget Applicability**

Type of Development	Landscape Area Threshold
New non residential development	1,000 500 square feet and greater
<i>New multiple dwelling unit development</i>	1,000 500 square feet ⁺ and greater
<i>New single dwelling unit development</i>	All subdivider installed landscape

Footnote to Table 142-04I [No change]

- (2) The water budget is calculated using the following formula (see Section 2.6 and Appendix E of the Landscape Standards of the Land Development Manual for additional information):

$$\text{Water Budget} = (\text{ETo})(0.62) [(0.7 \text{ ETAF})(\text{LA}) + (0.3 \text{ 1-ETAF})(\text{SLA})]$$

$$\text{Water Budget for residential landscape areas} = (\text{ETo})(0.62) [(0.55)(\text{LA}) + (0.45)(\text{SLA})]$$

$$\text{Water budget for non-residential landscape areas} = (\text{ETo})(0.62) [(0.45)(\text{LA}) + (0.55)(\text{SLA})]$$

Where:

- ETo = Evapotranspiration (inches per year)
- 0.62 = Conversion Factor (to gallons)
- 0.7 = Evapotranspiration Adjustment Factor
- LA = Landscaped Area (square feet)
- 0.3 = Evapotranspiration Adjustment Factor for Special Landscape Area and Reclaimed Water

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SLA = Special Landscape Area

Legend for Water Budget Calculation Formula

Symbol	Description of Symbol
ETo	Evapotranspiration measured in inches per year; see Table 6 or ETo Map
0.62	Conversion factor to gallons
ETAF 0.55 for Residential areas; 0.45 for Non-residential areas	Evapotranspiration Adjustment Factor
LA	Landscape Area measured in square feet
I- ETAF 0.45 for Residential areas; 0.55 for Non-residential areas	Additional Evapotranspiration Adjustment Factor for Special Landscape Areas and Reclaimed Water
SLA	Special Landscape Area measured in square feet

- (3) The irrigation system is required to be operated within the approved water budget.
- (4) The estimated total water use, as calculated in Section 2.6 of the Landscape Standards of the Land Development Manual shall not exceed the water budget as calculated in Section 142.0413(d)(2).
- (e) Water Meters.
 - (1) Dedicated landscape irrigation meters shall be required in all new *development* with a landscape area greater than or equal to ~~5,000~~ **1,000** square feet; except that this requirement shall not apply to ~~new~~ *single dwelling unit development* or to the commercial production of agricultural crops or livestock.
 - (2) [No change]
- (f) Irrigation Audit. An ~~applicant~~ **applicant** subject to the requirement for a water budget in ~~table~~ **Table** 142-04I is required to conduct and submit to the City an irrigation audit

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consistent with Section 2.7 of the Landscape Standards of the Land Development Manual.

(1) All irrigation audits shall be conducted by a ~~California registered landscape architect, a licensed landscape contractor, or other professional licensed~~ **authorized** by the State to perform this work.

(2) [No change]

(g) [No change]

PARKING AMENDMENTS:

Issue #30: Common Area Parking

§142.0505 When Parking Regulations Apply

Intro paragraphs [No change]

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

Type of Development Proposal	Applicable Regulations	Required Permit Type/ Decision Process
Rows 1 through 4 [No change]		
<i>Multiple dwelling unit residential development in Planned Urbanized Communities that are processed with processing a Planned Development Permit that meets the location criteria in Section 142.0525(c)</i>	Section 142.0525(c)	No permit required by this division
Rows 6-13 [No change]		

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

(a) through (b) [No change]

(c) Common Area Parking Requirement. The common area parking requirement applies to *multiple dwelling unit developments that are located in Planned Urbanized Communities, and development that are is being* processed in conjunction with a Planned Development Permit **and that is located in one of the following communities: Black Mountain Ranch, Carmel Mountain Ranch, Miramar Ranch North, Mira Mesa, Rancho Bernardo, Rancho Penasquitos, Sabre Springs, Scripps Miramar Ranch, and Torrey**

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Highlands. The following standards will be applied by the decision maker **when to determine the number of** common area parking **spaces to require as a condition of approval is required.**

- (1) The number of common area parking spaces that may be required is 20 percent of the total *off-street parking spaces* required. This requirement may, however, be increased or decreased based on consideration by the decision maker of the following:
 - (A) For large developments, generally in excess of 200 dwelling units, the number of common area parking may be decreased to no less than 15 percent of the total *off-street parking spaces* required.
 - (B) In areas where there are few or no on-street parking spaces, where on-street parking spaces are generally occupied, or where on-street parking spaces are not conveniently located, the number of required common area parking spaces may be increased.
 - (C) For any project with characteristics, surroundings, or expected residents that are likely to have an effect on the demand for common area parking, the number of common area parking spaces may be increased or decreased accordingly.
- (2) All common area parking that is provided off-street must be clearly identified and reserved for visitors.
- (3) All common area parking that is provided off-street is eligible for shared parking in accordance with Section 142.0545.
- (4) The common area parking requirement may be met on-street by parking spaces that meet the following criteria:
 - (A) The parking spaces completely abut the subject property's street frontage.
 - (B) The parking spaces are within a local street that is improved to City standards to accommodate on-street parking.
 - (C) If the parking spaces are existing, most of them are not usually occupied.
 - (D) On-street parking spaces shall be counted according to on-street parking demarcation or parking meters or, if none exists, as one space per 20 feet of full-height curb.

(d) [No change]

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Issue #31: Shared Parking

§142.0545 Shared Parking

- (a) Approval Criteria. In all zones except single unit residential zones, *shared parking* may be approved through a Building Permit subject to the following requirements.
 - (1) *Shared parking* requests shall be for two or more different land uses located adjacent or near to one another, subject to the standards in this section.
 - (2) All *shared parking* facilities shall be located within a ~~600-foot~~ **1200 foot** horizontal distance of the uses served.
 - (3) Parties involved in the shared use of a parking facility shall provide an agreement for the shared use in a form that is acceptable to the City Attorney.
 - (4) *Shared parking* facilities shall provide *signs* on the *premises* indicating the availability of the facility for patrons of the participating uses.
 - (5) Modifications to the *structure* in which the uses are located or changes in tenant occupancy require review by the City Manager for compliance with this section.

Comment [a3j6]: 1200 feet is equivalent to about 4 City blocks (or 2 suburban blocks)

(b) through (d) [No change]

Issue #32: Maximum Number of Driveways

§142.0560 Development and Design Regulations for Parking Facilities

(a) through (h) [No change]

(i) [See Issue #27]

(j) Driveway and Access Regulations

(1) through (7) [No change]

(8) Maximum Number of Driveways Permitted on a Premises.

(A) For properties with no access to an alley, there shall be at least one driveway opening permitted per lot. ~~street frontage with a maximum of one~~ **An additional driveway opening may be permitted subject to approval by the City Engineer for a lot with at least 100 feet of street frontage total street frontage.** For corner lots, the length of the *street frontage* may be combined for the purpose of this calculation.

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- (B) For properties with access to an *alley* and at least 150 feet of total *street frontage*, a maximum of one driveway opening for each 150 feet of ~~frontage~~ street frontage may be permitted subject to approval by the City Engineer. For corner lots, the length of the *street frontage* may be combined for the purpose of this calculation.
- (C) For properties with access to an *alley* and less than 150 feet of total ~~frontage~~ street frontage, a driveway is not permitted, except that in the RM-1-1, RM-1-2, and RM-1-3 zones, one driveway may be permitted if the prohibition of a driveway opening would preclude achieving the maximum *density* permitted by the underlying zone.

(9) through (10) [No change]

(k) [No change]