

ORDINANCE NUMBER O- 20917 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 22 2018

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 2, DIVISION 6 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 62.0616; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 112.0504; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2 BY AMENDING SECTION 113.0234; AMENDING CHAPTER 12, ARTICLE 3 BY REPEALING DIVISION 3, SECTIONS 123.0301, 123.0302, 123.0303, 123.0304, 123.0305, 123.0306, 123.0307, AND 123.0308; AMENDING CHAPTER 12, ARTICLE 5 BY RETITLING DIVISION 1; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 1 BY AMENDING SECTION 125.0730; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0502; AMENDING CHAPTER 12, ARTICLE 8, DIVISION 2 BY AMENDING SECTION 128.0209; AMENDING CHAPTER 12, ARTICLE 8, DIVISION 3 BY AMENDING SECTION 128.0302; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 6 BY AMENDING SECTION 129.0650; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 131.0422, 131.0431, 131.0451, 131.0453 AND 131.0460; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTIONS 131.0522, 131.0540 AND 131.0548; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 131.0622 AND 131.0623; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 141.0612; AMENDING CHAPTER 14, ARTICLE 1 BY RETITLING DIVISION 9; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 10 BY AMENDING SECTION 141.1004; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 142.0405, 142.0407, 142.0409 AND 142.0412; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 142.0525, 142.0530 AND 142.0545; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTION 142.0611 AND BY REPEALING SECTION 142.0650; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12 BY AMENDING SECTIONS 142.1265 AND 142.1270; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 143.0126;

AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0365; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 9 BY AMENDING SECTION 143.0920; AMENDING CHAPTER 14, ARTICLE 4, DIVISION 2 BY AMENDING SECTION 144.0211 AND BY REPEALING SECTION 144.0250; AND AMENDING CHAPTER 15, ARTICLE 2, DIVISION 2 BY AMENDING SECTION 152.0201 ALL RELATING TO DEVELOPMENT AND THE 11TH UPDATE TO THE LAND DEVELOPMENT CODE.

WHEREAS, the 11th update to the Land Development Code and San Diego Municipal Code is part of the code monitoring program directed by the Mayor and City Council as part of the adoption of the Land Development Code; and

WHEREAS, the code updates are intended to simplify the land development regulations, make the land development regulations more objective, make the regulations more adaptable, eliminate redundancies, and increase predictability in the application of the land development regulations; and

WHEREAS, there are a total of 48 issues included in the 11th update that are divided into the following issue categories: permit process and general zoning, landscaping, and minor corrections; and

WHEREAS, staff has conducted extensive public outreach and analysis involving multiple stakeholder groups, City departments, and other governmental agencies; and

WHEREAS, the code update process is an extensive public process that typically involves input from the Code Monitoring Team, Community Planners Committee, Technical Advisory Committee, Planning Commission, City Council, California Coastal Commission, and the San Diego County Regional Airport Authority; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 6, Article 2, Division 6 of the San Diego Municipal Code is amended by amending section 62.0616, to read as follows:

§62.0616 Property Owners Performance Bonds

- (a) [No change in text.]
- (b) When it is determined by the Park and Recreation Director that a bond or surety is required, the applicant for a street tree planting permit shall furnish a cash deposit or a surety bond to ensure performance of the conditions of his permit. This surety shall be in an amount which, in the opinion of the Park and Recreation Director, is sufficient to ensure performance, but in any event, no less than Three Hundred Dollars (\$300.00). Any cash deposit shall be held by the City Treasurer. If the Park and Recreation Director finds that the conditions of the permit have not been met, he shall notify the property owner in writing of such default and the time deemed necessary to correct it. If the property owner fails to correct the default within the established time, the Park and Recreation Director may use all or any part of the property owner's deposit to complete the work satisfactorily. The property owner shall be provided with an accounting for such expenditures. The deposit, or any remaining balance, shall be refunded upon acceptance of the work by the Park and Recreation Director.

Section 2. That Chapter 11, Article 2, Division 5 of the San Diego Municipal Code is amended by amending section 112.0504, to read as follows:

§112.0504 Process Two Appeal Hearing

- (a) The Planning Commission shall hear appeals of Process Two decisions subject to the following requirements, unless otherwise specified in the Land Development Code.
- (1) [No change in text.]
 - (2) Request for a Process Two Appeal Hearing.
 - (A) A Process Two decision may be appealed by filing an application for a Process Two appeal hearing with the City Manager no later than 10 *business days* after the *decision date*.
 - (B) Pursuant to the *Subdivision Map Act*, an *applicant*s may file an appeal of a decision to deny its application for an Extension of Time for a map waiver or *tentative map* no later than 15 calendar days after the *decision date*.
 - (3) through (4) [No change in text.]
 - (5) Scheduling an Appeal Hearing. Within 30 calendar days after the date on which an application for the appeal hearing is filed with the City Manager, the City Manager shall assign a date for an appeal hearing before the Planning Commission. The appeal hearing shall be held no later than 60 calendar days after the date on which the application for an appeal is filed, unless there are more than 60 calendar days until the next regularly scheduled Planning Commission meeting, in which case the appeal hearing shall be

held at the first regularly scheduled meeting after the 60 calendar days have passed. Failure to hold the hearing within the 60 calendar days shall not limit the Planning Commission's authority to consider the appeal. The appeal hearing shall be noticed in accordance with Section 112.0308.

(6) [No change in text.]

(b) [No change in text.]

Section 3. That Chapter 11, Article 3, Division 2 of the San Diego Municipal Code is amended by amending section 113.0234, to read as follows:

§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) Elements Included in *Gross Floor Area* for Development in All Zones

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

(3) *Gross floor area* for underground parking *structures* includes the following, except where the parking *structure* design meets the exemptions identified in Section 113.0234(d)(3):

(A) All portions of the *structure* where the vertical distance between the existing or proposed *grade*, whichever is

lower, and the finished *floor* elevation above, exceeds 5 feet.

(B) [No change in text.]

**Diagram 113-02K
Underground Parking Structures**

[No change in text.]

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

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

Section 4. That Chapter 12, Article 3 of the San Diego Municipal Code is amended by repealing Division 3, Sections 123.0301, 123.0302, 123.0303, 123.0304, 123.0305, 123.0306, 123.0307, and 123.0308.

Section 5. That Chapter 12, Article 5 of the San Diego Municipal Code is amended by retitling Division 1, to read as follows:

Article 5: Subdivision Procedures

Division 1: General Subdivision Procedures

Section 6. That Chapter 12, Article 5, Division 7 of the San Diego Municipal Code is amended by amending section 125.0730, to read as follows:

§125.0730 Decision Process for Determination of Status of the Merger of Parcels

The determination of status of the merger of parcels shall be made in accordance with Process Two with the following modifications to Process Two procedures as required by the *Subdivision Map Act*:

(a) [No change in text.]

(b) An application for an appeal hearing may be filed within 30 calendar days after the recording of the Notice of Intention to Determine Status in place

of the time specified in Section 112.0504(a)(2). If the *record owner* does not file a request for a hearing within 30 calendar days after the recordation of the Notice of Intention to Determine Status, the City Manager may record the Notice of Merger.

- (c) An appeal hearing shall be scheduled not more than 60 calendar days following receipt of the *record owner's* request for hearing, in place of the time specified in Section 112.0504(a)(5), but the time period may be continued or postponed with the mutual consent of the City and the *record owner*.

Section 7. That Chapter 12, Article 6, Division 5 of the San Diego Municipal Code is amended by amending section 126.0502, to read as follows:

§126.0502 When a Site Development Permit is Required

- (a) [No change in text.]
- (b) A Site Development Permit decided in accordance with Process Three is required for residential *development* that involves any of the following:
- (1) through (2) [No change in text.]
- (3) Multiple unit residential *development* that varies from minimum parking requirements, as described in Section 142.0525(a).
- (4) *Development* of a small *lot subdivision* in accordance with Section 143.0365.
- (c) through (g) [No change in text.]

Section 8. That Chapter 12, Article 8, Division 2 of the San Diego Municipal Code is amended by amending section 128.0209, to read as follows:

§128.0209 When a Previous Environmental Document May Be Used

- (a) A previously certified EIR or Negative Declaration, including any supplement or addendum, may be used when changes in the project or circumstances have occurred, unless the Planning Director determines that one or more of the situations identified in State CEQA Guidelines, Section 15162 or 15183 exist.
- (b) [No change in text.]

Section 9. That Chapter 12, Article 8, Division 3 of the San Diego Municipal Code is amended by amending section 128.0302, to read as follows:

§128.0302 Time Limits for Preparation of Environmental Documents

- (a) [No change in text.]
- (b) These time limits for document preparation and review are contingent upon the project *applicant's* actions and shall be in conformance with the provisions of the Permit Streamlining Act, Government Code Section 65920, et. seq., except that time limits may be suspended as provided in the State CEQA Guidelines, Section 15109.
- (c) The one year time limit set forth in Section 128.0302(a) may be extended once for a period of not more than 90 days upon consent of the Planning Director and the *applicant*.

Section 10. That Chapter 12, Article 9, Division 6 of the San Diego Municipal Code is amended by amending section 129.0650, to read as follows:

§129.0650 Expiration of a Grading Permit

- (a) A Grading Permit shall expire by limitation and become void upon the later of:
- (1) Twenty-four months after the Grading Permit issuance date;
 - (2) The expiration date of a *subdivision* improvement agreement associated with the Grading Permit;
 - (3) The expiration date of a Building Permit associated with the Grading Permit; or
 - (4) The expiration date approved by the City Manager at the time of permit issuance and specified on the Grading Permit, where the complexity or size of the project makes completion of the project within 24 months unreasonable.
- (b) If the *grading* or work authorized by a Grading Permit has not received final inspection approval by the Grading Permit expiration date, all work shall stop until a new Grading Permit is issued.

Section 11. That Chapter 13, Article 1, Division 1 of the San Diego Municipal Code is amended by amending section 131.0112, to read as follows:

§131.0112 Descriptions of Use Categories and Subcategories

- (a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with

Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).

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

(3) Residential Use Category

This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:

(A) [No change in text.]

(B) *Mobilehome Parks* — *A premises with two or more mobilehomes used as dwelling units, other than a companion unit, junior unit, or employee housing.*

(C) *Multiple Dwelling Units* — *Dwelling units where more than one dwelling unit, other than a companion unit, junior unit, or employee housing, is located on a single lot.*

(D) *Single Dwelling Units* — *Dwelling units where no more than one dwelling unit is located on a lot, usually detached, and occupied by a single household unit.*

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

(6) Commercial Services Use Category

This category includes uses that provide for consumer or business services, for the repair and maintenance of a wide variety of products, and for entertainment. The commercial services subcategories are:

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

(F) Instructional Studios - Uses that provide a place where skills including dance, art, and martial arts are taught to individuals or groups. Instructional studios also include recreation and physical fitness facilities that accommodate a maximum occupancy of 24 persons. Instructional studios do not include educational facilities.

(G) through (H) [No change in text.]

(I) Personal Services - Uses that provide a variety of services associated with personal grooming and the maintenance of health and well-being. Personal services do not include recreation or physical fitness facilities.

(J) through (L) [No change in text.]

(7) through (11) [No change in text.]

(b) [No change in text.]

Section 12. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code is amended by amending section 131.0222, to read as follows:

§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 ⁽¹⁾ -	
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1	2
Open Space through Industrial, Separately Regulated Industrial Uses [No change in text.]		[No change in text.]				
Artisan Food and Beverage Producer		-	-	-	-	-
Industrial, Separately Regulated Industrial Uses, Hazardous Waste Research Facility through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]				

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

Section 13. That Chapter 13, Article 1, Division 3 of the San Diego Municipal Code is amending by amending section 131.0322, to read as follows:

§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 Industrial, Separately Regulated Industrial Uses [No change in text.]		[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 >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Artisan Food and Beverage Producer		-		-	
Industrial, Separately Regulated Industrial Uses, Hazardous Waste Research Facility through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]			

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

Section 14. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is amended by amending sections 131.0422, 131.0431, 131.0451, 131.0453, and 131.0460, to read as follows:

§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
Open Space through Industrial, Separately Regulated Industrial Uses [No change in text.]		[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 >>	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
Artisan Food and Beverage Producer	-	-										-		-										
Industrial, Separately Regulated Industrial Uses, Hazardous Waste Research Facility through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[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	
Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]	[No change in text.]													
Mobile Food Trucks	-	L ⁽¹¹⁾			L ⁽¹¹⁾			L ⁽¹¹⁾		L ⁽¹¹⁾				
Commercial Services, Separately Regulated Commercial Services Uses, Nightclubs & Bars over 5,000 square feet in size through Industrial, Separately Regulated Industrial Uses [No change in text.]	[No change in text.]													
Artisan Food and Beverage Producer	-	-			-			-		-				
Industrial, Separately Regulated Industrial Uses, Hazardous Waste Research Facility through Signs, Separately Regulated Signs Uses,	[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	
Theater <i>Marquees</i> [No change in text.]														

Footnotes for Table 131-04B

¹ through ¹⁰ [No change in text.]

¹¹ Mobile food trucks are permitted by right on the property of a *school*, university, hospital, religious facility, *previously conforming commercial premises* in a residential zone, or construction site. Mobile food trucks on any other *premises* are subject to the limited use regulations set forth in Section 141.0612.

¹² [No change in text.]

§131.0431 Development Regulations Table for Residential Zones

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

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

(e) RM Zones

**Table 131-04G
Development Regulations for 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 <i>density</i> ^{(1),(2)} (sf per DU) through <i>Setback</i> <i>requirements</i> , Min Rear <i>setback</i> (ft) [No change in	[No change in text.]						

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
text.]							
Setback requirements for resubdivided corner lots [See Section 113.0246(f)]		[No change in text.]					
Max structure height (ft) through Visibility Area [See Section 113.0273] [No change in text.]		[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 Setback requirements, Min Rear setback (ft) [No change in text.]		[No change in text.]					
Setback requirements for resubdivided corner lots [See Section 113.0246(f)]		[No change in text.]					
Max structure height (ft) through Visibility Area [See Section 113.0273] [No change in text.]		[No change in text.]					

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

§131.0451 Ground-floor Height

Ground-floor height requirements apply to *structures* with commercial uses on the ground floor. The minimum ground-floor height for *structures* shall be 13 feet,

measured from *floor to floor*. The *ground-floor* height requirement shall not apply to *development* in the Coastal Height Limit Overlay Zone or the Clairemont Mesa Height Limit Overlay Zone.

§131.0453 Lot Consolidation Regulations in the RM-1-1 and RM-1-2 Zones

In the RM-1-1 and RM-1-2 zones within *urbanized communities*, *lots* that are consolidated or otherwise joined together to accommodate *development* are subject to the following:

- (a) [No change in text.]
- (b) If the consolidation results in a total *street frontage* exceeding 60 feet, the number of *dwelling units* permitted within any single *structure* shall not exceed the number of *dwelling units* that would have been permitted on the largest *premises* before the consolidation, as shown in Diagram 131-04P;

**Diagram 131-04P
Buildings on Consolidated Lots**

[No change in text.]

- (c) If the depth of the *lots* to be consolidated is greater than 139 feet, only 139 feet shall be used in the calculation to determine the number of *dwelling units* permitted; and
- (d) Within the front 50 percent of the consolidated *premises*, a minimum 3-foot offset in the front facade shall be required for any *structure* where the dimension most parallel to the *street* exceeds 1.5 times the width of the permitted *building envelope* of the largest *lot* existing before consolidation. See Diagram 131-04Q.

**Diagram 131-04Q
Lot Consolidation Offset Requirement**

[No change in text.]

§131.0460 Maximum Third Story Dimensions in the RS Zones

In the RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, and RS-1-7 zones, the following shall apply:

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

Section 15. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code is amended by amending sections 131.0522, 131.0540, and 131.0548, to read as follows:

§131.0522 Use Regulations Table for Commercial Zones

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

Legend for Table 131-05B

[No change in text.]

**Table 131-05B
Use Regulations Table for Commercial Zones**

Use Categories/Subcategories	Zone Designator	Zones														
		CN ⁽¹⁾ -					CR-		CO-				CV-			CP-
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>															
	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
Open Space through Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]		[No change in text.]														
Live/Work Quarters		L					L	L	-	-	L		-	-		
Residential, Separately Regulated Residential Uses, Residential Care Facilities; through Signs, Separately Regulated Sign Uses, Theater Marquees [No change in text.]		[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 >>	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
Open Space through Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]	[No change in text.]																									
Live/Work Quarters	L			L			L			L			L													
Residential, Separately Regulated Residential Uses, Residential Care Facilities: through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]																									

Footnotes for Table 131-05B

¹ through ³ [No change in text.]

⁴ Live entertainment or the sale of intoxicating beverages other than beer and wine is not permitted in the Commercial-Neighborhood (CN) zones, unless approval of a deviation is granted via a Planned Development Permit in accordance with Section 126.0602(b)(1). Within the North Park Community Plan area, the sale of intoxicating beverages are permitted in the CN zones. All uses or activities shall be conducted entirely within an enclosed building and front onto the primary street with no uses or commercial activities conducted outdoors in the rear *yard* adjacent to residentially-zoned properties.

⁵ through ¹⁷ [No change in text.]

§131.0540 Maximum Permitted Residential Density and Other Residential Regulations

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

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

(d) *Residential Development*. Where residential *development* is permitted, the development regulations of the RM-1-1, RM-2-5, RM-3-7, RM-3-8, RM-3-9, and RM-4-10 zones apply as appropriate according to the maximum permitted residential *density*, 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 as set forth in Sections 131.0446(e) and 131.0446(f) shall apply.

(e) [No change in text.]

§131.0548 Ground-floor Height

Ground-floor height requirements apply to *structures* with commercial uses on the ground floor. The minimum ground-floor height for *structures* shall be 13 feet, measured from *floor to floor*. The ground-floor height requirement shall not apply to *development* in the Coastal Height Limit Overlay Zone or the Clairemont Mesa Height Limit Overlay Zone.

Section 16. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code is amended by amending sections 131.0622 and 131.0623, to read as follows:

§131.0622 Use Regulations Table for Industrial Zones

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

Legend for Table 131-06B

[No change in text.]

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

Use Categories/ Subcategories	Zone Designator	Zones									
		IP-			IL-			IH-		IS-	IBT-
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>										
	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 Residential, Mobilehome Parks [No change in text.]		[No change in text.]									
Multiple Dwelling Units		-	-	P ⁽¹⁵⁾	-	-	-	-	-	-	-
Residential, Rooming House [See Section 131.0112(a)(3)(A)] through Residential, Separately Regulated Residential Uses, Companion Units [No change in text.]		[No change in text.]									
Continuing Care Retirement Communities		-	-	L ⁽¹⁵⁾	-	-	-	-	-	-	-
Residential, Separately Regulated Residential Uses, Employee Housing: through Retail Sales [No change in text.]		[No change in text.]									
Building Supplies & Equipment		-	-	-	P ^(6, 13)	P ⁽¹³⁾	P ⁽¹³⁾	-	P ^(6, 13)	P ⁽¹³⁾	-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Food, Beverages and Groceries	-	-	-	-	-	-	P ⁽¹³⁾	-	-	-	-
Consumer Goods, Furniture, Appliances, Equipment	-	-	-	-	-	P ^(2, 13)	P ⁽¹³⁾	-	-	P ^(3, 13)	-
Pets & Pet Supplies	-	-	-	-	-	-	P ⁽¹³⁾	-	-	-	-
Sundries, Pharmaceuticals, & Convenience Sales	-	P ^(5, 13)	P ^(5, 13)	P ^(5, 13)	P ^(5, 13)	P ^(5, 13)	P ⁽¹³⁾	P ^(5, 13)	P ^(5, 13)	P ^(4, 13)	-
Wearing Apparel & Accessories	-	-	-	-	-	P ^(3, 13)	P ^(3, 13)	-	-	P ^(3, 13)	-
Retail Sales, Separately Regulated Retail Sales Uses through Commercial Services, Business Support [No change in text.]	[No change in text.]										
Eating & Drinking Establishments	-	P ^(7, 16)	P ^(7, 16)	P ^(7, 16)	P ^(7, 16)	P ^(7, 16)	P ⁽¹⁶⁾	-	P ⁽⁷⁾	P ^(4, 16)	P ^(7, 16)
Commercial Services, Financial Institutions through Commercial Services, Funeral & Mortuary Services [No change in text.]	[No change in text.]										
Instructional Studios	-	-	-	-	-	-	P ⁽¹⁴⁾	-	-	P	-
Commercial Services, Maintenance & Repair through Commercial Services, Radio & Television Studios [No change in text.]	[No change in text.]										
Tasting Rooms	P ⁽¹⁸⁾	P ⁽¹⁸⁾	- ⁽¹⁸⁾	P ⁽¹⁸⁾	P ⁽¹⁸⁾	P ⁽¹⁸⁾	P ⁽¹⁸⁾	P ⁽¹⁸⁾	P ⁽¹⁸⁾	P ⁽¹⁸⁾	P ⁽¹⁸⁾
Commercial Services, Visitor Accommodations through Offices, Medical, Dental, & Health Practitioner [No change in text.]	[No change in text.]										
Regional & Corporate Headquarters Offices, Separately Regulated Office Uses through Distribution and Storage, Moving & Storage Facilities [No change in text.]	P ⁽¹⁾	P	P ⁽¹⁾	P ⁽¹⁾	P	P	P	-	P ⁽¹²⁾	P	P ⁽¹⁾
Distribution Facilities	[No change in text.]										
Distribution Facilities	P ⁽¹⁷⁾	P	-	P	P	P	P	P	P	P	P

Distribution and Storage, Separately Regulated Distribution, and Storage Uses through Industrial, Separately Regulated Industrial Uses [No change in text.]	[No change in text.]										
Separately Regulated Industrial Uses											
Artisan Food and Beverage Producer	-	-	-	-	-	-	-	-	-	-	-
Industrial, Separately Regulated Industrial Uses, Hazardous Waste Research Facility through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]										

Footnotes for Table 131-06B

- ¹ through ¹⁰ [No change in text.]
- ¹¹ The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.
- ¹² Only one regional and corporate headquarters establishment is permitted on an individual parcel of land.
- ¹³ *Development of a large retail establishment* is subject to Section 143.0302.
- ¹⁴ Instructional Studios are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*.
- ¹⁵ See Section 131.0623(j).
- ¹⁶ Eating and drinking establishments abutting residential *development* located in a residential zone may operate only between 6:00 a.m. and 12:00 midnight.
- ¹⁷ Distribution facilities are permitted in the IP-1-1 zone only within the Otay Mesa Community Plan area.
- ¹⁸ Tasting rooms are only permitted as an *accessory use* to a beverage manufacturing plant.

§131.0623 Additional Use Regulations of Industrial Zones

The additional use regulations identified in this Section are applicable to uses where indicated in Table 131-06B.

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

(e) Light manufacturing and assembly uses in the IP-1-1 and the IP-3-1 zones are limited to the following:

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

(8) Beverage and food manufacturing. Beverage manufacturing operations may include a tasting room as an *accessory use*.

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

(k) Physical fitness facilities are permitted subject to the following:

- (A) The physical fitness facility is located within a *development* that is greater than 20,000 square feet of *gross floor area* in an industrial zone;
- (B) The physical fitness facility is exclusively used by employees of the *premises* as an *accessory use*; and
- (C) The physical fitness facility does not exceed 25 percent of the *gross floor area* of the *structures* on the *premises*.

Section 17. That Chapter 14, Article 1, Division 6 of the San Diego Municipal Code is amended by amending section 141.0612, to read as follows:

§141.0612 Mobile Food Trucks

Mobile food trucks are motorized vehicles that function as transportable retail food and beverage facilities. This use category includes mobile food trucks that provide sales to the general public of food and beverage (pre-packaged or prepared and served from the vehicle or an attached trailer) for consumption on or off of the *premises*. They are health regulated businesses subject to Chapter 4, Article 2, Division 1. This use category does not include pushcarts as described in Section 141.0619, farmers' markets as described in Section 141.0503, or off-site food and beverage delivery services.

- (a) Zoning Regulations.
 - (1) through (2) [No change in text.]
- (b) through (d) [No change in text.]
- (e) Neighborhood Use Permit.

A Process Two Neighborhood Use Permit may be requested in accordance with Section 126.0203 to deviate from Section 141.0612 on private property.

(f) [No change in text.]

Section 18. That Chapter 14, Article 1 of the San Diego Municipal Code is amended by retitling Division 9, to read as follows:

Chapter 14

Article 1: Separately Regulated Use Regulations

Division 9: Distribution and Storage Use Category--Separately Regulated Uses

Section 19. That Chapter 14, Article 1, Division 10 of the San Diego Municipal Code is amended by amending section 141.1004, to read as follows:

§141.1004 Marijuana Production Facilities

Marijuana production facilities are individual or combined uses engaged in the agricultural raising, harvesting, and processing of marijuana; wholesale distribution and storage of marijuana and marijuana products; and production of goods from marijuana and marijuana products consistent with the requirements of State of California Statutes and the California Departments of Food and Agriculture, Consumer Affairs, and Public Health regulations.

A marijuana production facility may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), provided that no more than 40 marijuana production facilities are permitted in the City of San Diego. Marijuana production facilities are subject to the following regulations.

- (a) [No change in text.]
- (b) All operations, including equipment and storage, shall be conducted indoors within a secured *structure*. Greenhouses are prohibited.
- (c) through (k) [No change in text.]

Section 20. That Chapter 14, Article 2, Division 4 of the San Diego Municipal Code is amended by amending sections 142.0405, 142.0407, 142.0409, and 142.0412, to read as follows:

§142.0405 Additional Yard Planting Area and Point Requirements

- (a) [No change in text.]
- (b) Additional residential *yard* requirements:
 - (1) [No change in text.]
 - (2) *Remaining Yard*
 - (A) through (B) [No change in text.]
 - (C) A minimum distance of 4 feet shall be provided between any tree and building.
- (c) through (d) [No change in text.]

§142.0407 Additional Vehicular Use Area Requirements

- (a) through (d) [No change in text.]
- (e) Solar mounted shade structures located above parking spaces within *vehicular use areas* shall cover a minimum of 50 percent of the exposed parking space.

§142.0409 Street Tree and Public Right-of-Way Requirements

- (a) Street Tree Requirements

When new *structures*, additions to *structures*, *condominium conversions*, or new *vehicular use areas* are subject to this section in accordance with Table 142-04A, street trees within the *parkway* shall be provided in accordance with the following regulations.

- (1) **Street Tree Quantity.** Street trees shall be planted between the curb and *abutting property line*. The number of required street trees shall be calculated at the rate of one 24-inch box canopy tree for every 30 linear feet of *street frontage*, excluding curb cuts and required clearances for designated bus stops. The installed tree spacing may be varied to accommodate site conditions or design considerations; however, the number of trees required for each *street frontage* on a *lot* bounded by more than one *street* shall be planted along the corresponding *street frontage*. Where site conditions do not allow the installation of the street trees required by this section in the *parkway*, trees may be located on the private property within 10 feet of the property line along that street frontage. Where palm trees are proposed to satisfy this requirement in accordance with Section 142.0409(a)(3), they shall be planted at a rate of one 10-foot brown trunk height palm for each 20 feet of *street frontage*. For projects in the IL and IH zones that have loading docks along more than 25 percent of the building *street wall*, the street tree requirement shall be increased to the rate of

one 24-inch box tree for every 20 feet of *street frontage* or one 10-foot brown trunk height palm for each 10 feet of *street frontage*.

(2) Street Tree Locations

(A) [No change in text.]

(B) Street trees shall be separated from improvements by the minimum distance shown in Table 142-04E.

Table 142-04E
Minimum Tree Separation Distance

Improvement	Minimum Distance to Street Tree
Traffic signal, Stop Sign	20 feet
Underground Utility Lines (except sewer)	5 feet
Sewer Lines	10 feet
Above Ground Utility <i>Structures</i> (Transformers, Hydrants, Utility poles, etc)	10 feet
Driveways	10 feet ¹
Intersections (intersecting curb lines of two streets)	25 feet

Footnote for Table 142-04E

¹ Five feet on residential local streets with a design speed of 25 miles per hour or slower.

(C) [No change in text.]

(3) [No change in text.]

(b) Additional *Public Right-of-Way* Regulations

(1) [No change in text.]

(2) Plant material, other than trees, located within *visibility areas* or the adjacent *public right-of-way* shall not exceed 36 inches in height, measured from the lowest *grade* abutting the plant material to the top of the plant material.

§142.0412 Brush Management

Brush management is required in all base zones on publicly or privately owned *premises* that are within 100 feet of a *structure* and contain native or naturalized vegetation.

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

(f) The Zone Two width may be decreased by 1½ feet for each 1 foot of increase in Zone One width.

(g) Zone One Requirements

(1) [No change in text.]

(2) Zone One shall contain no habitable *structures*, *structures* that are directly attached to habitable *structures*, or other combustible construction that provides a means for transmitting fire to the habitable *structures*. *Structures* such as *fences*, walls, palapas, play structures, and non-habitable gazebos that are located within brush management Zone One shall be of noncombustible, one hour fire-rated or Type IV or heavy timber construction as defined in the California Building Code.

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

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

Section 21. That Chapter 14, Article 2, Division 5 of the San Diego Municipal Code is amended by amending sections 142.0525, 142.0530, and 142.0545, to read as follows:

§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).

**Table 142-05C
Minimum Required Parking Spaces for
Multiple Dwelling Units and Related Accessory Uses**

<i>Multiple Dwelling Unit Type and Related and Accessory Uses</i>	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle ⁽⁵⁾ Spaces Required Per Dwelling Unit
	Basic ⁽¹⁾	Transit Area or Transit Priority Area ⁽²⁾	Parking Impact ⁽⁴⁾		
Studio up to 400 square feet through <i>Accessory uses</i> (Spaces per square feet ⁽⁷⁾) [No change in text.]	[No change in text.]				

Footnotes for Table 142-05C

- ¹ Basic. The basic parking ratio applies to *development* that does not qualify for a reduced parking requirement (in accordance with the *transit area* or *transit priority area* parking ratio or the *very low income* parking ratio), or for an increased parking requirement in accordance with the Parking Impact Area as described in Chapter 13, Article 2, Division 8 (Parking Impact Overlay Zone). *Development* qualifying for both a reduced parking ratio (*transit area*, *transit priority area*, or *very low income* parking ratio) and an increased parking ratio (Parking Impact Area) shall also use the basic parking ratio.
- ² *Transit Area* or *Transit Priority Area*. The *transit area* or *transit priority area* parking ratio applies to *development* that is at least partially within a *transit area* as described in Chapter 13, Article 2, Division 10 (Transit Area Overlay Zone), a *transit priority area*, or that is subject to Chapter 13, Article 2, Division 11 (Urban Village Overlay Zone).
- ³ through ⁸ [No change in text.]

(b) through (d) [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 <i>Floor Area</i> Unless Otherwise Noted (<i>Floor Area</i> Includes <i>Gross Floor Area</i> plus Below Grade <i>Floor Area</i> and Excludes <i>Floor Area</i> Devoted to Parking)		
	Required Automobile Parking Spaces ⁽¹⁾		
	Minimum Required Outside a <i>Transit Area</i> or <i>Transit Priority Area</i>	Minimum Required Within a <i>Transit Area</i> or <i>Transit Priority Area</i> ⁽²⁾	Maximum Permitted
Commercial Zones through Planned Districts, Central Urbanized [No change in text.]	[No change in text.]		
Planned Districts, La Jolla through Planned Districts, Old Town [No change in text.]	[No change in text.]		
West Lewis Street	[No change in text.]		

Footnotes for Table 142-05E

¹ [No change in text.]

² *Transit Area* or *Transit Priority Area*. The *transit area* or *transit priority area* minimum parking ratios apply in the *Transit Area* Overlay Zone (Chapter 13, Article 2, Division 10), *transit priority areas*, and in the Urban Village Overlay Zone (Chapter 13, Article 2, Division 11).

³ through ⁵ [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 (<i>Floor</i> Area Includes <i>Gross Floor Area</i> plus <i>Below Grade Floor Area</i> and Excludes <i>Floor Area</i> Devoted to Parking)		
	Required Automobile Parking Spaces ⁽²⁾		
	Minimum Required Outside a <i>Transit Area</i> or <i>Transit Priority Area</i>	Minimum Required Within a <i>Transit Area</i> or <i>Transit Priority Area</i> ⁽³⁾	Maximum Permitted
Commercial Zones through Planned Districts, Central Urbanized [No change in text.]	[No change in text.]		
Planned Districts, La Jolla through Planned Districts, Old Town [No change in text.]	[No change in text.]		
West Lewis Street	[No change in text.]		

Footnotes for Table 142-05F

¹ through ² [No change in text.]

³ *Transit Area* or *Transit Priority Area*. The *transit area* or *transit priority area* minimum parking ratios apply in the *Transit Area* Overlay Zone (Chapter 13, Article 2, Division 10), *transit priority areas*, and in the Urban Village Overlay Zone (Chapter 13, Article 2, Division 11).

⁴ through ⁵ [No change in text.]

- (c) Nonresidential Uses. Table 142-05G establishes the required ratio of parking spaces to building *floor* area for the nonresidential uses shown that are not covered by the parking requirements in Sections 142.0530(a) and (b).

Table 142-05G
Parking Ratios for Specified Non-Residential Uses

Use	Parking Spaces Required per 1,000 Square Feet of <i>Floor Area</i> Unless Otherwise Noted (<i>Floor Area</i> Includes <i>Gross Floor Area</i> plus below <i>Grade Floor Area</i> , and Excludes <i>Floor Area</i> Devoted to Parking)		
	Required Automobile Parking Spaces ⁽¹⁾		
	Minimum Required Outside a <i>Transit Area</i> or <i>Transit Priority Area</i>	Minimum Required Within a <i>Transit Area</i> or <i>Transit Priority Area</i> ⁽²⁾	Maximum Permitted
Institutional through Industrial, All industrial uses in the IS Zone [No change in text.]	[No change in text.]		

Footnotes For Table 142-05G

¹ [No change in text.]

² *Transit Area* or *Transit Priority Area*. The *transit area* or *transit priority area* minimum parking ratios apply in the *Transit Area* Overlay Zone (Chapter 13, Article 2, Division 10), *transit priority areas*, and in the Urban Village Overlay Zone (Chapter 13, Article 2, Division 11).

³ through ⁶ [No change in text.]

(d) Parking Spaces for Carpool/Vanpool Vehicles, Electric Vehicles, and Zero Emissions Vehicles

(1) Designated parking spaces for carpool/vanpool vehicles (vehicles containing two or more persons), electric vehicles, and zero emissions vehicles (any vehicles certified to zero-emissions standards) shall be provided for non-residential *development* at the ratio indicated in Section 142.0530(d)(1)(B), unless exempt under Section 142.0530(d)(1)(C).

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

(2) Required designated parking spaces for carpool/vanpool vehicles, electric vehicles, and zero emissions vehicles shall be conveniently located close to building entrances. Each parking space shall include surface identification, painted with the same paint used for

defining the parking stall, with the lower edge of the identification aligned with the end of the parking space and visible beneath a parked vehicle. The identification shall include the following characters:

CLEAN AIR/
VANPOOL/EV

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

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

§142.0545 Shared Parking Requirements

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

(c) Single Use Parking Ratios. *Shared parking* is subject to the parking ratios in Table 142-05I.

**Table 142-05I
Parking Ratios for Shared Parking**

Use	Peak Parking Demand (Ratio of spaces per 1,000 square feet of <i>floor</i> area unless otherwise noted. <i>Floor</i> area includes gross <i>floor</i> area plus below grade <i>floor</i> area and excludes <i>floor</i> area devoted to parking)	<i>Transit Area or Transit Priority Area</i> ⁽¹⁾
Office (except medical office) through <i>Multiple dwelling units</i> [No change in text.]	[No change in text.]	

Footnote for Table 142-05I

¹ *Transit Area or Transit Priority Area.* The *transit area or transit priority area* peak parking demand applies in the *Transit Area Overlay Zone* (see Chapter 13, Article 2, Division 10) or *transit priority areas*.

(d) [No change in text.]

Section 22. That Chapter 14, Article 2, Division 6 of the San Diego Municipal Code is amended by amending section 142.0611 and by repealing section 142.0650, to read as follows:

§142.0611 Exemptions from Requirement to Provide Public Improvements Incidental to a Building Permit

The following activities are exempt from Section 142.0610:

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

(c) The alteration of existing buildings where the proposed improvements have a total value, as estimated by the Building Official, of \$100,000 or less; and

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

Section 23. That Chapter 14, Article 2, Division 12 of the San Diego Municipal Code is amended by amending sections 142.1265 and 142.1270, to read as follows:

§142.1265 Signs in Single Dwelling Unit Residential Zones

The following regulations apply to all *signs*, both permanent and temporary, that are permitted in *single dwelling unit* residential zones.

(a) Permanent *Signs*

The following *signs* are permitted in all of the *single dwelling unit* residential zones on a permanent basis.

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

(4) Category C *Signs* are permitted in accordance with Section 142.1220 for commercial, office, retail, and institutional uses that are allowed in residential zones, as identified in Table 131-04B, except that *ground signs* shall not exceed 3 feet in height and secondary *signs* are not permitted.

(b) [No change in text.]

§142.1270 Signs in Multiple Dwelling Unit Residential Zones

The following regulations apply to all *signs*, both permanent and temporary, that are permitted in all *multiple dwelling unit* residential zones, unless otherwise indicated.

(a) In all *multiple dwelling unit* residential zones, the following *signs* are permitted on a permanent basis.

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

(5) Category C *Signs* are permitted in accordance with Section 142.1220 for commercial uses that are allowed in residential zones, as identified in Table 131-04B, except that *ground signs* shall not exceed 3 feet in height and secondary *signs* are not permitted.

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

Section 24. That Chapter 14, Article 3, Division 1 of the San Diego Municipal Code is amended by amending section 143.0126, to read as follows:

§143.0126 Procedures for Emergency Authorization to Impact Environmentally Sensitive Lands .

Whenever *development* activity within *environmentally sensitive lands* is deemed necessary by order of the City Manager to protect the public health or safety, the City Manager may authorize, without a public hearing, the minimum amount of impact necessary to protect the public health or safety, subject to the following:

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

(f) Conditions. The City Manager may approve an emergency Site Development Permit with conditions, including an expiration date for any work authorized by the City Manager.

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

(3) If the emergency work results in permanent impacts to *environmentally sensitive lands*, a subsequent Neighborhood Development Permit or Site Development Permit is required through the regular process in accordance with this Division. The application for the Neighborhood Development Permit or Site Development Permit shall be submitted within 60 days of completion of the emergency work, except that an application for a *capital improvement program project* shall be submitted within 180 days of completion of the emergency work.

(g) [No change in text.]

Section 25. That Chapter 14, Article 3, Division 3 of the San Diego Municipal Code is amended by amending section 143.0365, to read as follows:

§143.0365 Supplemental Site Development Permit Regulations for Small Lot Subdivisions

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

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

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

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

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

(c) A small *lot subdivision development* shall comply with the regulations in Table 143-03C and the supplemental regulations in this section.

Table 143-03C
Development Regulations for Small Lot Subdivisions

Max permitted <i>density pre-subdivided lot</i> dwelling units (DU) per <i>lot</i> through <i>Setback requirements for resubdivided corner lots</i> [See Section 113.0246(f)] [No change in text.]	[No change in text.]
Max structure height (ft)	
RM-1-1, RM-1-2, and RM-1-3	36 ^(2, 5)
RM-2-4, RM-2-5, and RM-2-6	40 ^(3, 5)
RM-3-7, RM-3-8, and RM-3-9	40 ⁽⁵⁾
<i>Lot coverage for sloping lots</i> [See Section 131.0445(a)] through Refuse and Recyclable Material Storage [See Section 142.0805] [No change in text.]	[No change in text.]

Footnotes for Table 143-03C

¹ through ⁴ [No change in text.]

⁵ Within the Coastal Height Limit Overlay Zone in the Peninsula Community Plan area, the base zone maximum *structure height* shall be 30 feet, which shall be determined in accordance with Section 113.0270(a)(4)(D).

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

Section 26. That Chapter 14, Article 3, Division 9 of the San Diego Municipal Code is amended by amending section 143.0920, to read as follows:

§143.0920 Affordable Housing, In-Fill Projects, and Sustainable Buildings Deviations

Development identified in Section 143.0915 may be permitted with a

Neighborhood Development Permit decided in accordance with Process Two,

except as provided in Section 143.0920(d), for the following:

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

(d) A deviation pursuant to Section 143.0920 may not be requested for the following:

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

(4) A deviation from the requirements of the Historical Resources Regulations (Chapter 14, Article 3, Division 2).

Section 27. That Chapter 14, Article 4, Division 2 of the San Diego Municipal Code is amended by amending section 144.0211 and by repealing section 144.0250, to read as follows:

§144.0211 Lot Design Requirements for Tentative Maps

The proposed *subdivision* lots shall be designed as follows:

(a) All *lots* shall have frontage on a *street* that is open to and usable by vehicular traffic or shall have a minimum 15-foot-wide direct vehicular access to the *street* or other access to a dedicated public *street* approved by the City Engineer;

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

Section 28. That Chapter 15, Article 2, Division 2 of the San Diego Municipal Code is amended by amending section 152.0201, to read as follows:

§152.0201 Administrative Regulations

(a) General Provisions

(1) [No change in text.]

(2) If an applicant proposes to move a building from one location to another, the applicant shall first obtain a Neighborhood Development Permit pursuant to Land Development Code Section 143.0302.

(3) All City projects, government subsidized projects, public facilities, structures and improvements, and redevelopment projects, shall conform to the purpose and intent of the Barrio Logan Planned District and shall be subject to the same regulations, conditions and standards established in the Barrio Logan Planned District.

(b) [No change in text.]

Section 29. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 30. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station (MCAS) Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this Ordinance shall take effect and be in force no sooner than the thirtieth day from and after the finding of consistency, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the City Council for reconsideration.

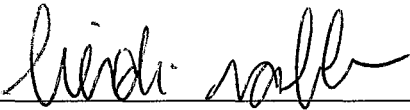
That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The City Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

That if the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after that final decision, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 31. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Heidi K. Vonblum
Deputy City Attorney


HKV:nja
01/08/18
03/07/18 Rev. Cor. Copy
Or.Dept: Planning
Doc. No.: 1662781_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 20 2018.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 3/22/18
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 2, DIVISION 6 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 62.0616; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 112.0504; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2 BY AMENDING SECTION 113.0234; AMENDING CHAPTER 12, ARTICLE 3 BY REPEALING DIVISION 3, SECTIONS 123.0301, 123.0302, 123.0303, 123.0304, 123.0305, 123.0306, 123.0307, AND 123.0308; AMENDING CHAPTER 12, ARTICLE 5 BY RETITLING DIVISION 1; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 1 BY AMENDING SECTION 125.0730; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0502; AMENDING CHAPTER 12, ARTICLE 8, DIVISION 2 BY AMENDING SECTION 128.0209; AMENDING CHAPTER 12, ARTICLE 8, DIVISION 3 BY AMENDING SECTION 128.0302; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 6 BY AMENDING SECTION 129.0650; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 131.0422, 131.0431, 131.0451, 131.0453 AND 131.0460; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTIONS 131.0522, 131.0540 AND 131.0548; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 131.0622 AND 131.0623; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 141.0612; AMENDING CHAPTER 14, ARTICLE 1 BY RETITLING DIVISION 9; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 10 BY AMENDING SECTION 141.1004; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 142.0405, 142.0407, 142.0409 AND 142.0412; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 142.0525, 142.0530 AND 142.0545; AMENDING CHAPTER 14, ARTICLE 2,

DIVISION 6 BY AMENDING SECTION 142.0611 AND BY REPEALING SECTION 142.0650; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12 BY AMENDING SECTIONS 142.1265 AND 142.1270; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 143.0126; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0365; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 9 BY AMENDING SECTION 143.0920; AMENDING CHAPTER 14, ARTICLE 4, DIVISION 2 BY AMENDING SECTION 144.0211 AND BY REPEALING SECTION 144.0250; AND AMENDING CHAPTER 15, ARTICLE 2, DIVISION 2 BY AMENDING SECTION 152.0201 ALL RELATING TO DEVELOPMENT AND THE 11TH UPDATE TO THE LAND DEVELOPMENT CODE.

§62.0616 Property Owners' Performance Bonds

- (a) [No change in text.]
- (b) When it is determined by the Park and Recreation Director that a bond or surety is required, the applicant for a street tree planting permit shall furnish a cash deposit or a surety bond to ensure performance of the conditions of his permit. This surety shall be in an amount which, in the opinion of the Park and Recreation Director, is sufficient to ensure performance, but in any event, no less than Three Hundred Dollars (\$300.00). Any cash deposit shall be held by the City Treasurer. If the Park and Recreation Director finds that the conditions of the permit have not been met, he shall notify the property owner in writing of such default and the time deemed necessary to correct it. If the property owner fails to correct the default within the established time, the Park and Recreation Director may use all or any part of the property owner's deposit to complete the work satisfactorily. The property owner shall be provided with an accounting for such expenditures. The deposit, or any remaining

balance, shall be refunded upon acceptance of the work by the Park and Recreation Director. ~~If the property owner has posted a surety bond, the provisions of Section 62.0202 shall apply except that wherein the words “City Engineer” are used, substitute the words “Park and Recreation Director.”~~

§112.0504 Process Two Appeal Hearing

(a) The Planning Commission shall hear appeals of Process Two decisions subject to the following requirements, unless otherwise specified in the Land Development Code.

(1) [No change in text.]

(2) Request for a Process Two Appeal Hearing.

(A) A Process Two decision may be appealed by filing an application for a Process Two appeal hearing with the City Manager no later than ~~12~~ 10 *business days* after the *decision date*.

(B) Pursuant to the *Subdivision Map Act*, an *applicant*s may file an appeal of a decision to deny ~~their~~ its application for an Extension of Time for a map waiver or *tentative map*. ~~In such cases, the maximum time period for filing an appeal is 12 *business days* or no later than 15 calendar days after the *decision date*, ~~whichever is greater.~~~~

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

(5) Scheduling an Appeal Hearing. ~~Within~~ ~~The City Manager shall~~ assign a date for an appeal hearing before the Planning Commission ~~no later than 10~~ 30 calendar days after the date on which an application for the appeal hearing is filed with the City Manager, the City Manager shall assign a date for an appeal hearing before the Planning Commission. The appeal hearing shall be held no later than 60 calendar days after the date on which the application for an appeal is filed, unless there are more than 60 calendar days until the next regularly scheduled Planning Commission meeting, in which case the appeal hearing shall be held at the first regularly scheduled meeting after the 60 calendar days have passed. Failure to hold the hearing within the 60 calendar days shall not limit the ~~authority of the Planning Commission's~~ authority to consider the appeal. The appeal hearing shall be noticed in accordance with Section 112.0308.

(6) [No change in text.]

(b) [No change in text.]

§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) Elements Included in *Gross Floor Area* ~~F~~for Development in All Zones

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

(3) *Gross floor area* for underground parking *structures* includes the following, except where the parking *structure* design meets the exemptions identified in Section 113.0234(d)(3):

(A) All portions of the *structure* where the vertical distance between adjacent the existing or proposed grade, whichever is lower, and the finished *floor* elevation above, exceeds 5 feet.

(B) [No change in text.]

Diagram 113-02K

Underground Parking Structures

[No change in text.]

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

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

Chapter 12

Article 3: Zoning

~~Division 3: Zoning Use Certificate Procedures~~

~~§123.0301 Purpose of Zoning Use Certificate Procedures~~

~~The purpose of these procedures is to provide for review of proposed business uses for general conformance with the applicable zoning regulations and to~~

establish the right of the business owner to initiate operations at a specific location.

§123.0302 ~~When a Zoning Use Certificate Is Required~~

- (a) ~~A Zoning Use Certificate is required before the commencement of any nonresidential use of property within the City of San Diego.~~
- (b) ~~An application for a Zoning Use Certificate is required whenever an application is submitted for issuance of a Business Tax Certificate for a new business, a change of location, or a change of principal business activity. A Zoning Use Certificate is not required for renewal of a Business Tax Certificate.~~

§123.0303 ~~General Rules for a Zoning Use Certificate~~

- (a) ~~Issuance of a Zoning Use Certificate is based upon information provided by the *applicant*.~~
- (b) ~~The Zoning Use Certificate establishes the applicant's right to initiate the business operations listed in the application at a specified location.~~
- (c) ~~The Zoning Use Certificate may restate applicable conditions of operation contained in the base zone regulations or in an applicable *development permit*.~~
- (d) ~~With the exception of emergency or interim ordinances, subsequent land use legislation does not preclude the initiation of the approved use, unless the Zoning Use Certificate was issued in error.~~

- (e) ~~The Zoning Use Certificate does not relieve the *applicant* from complying with all applicable development regulations or from obtaining all applicable permits and licenses required by the City of San Diego.~~

§123.0304 ~~How to Apply for a Zoning Use Certificate~~

~~An *applicant* shall apply for a Zoning Use Certificate in accordance with Section 112.0102. The application shall include a description of the proposed use and the proposed location. The City Manager may require additional information as necessary to judge compliance with all applicable regulations.~~

§123.0305 ~~Decision on a Zoning Use Certificate~~

~~A decision on an application for a Zoning Use Certificate shall be made in accordance with Process One. The City Manager shall review an application for a Zoning Use Certificate and shall approve the certificate if the City Manager determines that the proposed use conforms with the applicable use regulations of the zone and any applicable *development permit* or constitutes a *previously conforming* use in accordance with Chapter 12, Article 7 (Previously Conforming Premises and Uses).~~

§123.0306 ~~Decision on a Zoning Use Certificate for Adult Entertainment~~

~~In addition to the requirements identified in Section 123.0305, the following requirements shall apply to Zoning Use Certificates requested for those businesses identified in Sections 141.0601(a)(2) through 141.0601(a)(4), 141.0601(a)(6), 141.0601(a)(9), 141.0601(a)(10) and 141.0601(a)(12):~~

- (a) ~~Upon receipt of a Zoning Use Certificate application, the City Manager shall promptly investigate the information provided in the application,~~

which may include inspecting the proposed location of the business to determine whether the proposed site complies with all applicable zoning regulations.

- (b) ~~Within fifteen business days after receipt of a complete Zoning Use Certificate application, the City Manager shall approve or deny the issuance of a Zoning Use Certificate. If the Zoning Use Certificate is denied, the City Manager shall advise the applicant in writing of the reasons for the denial. Notwithstanding any other provision of this Division to the contrary, if the City Manager fails to act on the Zoning Use Certificate application within the time proscribed, the application shall be deemed to have been approved and the Zoning Use Certificate shall be issued.~~
- (e) ~~The decision by the City Manager to approve or deny the issuance of a Zoning Use Certificate shall be the final administrative action and the applicant may seek prompt judicial review of such administrative action in any court of competent jurisdiction.~~

§123.0307 ~~Issuance of a Zoning Use Certificate~~

~~The City Manager shall issue the Zoning Use Certificate when the required fees have been paid and the certificate has been approved.~~

§123.0308 ~~Expiration of a Zoning Use Certificate~~

~~A Zoning Use Certificate expires 180 calendar days after issuance if the business use specified in the certificate has not commenced at the approved location.~~

Article 5: Subdivision Procedures

Division 1: General Rules Subdivision Procedures

§125.0730 Decision Process for Determination of Status of the Merger of Parcels

The determination of status of the merger of parcels shall be made in accordance with Process Two with the following modifications to Process Two procedures as required by the *Subdivision Map Act*:

- (a) [No change in text.]
- (b) An application for an appeal hearing may be filed within 30 calendar days after the recording of the Notice of Intention to Determine Status in place of the time specified in Section 112.0504(b)(a)(2). If the ~~owner~~ record owner does not file a request for a hearing within 30 calendar days after the recordation of the Notice of Intention to Determine Status, the City Manager may record the Notice of Merger.
- (c) An appeal hearing shall be scheduled not more than 60 calendar days following receipt of the ~~property owner's~~ record owner's request for hearing, in place of the time specified in Section 112.0504(e)(a)(5), but the time period may be continued or postponed with the mutual consent of the City and the ~~property owner~~ record owner.

§126.0502 When a Site Development Permit is Required

- (a) [No change in text.]
- (b) A Site Development Permit decided in accordance with Process Three is required for residential *development* that involves any of the following:
(1) through (2) [No change in text.]

- (3) Within any multiple unit residential zone, multiple unit residential *development* that exceeds the number of dwelling units indicated in Table 126-05A on *lots* which are consolidated or otherwise joined together for the purpose of accommodating the *development*, except that if the *development* is affordable housing, an in-fill project, and/or a sustainable building, as described in Section 143.0915, it shall be processed in accordance with Section 126.0503.

Table 126-05A
Multiple Dwelling Unit Developments
Requiring a Site Development Permit

Multiple dwelling unit zones	Number of dwelling units on consolidated <i>lots</i>
RM-1-1	3 Dwelling Units
RM-1-2	4 Dwelling Units
RM-1-3	7 Dwelling Units
RM-2-4	9 Dwelling Units
RM-2-5	11 Dwelling Units
RM-2-6	16 Dwelling Units
RM-3-7	19 Dwelling Units
RM-3-8	20 Dwelling Units
RM-3-9	20 Dwelling Units
RM-4-10	20 Dwelling Units
RM-4-11	20 Dwelling Units

- (43) Multiple unit residential *development* that varies from minimum parking requirements, as described in Section 142.0525(a).
- (54) *Development* of a small *lot subdivision* in accordance with Section 143.0365.

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

§128.0209 When a Previous Environmental Document May Be Used

- (a) A previously certified EIR or Negative Declaration, including any supplement or addendum, may be used when changes in the project or circumstances have occurred, unless the Planning Director determines that one or more of the situations identified in State CEQA Guidelines, Section 15162 ~~or 15183~~, exist.
- (b) [No change in text.]

§128.0302 Time Limits for Preparation of Environmental Documents

- (a) [No change in text.]
- (b) These time limits for document preparation and review are contingent upon the project applicant's applicant's actions and shall be in conformance with the provisions of the Permit Streamlining Act, Government Code Section 65920, et. seq., except that time limits may be suspended as provided in the State CEQA Guidelines, Section 15109.
- (c) The one year time limit set forth in Section 128.0302(a) ~~above~~ may be extended once for a period of not more than 90 days upon consent of the Planning and Development Review Director and the applicant.

§129.0650 Expiration of a Grading Permit

- (a) A Grading Permit shall expire by limitation and become void upon the later of:
 - (1) Twenty-four 24 months after the ~~date of permit issuance, unless an exception is granted in one of the following ways~~ Grading Permit issuance date;

- (2) The expiration date of a *subdivision* improvement agreement associated with the Grading Permit;
 - (3) The expiration date of a Building Permit associated with the Grading Permit; or
 - (14) The expiration date approved by the City Manager At the time of permit issuance and specified on the Grading Permit, ~~the City Manager may approve an expiration date exceeding 24 months if the permittee can demonstrate that where the complexity or size of the project makes completion of the project within 24 months unreasonable. The expiration date for the Grading Permit shall be specified on the permit; or~~
 - (2) ~~A Grading Permit issued as part of a *subdivision* improvement agreement shall expire in accordance with the terms of that agreement.~~
 - (3) ~~A Grading Permit associated with a valid Building Permit shall expire concurrently with the Building Permit.~~
- (b) If the *grading* or work authorized by a Grading Permit has not received final inspection approval by the Grading pPermit expiration date, all work shall stop until a new Grading pPermit is issued.

§131.0112 Descriptions of Use Categories and Subcategories

- (a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the

purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).

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

(3) Residential Use Category

This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:

(A) [No change in text.]

(B) *Mobilehome Parks* — A *premises* with two or more ~~mobilehomes~~ mobilehomes used as ~~dwelling units~~ dwelling units, other than ~~companion units~~ a companion unit, junior unit, or employee housing.

(C) *Multiple Dwelling Units* — ~~Dwelling units~~ Dwelling units where more than one dwelling unit, other than a companion unit, junior unit, or employee housing, is located on a single lot.

(D) *Single Dwelling Units* — ~~Dwelling units~~ Dwelling units where no more than one ~~dwelling unit~~ dwelling unit is located on a lot, usually detached, and occupied by a single household unit.

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

(6) Commercial Services Use Category

This category includes uses that provide for consumer or business services, for the repair and maintenance of a wide variety of products, and for entertainment. The commercial services subcategories are:

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

(F) Instructional Studios - Uses that provide a place where skills including dance, art, and martial arts are taught to individuals or groups. Instructional studios also include recreation and physical fitness facilities that accommodate a maximum occupancy of 24 persons. Instructional studios do not include educational facilities.

(G) through (H) [No change in text.]

(I) Personal Services - Uses that provide a variety of services associated with personal grooming and the maintenance of health and well-being. Personal services do not include recreation or physical fitness facilities.

(J) through (L) [No change in text.]

(7) through (11) [No change in text.]

(b) [No change in text.]

§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
Open Space through Industrial, Separately Regulated Industrial Uses [No change in text.]		[No change in text.]				
<u>Artisan Food and Beverage Producer</u>		=	=	=	=	=
Industrial, Separately Regulated Industrial Uses, Hazardous Waste Research Facility through Signs, 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 Industrial, Separately Regulated Industrial Uses [No change in text.]		[No change in text.]			
<u>Artisan Food and Beverage Producer</u>		=		=	
Industrial, Separately Regulated Industrial Uses, Hazardous Waste Research Facility through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]			

Footnotes for Table 131-03B [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 through Industrial, Separately Regulated Industrial Uses [No change in text.]		[No change in text.]																							
<u>Artisan Food and Beverage Producer</u>	=	=												=		=									
Industrial, Separately Regulated Industrial Uses, Hazardous Waste Research Facility through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[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	
Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]												
Mobile Food Trucks	-	N <u>L⁽¹¹⁾</u>			L ⁽¹¹⁾			L ⁽¹¹⁾		L ⁽¹¹⁾				

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	
Commercial Services, Separately Regulated Commercial Services Uses, Nightclubs & Bars over 5,000 square feet in size through Industrial, Separately Regulated Industrial Uses [No change in text.]	[No change in text.]													
<u>Artisan Food and Beverage Producer</u>	=	=	=	=	=	=	=	=	=	=	=	=		
Industrial, Separately Regulated Industrial Uses, Hazardous Waste Research Facility through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]													

Footnotes for Table 131-04B

¹ through ¹⁰ [No change in text.]

¹¹ This use is Mobile food trucks are permitted by right on the property of a *school*, university, hospital, religious facility, *previously conforming commercial premises in a residential zone*, or construction site. It is permitted as a limited use only in association with a *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. Mobile food trucks on any other premises are subject to the limited use regulations set forth in Section 141.0612.

¹² [No change in text.]

§131.0431 Development Regulations Table for Residential Zones

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

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

(e) RM Zones

**Table 131-04G
Development Regulations for 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 Setback requirements , Min Rear setback (ft) [No change in text.]		[No change in text.]					
Setback requirements for resubdivided corner lots [See Section 131.0443(i)113.0246(f)]		[No change in text.]					
Max structure height (ft) through Visibility Area [See Section 113.0273] [No change in text.]		[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 Setback requirements , Min Rear setback (ft) [No change in text.]		[No change in text.]					
Setback requirements for resubdivided corner lots [See Section 131.0443(i)113.0246(f)]		[No change in text.]					
Max structure height (ft) through Visibility Area		[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
[See Section 113.0273] [No change in text.]							

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

§131.0451 Ground-floor Height

Ground-floor height requirements apply to *structures* with commercial uses on the ground floor. The minimum ground-floor height for *structures* shall be the average of 15 feet, but shall not be less than 13 feet, 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 to floor. The ground-floor height requirement shall not apply to development in the Coastal Height Limit Overlay Zone or the Clairemont Mesa Height Limit Overlay Zone.

§131.0453 Lot Consolidation Regulations in the RM-1-1 and RM-1-2 Zones

In the RM-1-1 and RM-1-2 zones within urbanized communities urbanized communities, lots consolidation that are consolidated or otherwise joined together to accommodate development is are subject to the following:

- (a) [No change in text.]
- (b) If the consolidation results in a total *street frontage* exceeding 60 feet, the number of dwelling units dwelling units permitted within any single building structure shall not exceed the number of units dwelling units that would have been permitted on the largest *premises* before the consolidation, as shown in Diagram 131-04P;

Diagram 131-04P

Buildings on Consolidated Lots

[No change in text.]

- (c) If the depth of the *lots* to be consolidated is greater than 139 feet, only 139 feet shall be used in the calculation to determine the number of ~~units~~ dwelling units permitted ~~without a Site Development Permit~~; and
- (d) Within the front 50 percent of the consolidated *premises*, a minimum 3-foot offset in the front facade shall be required for any building structure where the dimension most parallel to the *street* exceeds ~~one and one-half~~ 1.5 times the width of the permitted *building envelope* of the largest *lot* existing before consolidation. See Diagram 131-04Q.

Diagram 131-04Q

Lot Consolidation Offset Requirement

[No change in text.]

§131.0460 Maximum Third Story Dimensions in the RS Zones ~~and in Small Lot Subdivisions~~

In the RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, and RS-1-7 zones, ~~and in small lot subdivisions in accordance with Section 143.0365~~, the following shall apply:

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

§131.0522 Use Regulations Table for Commercial Zones

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

Legend for Table 131-05B

[No change in text.]

Table 131-05B
Use Regulations Table for Commercial Zones

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 2	1							
Open Space through Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]	[No change in text.]														
Live/Work Quarters	<u>-L</u>	L	<u>-L</u>	-	-	L	-	-							
Residential, Separately Regulated Residential Uses, Residential Care Facilities: through Signs, Separately Regulated Sign Uses, Theater Marquees [No change in text.]	[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 >>	CC-																							
3rd >>	1-	2-			3-			4-			5-														
4th >>	1 2 3	1 2 3	4 5	4 5 6	7 8 9	1 2 3	4 5 6	1 2 3	4 5 6																
Open Space through Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]	[No change in text.]																								
Live/Work Quarters	L	<u>-L</u>	L	L	L																				
Residential, Separately Regulated Residential Uses, Residential Care Facilities: through Signs, Separately Regulated Sign Uses, Theater Marquees [No change in text.]	[No change in text.]																								

Footnotes for Table 131-05B

¹ through ³ [No change in text.]

⁴ Live entertainment and/or the sale of intoxicating beverages other than beer and wine are is not permitted in the Commercial-Neighborhood (CN) zones, unless approval of a deviation is granted via a Planned Development Permit in accordance with Section 126.0602(b)(1). Within the North Park Community Plan area, the sale of intoxicating beverages are permitted in the CN zones. All uses or activities shall be conducted entirely within an enclosed building and front onto the primary street with no uses or commercial activities conducted outdoors in the rear yard adjacent to residentially-zoned properties.

⁵ through ¹⁷ [No change in text.]

§131.0540 Maximum Permitted Residential Density and Other Residential Regulations

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

- (a) through (c) [No change in text.]
- (d) Residential *Development*. Where residential *development* is permitted, the development regulations of the RM-1-1, RM-2-5, RM-3-7, RM-3-8, RM-3-9, and ~~RM-3-10~~ RM-4-10 zones apply as appropriate according to the maximum permitted residential *density*, 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 as set forth in Sections 131.0446(e) and 131.0446(f) shall apply.
- (e) [No change in text.]

§131.0548 Ground-floor Height

Ground-*floor* height requirements apply to *structures* with commercial uses on the ground *floor*. The minimum ground-*floor* height for *structures* shall be the average of 15 feet, but shall not be less than 13 feet, 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* to floor. The ground-floor height requirement shall not apply to development in the Coastal Height Limit Overlay Zone or the Clairemont Mesa Height Limit Overlay Zone.

§131.0622 Use Regulations Table for Industrial Zones

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

Legend for Table 131-06B

[No change in text.]

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

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones									
	1st & 2nd >>		IP-			IL-			IH-		IS-	IBT-
	3rd >>>		1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>>		1	1	1	1	1	1	1	1	1	1
Open Space through Residential, Mobilehome Parks [No change in text.]	[No change in text.]											
Multiple Dwelling Units	-	-	P ⁽⁴⁷¹³⁾	-	-	-	-	-	-	-	-	
Residential, Rooming House [See Section 131.0112(a)(3)(A)] through Residential, Separately Regulated Residential Uses, Companion Units [No change in text.]	[No change in text.]											
Continuing Care Retirement Communities	-	-	L ⁽⁴⁷¹³⁾	-	-	-	-	-	-	-	-	
Residential, Separately Regulated Residential Uses, Employee Housing; through Retail Sales [No change in text.]	[No change in text.]											
Building Supplies & Equipment	-	-	-	P ^(6, 4513)	P ⁽⁴⁵¹³⁾	P ⁽⁴⁵¹³⁾	-	P ^(6, 4513)	P ⁽⁴⁵¹³⁾	-	-	
Food, Beverages and Groceries	-	-	-	-	-	P ⁽⁴⁵¹³⁾	-	-	-	-	-	
Consumer Goods, Furniture, Appliances, Equipment	-	-	-	-	P ^(2, 4513)	P ⁽⁴⁵¹³⁾	-	-	-	P ^(3, 4513)	-	
Pets & Pet Supplies	-	-	-	-	-	P ⁽⁴⁵¹³⁾	-	-	-	-	-	
Sundries, Pharmaceuticals, & Convenience Sales	-	P ^(5, 4513)	P ^(5, 4513)	P ^(5, 4513)	P ^(5, 4513)	P ⁽⁴⁵¹³⁾	P ^(5, 4513)	P ^(5, 4513)	P ^(4, 4513)	-	-	
Wearing Apparel & Accessories	-	-	-	-	P ^(3, 4513)	P ^(3, 4513)	-	-	-	P ^(3, 4513)	-	
Retail Sales, Separately Regulated Retail Sales Uses through Commercial Services, Business Support [No change in text.]	[No change in text.]											
Eating & Drinking Establishments	-	P ^(7, 4816)	P ^(7, 4816)	P ^(7, 4816)	P ^(7, 4816)	P ⁽⁴⁸¹⁶⁾	-	P ⁽⁷⁾	P ^(4, 4816)	P ^(7, 4816)	-	
Commercial Services, Financial Institutions through Commercial Services, Funeral & Mortuary Services [No change in text.]	[No change in text.]											
Instructional Studios	-	-	-	-	-	P ⁽⁴⁶¹⁴⁾	-	-	P	-	-	
Commercial Services, Maintenance & Repair through Commercial Services, Radio & Television Studios [No change in text.]	[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	Zones									
	Designator	IP-			IL-			IH-		IS-	IBT-
	1st & 2nd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	3rd >>	1	1	1	1	1	1	1	1	1	1
4th >>	1	1	1	1	1	1	1	1	1	1	
Tasting Rooms	P ⁽²⁰¹⁸⁾ ₈	P ⁽²⁰¹⁸⁾	- ⁽²⁰¹⁸⁾	P ⁽²⁰¹⁸⁾	P ⁽²⁰¹⁸⁾	P ⁽²⁰¹⁸⁾	P ⁽²⁰¹⁸⁾	P ⁽²⁰¹⁸⁾	P ⁽²⁰¹⁸⁾	P ⁽²⁰¹⁸⁾	
Commercial Services, Visitor Accommodations through Offices, Medical, Dental, & Health Practitioner [No change in text.]	[No change in text.]										
Regional & Corporate Headquarters	P ⁽¹⁾	P	P ⁽¹⁾	P ⁽¹⁾	P	P	-	P ⁽⁴⁴¹²⁾	P	P ⁽¹⁾	
Offices, Separately Regulated Office Uses through Distribution and Storage, Moving & Storage Facilities [No change in text.]	[No change in text.]										
Distribution Facilities	P ⁽⁴⁹¹²⁾	P	-	P	P	P	P	P	P	P	
Distribution and Storage, Separately Regulated Distribution, and Storage Uses through Industrial, Separately Regulated Industrial Uses [No change in text.]	[No change in text.]										
Separately Regulated Industrial Uses											
Artisan Food and Beverage Producer	-	-	-	-	-	-	-	-	-	-	
Industrial, Separately Regulated Industrial Uses, Hazardous Waste Research Facility through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]										

Footnotes for Table 131-06B

- ¹ through ¹⁰ [No change in text.]
- ¹¹ Assembly-uses shall occupy at least 5,000 square feet of the *gross floor area*.
- ¹² Recreational facilities shall not exceed 2,500 square feet of *gross floor area* and 2,500 square feet of outdoor recreational use area.
- ¹³¹¹ The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.
- ¹⁴¹² Only one regional and corporate headquarters establishment is permitted on an individual parcel of land.
- ¹⁵¹³ *Development* of a large retail establishment is subject to Section 143.0302.
- ¹⁶¹⁴ Instructional Studios are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*.
- ¹⁷¹⁵ See Section 131.0623(j).
- ¹⁸¹⁶ Eating and drinking establishments abutting residential *development* located in a residential zone may operate only between 6:00 a.m. and 12:00 midnight.
- ¹⁹¹⁷ Distribution facilities are permitted in the IP-1-1 zone only within the Otay Mesa Community Plan area.
- ²⁰¹⁸ Tasting rooms are only permitted as an *accessory use* to a beverage manufacturing plant.

§131.0623 Additional Use Regulations of Industrial Zones

The additional use regulations identified in this Section are applicable to uses where indicated in Table 131-06B.

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

(e) Light manufacturing and assembly uses in the IP-1-1 and the IP-3-1 zones are limited to the following:

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

(8) ~~Within the IP-1-1 zone only, b~~Beverage and food manufacturing and production. Beverage manufacturing operations may include a tasting room as an *accessory use*.

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

(k) Physical fitness facilities are permitted subject to the following:

(A) The physical fitness facility is located within a development that is greater than 20,000 square feet of gross floor area in an industrial zone;

(B) The physical fitness facility is exclusively used by employees of the premises as an accessory use; and

(C) The physical fitness facility does not exceed 25 percent of the gross floor area of the structures on the premises.

§141.0612 Mobile Food Trucks

Mobile food trucks are motorized vehicles that function as transportable retail food and beverage facilities. This use category includes mobile food trucks that provide sales to the general public of food and beverage (pre-packaged or prepared and served from the vehicle or an attached trailer) for consumption on or off of the *premises*. They are health regulated businesses subject to Chapter 4, Article 2, Division 1. This use category does not include pushcarts as described in

Section 141.0619, farmers' markets as described in Section 141.0503, or off-site food and beverage delivery services.

(a) Zoning Regulations.

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

~~(3) In zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), mobile food trucks may be permitted with a Neighborhood Use Permit, and are subject to Section 141.0612.~~

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

(e) Neighborhood Use Permit.

A Process Two Neighborhood Use Permit may be requested in accordance with Section 126.0203 to deviate from Section 141.0612 on private property ~~or to operate a mobile food truck in an RM-2 zone.~~

(f) [No change in text.]

Chapter 14

Article 1: Separately Regulated Use Regulations

Division 9: ~~Wholesale, Distribution and Storage Use Category--~~Separately Regulated Uses

§141.1004 Marijuana Production Facilities

Marijuana production facilities are individual or combined uses engaged in the agricultural raising, harvesting, and processing of marijuana; wholesale distribution and storage of marijuana and marijuana products; and production of goods from marijuana and marijuana products consistent with the requirements of

State of California Statutes and the California Departments of Food and Agriculture, Consumer Affairs, and Public Health regulations.

A marijuana production facility may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), provided that no more than 40 marijuana production facilities are permitted in the City of San Diego. Marijuana production facilities are subject to the following regulations.

- (a) [No change in text.]
- (b) All operations, including equipment and storage, shall be conducted indoors within a secured *structure*. Greenhouses are prohibited. ~~All equipment and storage shall be also located within a secure *structure*.~~
- (c) through (k) [No change in text.]

§142.0405 Additional Yard Planting Area and Point Requirements

- (a) [No change in text.]
- (b) Additional residential *yard* requirements:
 - (1) [No change in text.]
 - (2) *Remaining Yard*
 - (A) through (B) [No change in text.]
 - (C) A minimum distance of 64 feet shall be provided between any tree and building.
- (c) through (d) [No change in text.]

§142.0407 Additional Vehicular Use Area Requirements

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

- (e) Solar mounted shade structures located above parking spaces within vehicular use areas shall cover a minimum of 50 percent of the exposed parking space.

§142.0409 Street Tree and Public Right-of-Way Requirements

- (a) Street Tree Requirements

When new *structures*, additions to *structures*, *condominium conversions*, or new *vehicular use areas* are subject to this section in accordance with Table 142-04A, street trees within the *parkway* shall be provided in accordance with the following regulations.

- (1) Street Tree Quantity. Street trees shall be planted between the curb and *abutting property line*. The number of required street trees shall be calculated at the rate of one 24-inch box canopy tree for every 30 linear feet of street frontage, excluding curb cuts and required clearances for designated bus stops. The installed tree spacing may be varied to accommodate site conditions or design considerations; however, the number of trees required for each *street frontage* on a *lot* bounded by more than one *street* shall be planted along the corresponding *street frontage*. Where site conditions do not allow the installation of the street trees required by this section in the *parkway*, trees may be located on the private property within 10 feet of the property line along that street frontage. Where palm trees are proposed to satisfy this requirement in accordance with Section 142.0409(a)(3), they shall be planted at

a rate of one 10-foot brown trunk height palm for each 20 feet of *street frontage*. For projects in the IL and IH zones that have loading docks along more than 25 percent of the building *street wall*, the street tree requirement shall be increased to the rate of one 24-inch box tree for every 20 feet of *street frontage* or one 10-foot brown trunk height palm for each 10 feet of *street frontage*.

(2) Street Tree Locations

(A) [No change in text.]

(B) Street trees shall be separated from improvements by the minimum distance shown in Table 142-04E.

Table 142-04E
Minimum Tree Separation Distance

Improvement	Minimum Distance to Street Tree
Traffic signal, Stop Sign	20 feet
Underground Utility Lines (except sewer)	5 feet
Sewer Lines	10 feet
Above Ground Utility <i>Structures</i> (Transformers, Hydrants, Utility poles, etc)	10 feet
Driveways	10 feet ¹
Intersections (intersecting curb lines of two streets)	25 feet

Footnote for Table 142-04E

¹ Five feet on residential local streets with a design speed of 25 miles per hour or slower.

(C) [No change in text.]

(3) [No change in text.]

(b) Additional *Public Right-of-Way* Regulations

(1) [No change in text.]

- (2) Plant material, other than trees, ~~within the *public right-of-way* that~~ is located within *visibility areas* or the adjacent *public right-of-way* shall not exceed ~~24~~ 36 inches in height, measured from the lowest *grade abutting the plant material to the top of the adjacent curb plant material.*

§142.0412 Brush Management

Brush management is required in all base zones on publicly or privately owned *premises* that are within 100 feet of a *structure* and contain native or naturalized vegetation.

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

(f) The Zone Two width may be decreased by 1½ feet for each 1 foot of increase in Zone One width ~~up to a maximum reduction of 30 feet of Zone Two width.~~

(g) Zone One Requirements

(1) [No change in text.]

(2) Zone One shall contain no habitable *structures*, *structures* that are directly attached to habitable *structures*, or other combustible construction that provides a means for transmitting fire to the habitable *structures*. *Structures* such as *fences*, walls, palapas, play structures, and non-habitable gazebos that are located within brush management Zone One shall be of noncombustible, one hour fire-rated or Type IV or heavy timber construction as defined in the *California Building Code.*

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

(h) through (o) [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).

**Table 142-05C
Minimum Required Parking Spaces for
Multiple Dwelling Units and Related Accessory Uses**

<i>Multiple Dwelling Unit Type and Related and Accessory Uses</i>	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle ⁽⁵⁾ Spaces Required Per Dwelling Unit
	Basic ⁽¹⁾	<u>Transit Area or Transit Priority Area</u> ⁽²⁾	Parking Impact ⁽⁴⁾		
Studio up to 400 square feet through <i>Accessory uses</i> (Spaces per square feet ⁽⁷⁾) [No change in text.]	[No change in text.]				

Footnotes for Table 142-05C

- ¹ Basic. The basic parking ratio applies to *development* that does not qualify for a reduced parking requirement (in accordance with the *transit area or transit priority area* parking ratio or the *very low income* parking ratio), or for an increased parking requirement in accordance with the Parking Impact Area as described in Chapter 13, Article 2, Division 8 (Parking Impact Overlay Zone). *Development* qualifying for both a reduced parking ratio (*transit area, transit priority area, or very low income* parking ratio) and an increased parking ratio (Parking Impact Area) shall also use the basic parking ratio.
- ² Transit Area or Transit Priority Area. The *transit area or transit priority area* parking ratio applies to *development* that is at least partially within a *transit area* as described in Chapter 13, Article 2, Division 10 (Transit Area Overlay Zone), a *transit priority area*, or that is subject to Chapter 13, Article 2, Division 11 (Urban Village Overlay Zone).
- ³ through ⁸ [No change in text.]

(b) through (d) [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 <i>Floor</i> Area Unless Otherwise Noted (<i>Floor</i> Area Includes <i>Gross Floor Area</i> plus Below Grade <i>Floor</i> Area and Excludes <i>Floor</i> Area Devoted to Parking)		
	Required Automobile Parking Spaces ⁽¹⁾		
	Minimum Required Outside a <i>Transit Area</i> or <i>Transit Priority Area</i>	Minimum Required Within a <i>Transit Area</i> or <i>Transit Priority Area</i> ⁽²⁾	Maximum Permitted
Commercial Zones through Planned Districts, Central Urbanized [No change in text.]	[No change in text.]		
Golden Hill	1.25	1.25	5.5
Planned Districts, La Jolla through Planned Districts, Old Town [No change in text.]	[No change in text.]		
Southeast San Diego	2.5	2.1	6.5
San Ysidro	2.5	2.1	6.5
West Lewis Street	[No change in text.]		

Footnotes for Table 142-05E

- ¹ [No change in text.]
² Transit Area or Transit Priority Area. The transit area or transit priority area minimum parking ratios apply in the Transit Area Overlay Zone (Chapter 13, Article 2, Division 10), transit priority areas, and in the Urban Village Overlay Zone (Chapter 13, Article 2, Division 11).
³ through ⁵ [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⁾ <i>Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus Below Grade Floor Area and Excludes Floor Area Devoted to Parking)</i>		
	Required Automobile Parking Spaces ⁽²⁾		
	Minimum Required Outside a <u>Transit Area or Transit Priority Area</u>	Minimum Required Within a <u>Transit Area or Transit Priority Area</u> ⁽³⁾	Maximum Permitted
Commercial Zones through Planned Districts, Central Urbanized [No change in text.]	[No change in text.]		
Golden Hill	1.25	1.25	20.0
Planned Districts, La Jolla through Planned Districts, Old Town [No change in text.]	[No change in text.]		
Southeast San Diego	5.0	4.3	25.0
San Ysidro	5.0	4.3	25.0
West Lewis Street	[No change in text.]		

Footnotes for Table 142-05F

¹ through ² [No change in text.]

³ Transit Area or Transit Priority Area. The transit area or transit priority area minimum parking ratios apply in the Transit Area Overlay Zone (Chapter 13, Article 2, Division 10), transit priority areas, and in the Urban Village Overlay Zone (Chapter 13, Article 2, Division 11).

⁴ through ⁵ [No change in text.]

(c) Nonresidential Uses. Table 142-05G establishes the required ratio of parking spaces to building *floor* area for the nonresidential uses shown that are not covered by the parking requirements in Sections 142.0530(a) and (b).

Table 142-05G
Parking Ratios for Specified Non-Residential Uses

Use	Parking Spaces Required per 1,000 Square Feet of <i>Floor</i> Area Unless Otherwise Noted (<i>Floor</i> Area Includes <i>Gross Floor Area</i> plus below <i>Grade Floor Area</i> , and Excludes <i>Floor Area Devoted to Parking</i>)		
	Required Automobile Parking Spaces ⁽¹⁾		
	Minimum Required Outside a <u>Transit Area or Transit Priority Area</u>	Minimum Required Within a <u>Transit Area or Transit Priority Area</u> ⁽²⁾	Maximum Permitted
Institutional through Industrial, All industrial uses in the IS Zone [No change in text.]	[No change in text.]		

Footnotes For Table 142-05G

¹ [No change in text.]

² Transit Area or Transit Priority Area. The transit area or transit priority area minimum parking ratios apply in the Transit Area Overlay Zone (Chapter 13, Article 2, Division 10), transit priority areas, and in the Urban Village Overlay Zone (Chapter 13, Article 2, Division 11).

³ through ⁶ [No change in text.]

(d) Parking Spaces for Carpool/Vanpool Vehicles, Electric Vehicles, and Zero Emissions Vehicles

(1) Designated parking spaces for carpool/vanpool vehicles (vehicles containing two or more persons), electric vehicles, and zero emissions vehicles (any vehicles certified to zero-emissions

standards) shall be provided for non-residential *development* at the ratio indicated in Section 142.0530(d)(1)(B), unless exempt under Section 142.0530(d)(1)(C).

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

- (2) Required designated parking spaces for carpool/vanpool vehicles, electric vehicles, and zero emissions vehicles shall be clearly labeled as designated for any combination of carpool vehicles and zero emission vehicles, and shall be conveniently located close to employee building entrances. Each parking space shall include surface identification, painted with the same paint used for defining the parking stall, with the lower edge of the identification aligned with the end of the parking space and visible beneath a parked vehicle. The identification shall include the following characters:

CLEAN AIR/

VANPOOL/EV

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

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

§142.0545 Shared Parking Requirements

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

- (c) Single Use Parking Ratios. *Shared parking* is subject to the parking ratios in Table 142-05I.

Table 142-05I
Parking Ratios for Shared Parking

Use	Peak Parking Demand (Ratio of spaces per 1,000 square feet of floor <u>floor</u> area unless otherwise noted. Floor <u>Floor</u> area includes gross floor <u>floor</u> area plus below grade floor <u>floor</u> area and excludes floor <u>floor</u> area devoted to parking)	Transit Area <u>Transit Area or</u> <u>Transit Priority</u> <u>Area</u> ⁽¹⁾
Office (except medical office) through Multiple dwelling units [No change in text.]	[No change in text.]	[No change in text.]

Footnote for Table 142-05I

¹ Transit Area or Transit Priority Area. The transit area or transit priority area peak parking demand applies in the Transit Area Overlay Zone (see Chapter 13, Article 2, Division 10) or transit priority areas.

(d) [No change in text.]

§142.0611 Exemptions from Requirement to Provide Public Improvements Incidental to a Building Permit

The following activities are exempt from Section 142.0610:

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

(c) The alteration of existing buildings where the proposed improvements have a total value, as estimated by the Building Official, of \$50,000~~100,000~~ or less; and

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

§142.0650 Requirements for Park and Recreational Facilities

~~The provision of park facilities and the payment of park fees are required in accordance with Municipal Code Chapter 9, Article 6, Division 4 (Development of Park and Recreational Facilities).~~

§142.1265 Signs in Single Dwelling Unit Residential Zones

The following regulations apply to all *signs*, both permanent and temporary, that are permitted in *single dwelling unit* residential zones.

(a) Permanent *Signs*

The following *signs* are permitted in all of the *single dwelling unit* residential zones on a permanent basis.

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

(4) Category C Signs are permitted in accordance with Section 142.1220 for commercial, office, retail, and institutional uses that are allowed in residential zones, as identified in Table 131-04B, except that ground signs shall not exceed 3 feet in height and secondary signs are not permitted.

(b) [No change in text.]

§142.1270 Signs in Multiple Dwelling Unit Residential Zones

The following regulations apply to all *signs*, both permanent and temporary, that are permitted in all *multiple dwelling unit* residential zones, unless otherwise indicated.

(a) In all *multiple dwelling unit* residential zones, the following *signs* are permitted on a permanent basis.

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

(5) Category C Signs are permitted in accordance with Section 142.1220 for commercial uses that are allowed in residential zones,

as identified in Table 131-04B, except that *ground signs* shall not exceed 3 feet in height and secondary *signs* are not permitted.

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

§143.0126 Procedures for Emergency Authorization to Impact Environmentally Sensitive Lands

Whenever *development* activity within *environmentally sensitive lands* is deemed necessary by order of the City Manager to protect the public health or safety, the City Manager may authorize, without a public hearing, the minimum amount of impact necessary to protect the public health or safety, subject to the following:

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

(f) Conditions. The City Manager may approve an emergency Site Development Permit with conditions, including an expiration date for any work authorized by the City Manager.

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

(3) If the emergency work results in permanent impacts to *environmentally sensitive lands*, a subsequent Neighborhood Development Permit or Site Development Permit is required through the regular process in accordance with all regulations of this Division. The application for the Neighborhood Development Permit or Site Development Permit shall be submitted within 60 days of completion of the emergency work, except that an application for a *capital improvement program project* shall be submitted within 180 days of completion of the emergency work.

(g) [No change in text.]

§143.0365 Supplemental Site Development Permit Regulations for Small Lot Subdivisions

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

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

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

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

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

(c) A *small lot subdivision development* shall comply with the regulations in Table 143-03C and the supplemental regulations in this section.

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

Max permitted <i>density</i> pre-subdivided <i>lot</i> dwelling units (DU) per <i>lot</i> through <i>Setback</i> requirements for resubdivided corner <i>lots</i> [See Section 113.0246(f)] [No change in text.]	[No change in text.]
Max structure height (ft)	
RM-1-1, RM-1-2, and RM-1-3	36 ^(2,5)
RM-2-4, RM-2-5, and RM-2-6	40 ^(3,5)
RM-3-7, RM-3-8, and RM-3-9	40 ⁽⁵⁾
<i>Lot coverage for sloping lots</i> [See Section 131.0445(a)] through <i>Refuse and Recyclable Material Storage</i> [See Section 142.0805] [No change in text.]	[No change in text.]

Footnotes for Table 143-03C

¹ through ⁴ [No change in text.]

²Within the Coastal Height Limit Overlay Zone in the Peninsula Community Plan area, the base zone maximum structure height shall be 30 feet, which shall be determined in accordance with Section 113.0270(a)(4)(D).

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

§143.0920 Affordable Housing, In-Fill Projects, and Sustainable Buildings Deviations

Development identified in Section 143.0915 may be permitted with a Neighborhood Development Permit decided in accordance with Process Two, except as provided in Section 143.0920(d), for the following:

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

(d) A deviation pursuant to Section 143.0920 may not be requested for the following:

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

(4) A deviation from the requirements of the Historical Resources Regulations (Chapter 14, Article 3, Division 2).

§144.0211 Lot Design Requirements for Tentative Maps

The proposed *subdivision* lots shall be designed as follows:

(a) All *lots* shall have frontage on a *street* that is open to and usable by vehicular traffic and or ~~all-lots~~ shall have a minimum 15-foot-wide direct vehicular access to the *street* or other access to a dedicated public *street* approved by the City Engineer;

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

§144.0250 Requirements for Park and Recreational Facilities Sites

~~The provision of park facilities and the payment of park fees shall be required in accordance with Municipal Code Chapter 6, Article 3, Division 3 (Development of Park and Recreational Facilities).~~

§152.0201 Administrative Regulations

(a) General Provisions

(1) [No change in text.]

(2) ~~Prior to any change in business use, an applicant shall obtain a Zoning Use Certificate pursuant to Land Development Code Chapter 12, Article 3, Division 3 (Zoning Use Certificate Procedures).~~

(32) If an applicant proposes to move a building from one location to another, the applicant shall first obtain a Neighborhood Development Permit pursuant to Land Development Code Section 143.0302.

(43) All City projects, government subsidized projects, public facilities, structures and improvements, and redevelopment projects, shall conform to the purpose and intent of the Barrio Logan Planned District and shall be subject to the same regulations, conditions and standards established in the Barrio Logan Planned District.

(b) [No change in text.]

HKV:nja
01/08/18
03/07/18 Rev. Cor. Copy

Or.Dept: Planning
Doc. No.: 1573063_2

Passed by the Council of The City of San Diego on MAR 20 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 22 2018

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Brwin, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAR 06 2018, and on MAR 22 2018

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Brwin, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>20917</u>