



THE CITY OF SAN DIEGO

## Report to the Planning Commission

**DATE ISSUED:** November 22, 2017

**REPORT NO. PC-17-083**

**HEARING DATE:** November 30, 2017

**SUBJECT:** **HousingSD.** 11<sup>th</sup> Update to the Land Development Code and Local Coastal Program; Process 5

### **SUMMARY**

**Issue:** Should the Planning Commission recommend City Council approval of the 11<sup>th</sup> Update to the Land Development Code and the Local Coastal Program?

**Staff Recommendation:** Recommend City Council approval of the proposed 11<sup>th</sup> Code Updates to Chapter 1, Article 2, Division 6; Chapter 1, Article 3, Division 1; Chapter 6, Article 2, Division 6; Chapter 11, Article 2, Division 5; Chapter 11, Article 3, Division 2; Chapter 12, Article 3, Division 3; Chapter 12, Article 5, Division 7; Chapter 12, Article 6, Division 2 & 5; Chapter 12, Article 8, Division 2 & 3; Chapter 12, Article 9, Division 6; Chapter 13, Article 1, Division 1 through 6; Chapter 13, Article 2, Division 15; Chapter 14, Article 1, Division 3, 4 & 6; Chapter 14, Article 2, Division 1, 4-6 & 12; Chapter 14, Article 3, Division 1; Chapter 14, Article 3, Division 3; Chapter 14, Article 4, Division 2; Chapter 15, Article 2, Division 2; Chapter 15, Article 5, Division 2 & 3; Chapter 15, Article 14, Division 3 and the Land Development Manual.

### **City Strategic Plan Goal and Objectives:**

Goal #3: Create and sustain a resilient and economically prosperous City. Objective #1: Create dynamic neighborhoods that incorporate mobility, connectivity, and sustainability.

### **Environmental Review 11<sup>th</sup> Code Update:**

The proposed amendments were reviewed for consistency with the certified Land Development Code (LDC) Environmental Impact Report (EIR) No. 96-0333, in accordance with Public Resources Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines Section 15162. Based on this evaluation, Planning staff determined the project would not result in new impacts or changed circumstances that would require a new environmental document and the previous environmental documents adequately cover these modifications to the Land Development Code.

### **Environmental Review for Paleontological Resources:**

This amendment would codify the City of San Diego significance threshold and monitoring for paleontological resources. The proposed amendment would state that if a certain threshold is met, paleontological monitoring would be required. The amendment then further outlines the required monitoring. The proposed amendment would not result in new environmental effects as compared to the LDC EIR, but rather would codify the City's approach to mitigating potential paleontological impacts. No further documentation or environmental analysis is required.

### **Housing Impact Statement:**

The proposed amendments would apply City-wide. The proposed amendments reduce unnecessary development regulations, thereby increasing housing availability.

## **BACKGROUND**

### **A. The Mayor's Housing Initiative:**

Over the past decade, new housing development has not kept pace with job or population growth, resulting in housing costs that have increased at a much faster rate than income levels. With a growing population and a county median home purchase price exceeding \$500,000 and an average home rental price exceeding \$1,800 per month, more and more families are finding it increasingly difficult to find an affordable place to live in San Diego.

In response, the Mayor has developed a series of strategies and initiatives that will help increase housing production in the City. The plan is called ***Housing-SD*** and includes multiple regulatory reforms that are intended to improve housing affordability, improve review processes, facilitate more affordable housing and support the Climate Action Plan. The proposed amendments, as discussed in this staff report, help simplify and improve the review process.

### **B. Purpose of Updates to the Land Development Code**

The Land Development Code (LDC) provides the City's regulations for the development and use of property within the City of San Diego and provides information on zoning, subdivisions, and other related land use activities. In December 1997, the City Council adopted a comprehensive update to the LDC. During the adoption hearings, the Council directed the development of a code monitoring and update process in order to address new issues and unforeseen challenges not anticipated as part of the comprehensive update process. Relatedly, the Council recognized the importance of code revisions that removed unnecessary barriers in an effort to simplify and streamline permitting processes. Through these regular updates, the LDC will be more responsive to address the City's changing land use issues.

The 11<sup>th</sup> Update includes 50 various amendments. While most of these amendments help improve permit processes by simplifying and clarifying rules and regulations for customers, a handful of changes directly impact housing affordability. Specifically,

- Deviations to Historical Resources Regulations allowed with a reduced process;
- Discretionary permit to consolidate lots no longer;
- Incorporating standard paleontological mitigation as grading permit requirements; and,
- Live/Work Quarters allowed in additional commercial zones.

## **DISCUSSION**

There are 50 issue items in the 11<sup>th</sup> Update in categories that include Process, General Zoning, Historic Resources, Grading, Landscaping, and Minor Corrections. A brief summary is provided in the text of the staff report, as well as an issue matrix (Attachment 1) and proposed code language (Attachments 2-4).



## **A. Process and General Regulations**

The following 18 issue items will streamline the permit process and incorporate greater flexibility in the regulations.

### **1. Discretionary Notice: Process Two Appeal Hearing**

Discretionary projects that require a Process Two Decision are appealable to the Planning Commission. The appeal application must be filed within 12 business days after the decision. The proposed amendment is to change the filing days to 10 business days, consistent with all other appeal requirements. Additionally, the requirement to schedule an appeal hearing is 10 calendar days after the appeal has been filed. The proposed amendment is to change the requirement to schedule an appeal to 30 calendar days, consistent with the days required for Process 3 & 4 appeals, allowing staff reasonable time to request a hearing date.

### **2. Zoning Use Certificates (ZUC) Procedures**

The purpose of this current procedure is to require that Development Services Department (DSD) confirm nonresidential businesses are located in an allowed zone prior to obtaining a Business Tax Certificate. Staff is proposing to repeal this requirement in order to simplify the process.

### **3. Site Development Permit requirement for Lot Consolidations**

Multiple unit residential zones that exceed a specific threshold of proposed dwelling units on lots that are being consolidated require a Site Development Permit, Process Three (Hearing Officer) decision. The proposed amendment is to eliminate the discretionary permit requirement to reduce development costs and encourage more residential development. Although the RM-1-1 and RM-2 zones will no longer require a discretionary permit, there are still stringent development requirements required to consolidate lots in these zones, preserving smaller scale development.

### **4. Commercial signage in Residential Zones**

Citywide, low density residential zones allow specified commercial uses such as schools, child care facilities, and golf courses. In the higher multifamily residential zones a wider variety of uses are allowed that include retail, commercial, and office use. Although these businesses are allowed in residential zones, they are subject to the residential sign regulations that are very restrictive and apply to residential uses. The proposed amendment is to allow commercial business in residential zones to obtain adequate signage. The businesses would require compliance with the most restrictive sign regulations (Category C) and include additional restrictions that would prohibit secondary signs and limit ground sign height.

### **5. Expiration of Grading Permits with building permits**

Grading permits are valid for 24 months and expire concurrently with an associated building permit or improvement agreement, unless an exception is granted. The regulations have been rephrased to clarify the requirements.

6. Mobile Food Trucks

Mobile Food Trucks are permitted by right in Industrial zones and are subject to limitations in Open Space, Agricultural, Commercial, and some residential zones. They are prohibited in the Gaslamp Quarters, Little Italy and within the beach and campus parking impacts areas. A Neighborhood Use Permit (NUP), Process 2, is required only in the RM-2 zones. Since adoption of this ordinance (April 3, 2014) no applications for an NUP have been submitted to the City. Additionally, Code Enforcement has not had a code enforcement case in the RM-2 zone. Based on this information, the proposed amendment is to eliminate the NUP requirement and allow it as a limited use in the RM-2 zone for mobile food trucks. Language has also been added to clarify that Mobile Food Trucks are permitted on previously conforming commercial properties within a residential zone.

7. Use Category for Instructional Studios and Personal Services

Instructional Studios are currently defined as a place that allow dance, art, and martial arts to individuals or groups but does not provide a threshold on the number of people allowed at a time. Assembly and Entertainment Uses, Including Places of Religious Assembly, allows recreation and physical fitness, and has a minimum threshold of 25 people. The proposed change is to specify that Instructional Studios allow recreational and physical fitness facilities and have a threshold of a maximum of 24 people to differentiate between Instructional Studios and Assembly. To further clarify uses, Personal Services is also being modified to clarify that it does not include recreational or physical fitness.

8. Ground-Floor height

As part of the community plan updates an ordinance was created to require that ground floor height of structures with commercial uses on the ground floor be an average of 15 feet but no less than 13 feet from adjoining grade. The requirement was meant to apply in zones that have a 45-foot height limit. As drafted the requirement limits the building height to two-stories in areas that have a 30-foot height limit. The proposed change clarifies that it does not apply in the Coastal and Clairemont Mesa Height Limit Overlay Zones. Additionally, the regulation was revised to remove the average height requirement from adjoining grade. The required height is no longer an average but instead 13 feet, floor to floor, to avoid confusion.

9. Uses in Industrial Zones

Currently fitness centers are not allowed in office or industrial development. The proposed change is an exemption to allow fitness centers as an accessory use to support and boost employee engagement and well-being in the workplace.

10. Paleontological Resources Monitoring Requirements

Currently, during the discretionary review process, when grading and/or excavation for a development project exceeds the thresholds established in the City's Significance Thresholds (2016), the impact is considered significant and mitigation is required. An amendment is proposed to provide requirements for grading that could affect paleontological resources, allowing for regulatory compliance and impacts would be



considered less than significant under CEQA. This does not change any current permitting of discretionary review processing. The proposed changes will streamline the development review process and reduce fees.

11. Home Occupation

Home occupations are businesses conducted by residents within their homes as an accessory use within limitations. The San Diego Police Department has police regulated businesses, such as the sale of firearms, which have received approval to operate from their residence. Officers can do random inspections and enforcement but not at a private residence that is not open to the public. Not being able to inspect the business operations is a serious concern and a public safety issue. The proposed change will prohibit all police regulated business from operating in a residence with the exception of holistic practitioners.

12. Requirements to Provide Public Improvements

Alterations of existing buildings that propose over \$50,000 of improvements require public right-of-way improvements to the property. The current dollar amount has not changed in over 20 years. Due to inflation, minor improvements to a structure are triggering the public improvement requirement, making the public improvements not proportionate to the alterations. The amendment is to change the improvement amount to \$100,000.

13. Procedures for Emergency Authorization to Environmentally Sensitive Lands

Emergency City projects that result in permanent impacts to environmentally sensitive lands require a Site Development to be submitted to Development Services Department within 60 days. The amendment is to allow that the application be submitted within 180 days to allow staff sufficient time to analyze the impacts and prepare the necessary California Environmental Quality Act determination.

14. Utility Requirement for Tentative Maps

There are no proposed changes in this update. See Attachment 1 for additional information.

15. Educational Facilities Schools and Assembly and Entertainment Uses

According to the San Diego Unified School District (SDUSD), one in six students, Kindergarten through grade 12, is enrolled in a public charter school. With the growing demand for charter schools, the lack of space provided by co-locating neighborhood schools and the current 300 student limit, securing adequate facilities that meet educational and regulatory requirements has become a practical and financial burden on charter schools. To ease the regulatory burden and to provide schools with more facility options for K-12 grade, the proposed change is to allow up to 600 students with a Neighborhood Use Permit, and more than 600 students with a Conditional Use permit in certain zones.

Similar changes are being made to Assembly and Entertainment Uses, Including Places of Religious Assembly.

16. Use Regulations Table for Commercial Zones – Live/Work Quarters

Live/Work is a use category that allows integrated living space in the work place within buildings originally designed for industrial or commercial occupancy. The area designed for residential purposes is limited to 33 percent of the floor area. Currently Live/Work is allowed as a limited use in the Commercial Regional (CR) 1-1 zone, Commercial Office (CO) 3-1& 3-2 zones, and Commercial Community (CC) 1, 4 & 5 zones. The use is being expanded to be allowed in Commercial Neighborhood (CN) 1 zones and Commercial Regional (CR) 2 zones. The proposed changes will provide additional living opportunities and housing alternatives within existing buildings.

17. Calculating Gross Floor Area – Underground Parking Structures

Gross floor area is calculated in relationship to the structure and grade adjacent to the exterior walls of the building unless exemption are met. Currently, one of the exemptions is when portions of the structure have a vertical distance between grade and finished floor exceeds 5 feet. The exemption is being rephrased to clarify that the measurement is taken from existing or proposed grade, whichever is lower, consistent with the basement measurement.

18. Nonresidential Uses – Parking Ratio

Adding clarifying language that Carpool/Vanpool Vehicles, Electric Vehicles, and Zero Emission Vehicles require designated parking spaces and surface identification in compliance with State Law.

**B. Landscaping**

The following 7 issue items will provide clarification, greater flexibility and help achieve the City's Climate Action Plan and Urban Forestry Management Plan goals.

19. Brush Management

Zone One brush management does not allow habitable structures or other combustible construction that could transmit fire. Non-habitable structures must be constructed of noncombustible materials. A clarification is being added that Type IV heavy timber is the appropriate construction method for use in Zone One Brush Management.

20. Additional Yard Planting Area and Point Requirements

Development requires that required trees be planted at a minimum distance of 6 feet when adjacent to a building. The minimum distance is being changed to 4 feet to allow for greater flexibility in planting areas for high density development and where underlying setbacks are less than 10 feet.

21. Additional Vehicular Use Area Requirement

To help support the City's Climate Action Plan, shade structures with mounted solar panels located above parking spaces, can be used to satisfy the planting requirements.



22. Street Tree and Public Right-of-Way Requirements – Street Tree Quantity

Development or new vehicular use areas requires that street trees within the parkway be planted. Street trees have required separation requirements. The proposed change is to exclude curb cuts or required designated bus stops from the separation requirement. The proposed change supports the City's Urban Forestry Management Plan goals and provides regulatory relief.

23. Street Tree and Public Right-of-Way Requirements – Street Tree Locations

The minimum street tree separation distance from driveways is 10 feet. To allow for additional tree planting areas in residential neighborhoods with slower traffic speeds, the distance is being changed to 5 feet when the development is on residential streets that has a speed limit of 25 miles per hour or slower. This change will provide additional trees within infill development areas.

24. Street Tree and Public Right-of-Way Requirements – Visibility Areas

Plant material, other than trees, that is located within visibility areas or the adjacent public right-of-way currently cannot exceed 24 inches in height. The height is being changed to 36 inches in height, measured from the lowest grade abutting the plant material to the top of the plant material, consistent with the height measurement in visibility areas.

25. Brush Management

Brush Management is required in all base zones that are within 100 feet of a structure and contain native or naturalized vegetation. The maximum width of Zone One and Zone Two cannot exceed 100 feet. Zone Two allows the width to be decreased by 1 ½ feet for each 1-foot of increase in Zone One width with a reduction of up to 30 feet. Where the development footprint allows for an expanded Zone One of up to 80 feet, no Zone Two is required. The proposed change is to eliminate the maximum reduction of 30 feet of Zone Two width, minimizing potential impacts on sensitive habitat areas.

**C. Historical Resources**

The following issue item will streamline and incentivize preservation of Historical Resources.

26. Historic Resources

Amendments to the Historical Resources Regulations are proposed in an effort to provide regulatory relief and further incentivize the preservation of designated historic resources, historic districts, important archaeology sites and traditional cultural properties. The Historical Resources Board unanimously recommended approval of the following amendments:

- Exclusion of historically designated gross floor area from parking calculations for all developments.
- Exclusion of historically designated gross floor area from the FAR calculation for non-single family development.

- Allowed deviation from one of the base zone development regulations (excluding density and floor area ratio) for single-family development through a construction permit.
- Allowed deviation from two or more base zone development regulations for single-family development through a Process 2 NDP.
- Allowed deviations from one or more base zone development regulations for non-single family development through a Process 2 NDP.

#### **D. Minor Corrections**

There are 24 Issue Items that provide clarification and address incorrect terms and section references. Issue Items 23 through 50 are summarized in Attachment 1.

#### **E. Revised and Added Issue Items**

Issue Item 15 was revised and three minor corrections, Issue Items 48-50, were added subsequent to the recommendations from the advisory groups.

**Code Monitoring Team (CMT):** On September 13, 2017, the Code Monitoring Team took the following actions: Motion #1 was to recommend approval of the 11<sup>th</sup> Update with the exception of Issue Item No. 8, Ground Floor Height. The motion passed by a vote of 11-0-0; Motion #2 was to recommend approval of Issue Item No. 8. The motion failed by a vote of 5-5-1.

**Technical Advisory Committee (TAC):** On September 13, 2017, the Technical Advisory Committee took the following actions:

- Motion #1 was to recommend approval of the 11<sup>th</sup> Update with the exception of Issue Item No. 8, Ground Floor Height. The motion passed by a vote of 11-0-0.
- Motion #2 was that Issue Item No. 8 be revised to require that ground floor height be 11 feet, floor to floor, and not be exempt in the Coastal Height or Clairemont Mesa Height Limit Overlay Zones. The motion passed by a vote of 10-1-0.

**Community Planners Committee (CPC):** On September 26, 2017, the Community Planners Committee took the following actions:

- Motion #1 was to recommend approval of 43 out of the 47 Issue Items on the 11<sup>th</sup> Update. The motion did not include the following five Issue Items: No. 3 Consolidated Lots, No. 4 Signage for commercial uses in residential zones, No. 12 Public Improvements incidental to a Building Permit, No. 20 Building distance for trees, and No. 21 Shade Structure in lieu of trees. The motion passed by a vote of 22-0-1.
- Motion #2 was to amend Issue Item No. 20 Distance requirement between trees and buildings, to ensure compliance with fire regulations. The motion passed by a vote of 21-1-1.
- Motion #3 was to propose an alternative to Issue Item No. 3 Consolidated Lots. The motion passed by a vote of 21-0-2.



- Support Process One (ministerial) for Lot Consolidation in all RM-4 and RM-5 zones
- Support a Process 2 (Neighborhood Use Permit) for RM-1-3, RM2-4 through 6, and RM-3-7 through 9.
- Motion #4 was to oppose Issue Item No. 4 Signage for Commercial Uses in Residential Zones. The motion failed by vote of 6-16-1.
- Motion#5 was to support Issue Item No. 12 Public Improvement Value, from the current \$50,000 to \$100,000, not the proposed amount of \$150,000. The motion passed by a vote of 21-1-1.
- Motion #6 was a neutral position for Issue Item No. 21 Shade Structures to revisit on the 12<sup>th</sup> Update to establish minimum tree standards when there are shade structures. The motion passed by a vote of 22-0-1.

**Historical Resources Board (HRB):** On September 28, 2017, the Historical Resources Board took the following action: The motion was to recommend approval of the proposed code changes to Issue Item No. 26 Historic Resources (C1 above). The motion passed by a vote of 8-0-0.

#### **ALTERNATIVES**

The Planning Commission may recommend to the City Council that it not adopt the Municipal Code amendments or that it adopt the Municipal Code changes with modifications.


#### **CONCLUSION**

Staff recommends approval of the proposed ordinance changes. The code amendments are consistent with the adopted Land Development Code goals to simplify land development regulations, to make the code more adaptable, to eliminate redundancies and contradictions, to standardize the land development code framework, and to increase predictability in application of the regulations.

Respectfully submitted,



**Laura Black, AICP**  
Deputy Director  
Planning Department



**Edith Gutierrez**  
Development Project Manager  
Planning Department

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#### Attachments:

1. Issues Matrix
2. Draft code language
3. Grading draft language
4. General Grading Guideline for Paleontological Resources (LDM)
5. Historical Resources draft language





The following is a summary of the 50 amendments that include Process, General Zoning, Historic Resources, Grading, Landscaping and Minor Corrections.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
The following 18 amendments will streamline the process and incorporate greater flexibility in the regulations.			
1	Regulatory Reform	112.0504	<p><b><u>Discretionary Notice: Process Two Appeal Hearing</u></b></p> <p>Discretionary projects that require a Process Two Decision are appealable to the Planning Commission. The appeal application must be filed within 12 business days after the decision. The proposed amendment is to change the filing days to 10 business days, consistent with all other appeal requirements. Additionally, the requirement to schedule an appeal hearing is 10 calendar days after the appeal has been filed. The proposed amendment is to change the requirement to schedule an appeal to 30 calendar days, consistent with the days required for Process 3 &amp; 4 appeals, allowing staff reasonable time to request a hearing date.</p>
2	Regulatory Reform	123.0301-123.0308 152.0201	<p><b><u>Zoning Use Certificates (ZUC) Procedures</u></b></p> <p>The purpose of this procedure is to require that Development Services Department (DSD) confirm nonresidential businesses are located in an allowed zone prior to obtaining a Business Tax Certificate. Staff if proposing to repeal this requirement in order to streamline the process and avoid confusion, as recently happened, with non-retail marijuana uses that obtained ZUCs. Applicants assumed that by obtaining ZUCs their businesses were a legally conforming use. With the repeal of ZUCs, a business requesting a Business Tax Certificate applicant will be required to self-certify that the business is in an allowed zone.</p>
3	Regulatory Reform	126.0502 131.0453	<p><b><u>Site Development Permit requirement for Lot Consolidations</u></b></p> <p>Multiple unit residential zones that exceed a specific threshold of proposed dwelling units on lots that are being consolidated to accommodate development require a Site Development Permit, Process Three (Hearing Officer) decision. The proposed amendment is to eliminate the discretionary permit requirement to reduce development costs and encourage more residential development. Although the RM-1-1 and RM-2 zones will no longer require a discretionary permit, there are still stringent development requirements required to consolidate lots in these zones, preserving smaller scale development.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
4	Regulatory Reform	142.1265 142.1270	<b><u>Commercial signage in Residential Zones</u></b> Citywide, low density residential zones allow specified commercial uses such as schools, child care facilities and golf courses. In the higher multifamily residential zones a wider variety of uses are allowed that include retail, commercial and office use. Although these business are allowed in residential zones, they are subject to the residential sign regulations that are very restrictive and apply to residential uses. The proposed amendment is to allow commercial business in residential zones to obtain adequate signage. The businesses would require compliance with the most restrictive sign regulations (Category C) and include additional restrictions that would prohibit secondary signs and limit ground sign height.
5	Regulatory Reform	129.0650	<b><u>Expiration of Grading Permits with building permits</u></b> Grading permits are valid for 24 months and expire concurrently with an associated building permit or improvement agreement, unless an exception is granted. The regulations have been rephrased to clarify the requirements.
6	Regulatory Reform	131.0422 141.0612	<b><u>Mobile Food Trucks</u></b> Mobile Food Trucks are permitted by right in Industrial zones and are subject to limitations in Open Space, Agricultural, Commercial and some residential zones. They are prohibited in the Gaslamp Quarters, Little Italy and within the beach and campus parking impacts areas. A Neighborhood Use Permit (NUP), Process 2, is required only in the RM-2 zones. Since adoption of this ordinance (April 3, 2014) no applications for an NUP have been submitted to the City. Additionally, Code Enforcement has not had a code enforcement case in the RM-2 zone. Based on this information, the proposed amendment is to eliminate the NUP requirement and allow it as a limited use in the RM-2 zone for mobile food trucks. Language has also been added to clarify that Mobile Food Trucks are permitted on previously conforming commercial properties within a residential zone.
7	Clarification	131.0112	<b><u>Use Category for Instructional Studios and Personal Services</u></b> Instructional Studios are currently defined as a place that allow dance, art and martial arts to individuals or groups but does not provide a threshold on the number of people allowed at a time. Assembly and Entertainment Uses, Including Places of Religious Assembly, allows recreation, physical fitness and has a minimum threshold of 25 people. The proposed change is to specify that Instructional Studios allow recreational and physical fitness facilities and have a threshold of a maximum of 24 people to differentiate between Instructional Studios and Assembly. To further clarify uses, Personal Services is also being modified to clarify that it does not include recreational or physical fitness.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
8	Regulatory Reform	131.0451 131.0548	<p><b><u>Ground-Floor height</u></b></p> <p>As part of the community plan updates an ordinance was created to require that ground floor height of structures with commercial uses on the ground floor be an average of 15 feet but no less than 13 feet from adjoining grade. The requirement was meant to apply in zones that have a 45-foot height limit. As drafted the requirement limits the building height to two-stories in areas that have a 30-foot height limit. The proposed change clarifies that it does not apply in the Coastal and Clairemont Mesa Height Limit Overlay Zones. Additionally, the regulation was revised to remove the average height requirement from adjoining grade. The required height is no longer an average but instead 13 feet, floor to floor, to avoid confusion.</p>
9	Regulatory Reform	131.0623	<p><b><u>Uses in Industrial Zones</u></b></p> <p>Currently fitness centers are not allowed in office or industrial development. The proposed change is an exemption to allow fitness centers as an accessory use to support and boost employee engagement and well-being in the workplace.</p>
10	Regulatory Reform	142.0145	<p><b><u>Paleontological Resources Monitoring Requirements</u></b></p> <p>Currently, during the discretionary review process, when grading and/or excavation for a development project exceeds the thresholds established in the City's Significance Thresholds (2016), the impact is considered significant and mitigation is required. An amendment is proposed to provide requirements for grading that could affect paleontological resources, allowing for regulatory compliance and impacts would be considered less than significant under CEQA. This does not change any current permitting of discretionary review processing. The proposed changes will streamline the development review process and reduce fees.</p>
11	Regulatory Reform	141.0308	<p><b><u>Home Occupation</u></b></p> <p>Home occupations are businesses conducted by residents within their homes as an accessory use within limitations. The San Diego Police Department has police regulated businesses, such as the sale of firearms, which have received approval to operate from their residence. Officers can do random inspections and enforcement but not at a private residence that is not open to the public. Not being able to inspect the business operations is of grave concern and a public safety issue. The proposed change will prohibit all police regulated business from operating in a residence with the exception of holistic practitioners.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
12	Regulatory Reform	142.0611	<p><b><u>Requirements to Provide Public Improvements</u></b></p> <p>Alterations of existing buildings that propose over \$50,000 of improvements require public right-of-way improvements to the property. The current dollar amount has not changed in over 20 years. Due to inflation, minor improvements to a structure are triggering the public improvement requirement, making the public improvements not proportionate to the alterations. The amendment is to change the improvement amount to \$100,000.</p>
13	Regulatory Reform	143.0126	<p><b><u>Procedures for Emergency Authorization to Environmentally Sensitive Lands</u></b></p> <p>Emergency City projects that result in permanent impacts to environmentally sensitive lands require a Site Development to be submitted to Development Services Department within 60 days. The amendment is to allow that the application be submitted within 180 days to allow staff sufficient time to analyze the impacts and prepare the necessary California Environmental Quality Act determination.</p>
14	Regulatory Reform	144.0240	<p><b><u>Utilities Requirements for Tentative Maps</u></b></p> <p>New subdivisions are subject to Council Policy 200-18, Mid-Block Street Light Policy for Developed Areas and the Street Design Manual, which requests street lights every 300 feet if funds are available. Applicants have been requesting that the street light be waived at the hearings stating that the street light expense is not proportionate to the development. Changes to address this issue are still being evaluated. There are no proposed changes as part of the 11<sup>th</sup> Code update.</p>



No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
15	Regulatory Reform	126.0203 131.0422 131.0522 141.0407 141.0602 1514.0304	<p><b><u>Educational Facilities Schools from Kindergarten to Grade 12, Colleges/Universities, and Vocational Schools - Assembly and Entertainment Uses, Including Places of Religious Assembly</u></b></p> <p>According to the San Diego Unified School District (SDUSD), one in six students, Kindergarten through grade 12, is enrolled in a public charter school. With the growing demand for charter schools, the lack of space provided by co-locating neighborhood schools and the current 300 student limit, securing adequate facilities that meet educational and regulatory requirements has become a practical and financial burden on charter schools. To ease the regulatory burden and to provide schools with more facility options for K-12 grade, the following changes are proposed:</p> <ul style="list-style-type: none"> <li>• Schools will be allowed by right in the RM zones, currently a Limited Use.</li> <li>• Schools are a Limited Use that allow up to 300 students in the Commercial Regional (CR) zones, and Community Commercial (CC) zones. The proposed change is to allow up to 600 students with a Neighborhood Use Permit, and more than 600 students with a Conditional Use permit.</li> <li>• Schools are allowed up to 300 students in the Community Neighborhood (CN) zones and Commercial Office (CO) with a Conditional Use Permit. The proposed change is to allow up to 600 students with a Neighborhood Use Permit, and more than 600 students with a Conditional Use Permit.</li> </ul> <p>Similar changes are being made to Assembly and Entertainment Uses, Including Places of Religious Assembly.</p>
16	Regulatory Reform	131.0522	<p><b><u>Use Regulations Table for Commercial Zones – Live/Work Quarters</u></b></p> <p>Live/Work is a use category that allows integrated living space in the work place within buildings originally designed for industrial or commercial occupancy. The area designed for residential purposes is limited to 33 percent of the floor area. Currently Live/Work is allowed as a limited use in the Commercial Regional (CR) 1-1 zone, Commercial Office (CO) 3-1&amp; 3-2 zones, and Commercial Community (CC) 1, 4 &amp; 5 zones. The use is being expanded to be allowed in Commercial Neighborhood (CN) 1 zones and Commercial Regional (CR) 2 zones. The proposed changes will provide additional living opportunities and housing alternatives within existing buildings.</p>
17	Clarification	113.0234	<p><b><u>Calculating Gross Floor Area – Underground Parking Structures</u></b></p> <p>Gross floor area is calculated in relationship to the structure and grade adjacent to the exterior walls of the building unless exemption are met. Currently, one of the exemptions is when portions of the structure have a vertical distance between grade and finished floor exceeds 5 feet. The exemption is being rephrased to clarify that the measurement is taken from existing or proposed grade, whichever is lower, consistent with the basement measurement.</p>



No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
18	Compliance with State Law	142.0530	<b>Nonresidential Use- Parking Ratios</b> Adding clarifying language that Carpool/Vanpool Vehicles, Electric Vehicles and Zero Emission Vehicles require designated parking spaces and surface identification in compliance with State Law.
<b>Landscaping:</b> The following 7 issue items will provide clarification, greater flexibility and help achieve the City's Climate Action Plan and Urban Forestry Management Plan goals.			
19	Clarification	142.0412	<b>Brush Management</b> Zone One brush management does not allow habitable structures or other combustible construction that could transmit fire. Non-habitable structures must be constructed of noncombustible materials. A clarification is being added that Type IV heavy timber is the appropriate construction method for use in Zone One Brush Management.
20	Regulatory Reform	142.0405	<b>Additional Yard Planting Area and Point Requirements</b> Development requires that required trees be planted at a minimum distance of 6 feet when adjacent to a building. The minimum distance is being changed to 4 feet to allow for greater flexibility in planting areas for high density development and where underlying setbacks are less than 10 feet.
21	Regulatory Reform	142.0407	<b>Additional Vehicular Use Area Requirements</b> To help support the City's Climate Action Plan shade structures with mounted solar panels located above parking spaces can be used to satisfy the planting requirements.
22	Regulatory Reform	142.0409	<b>Street Tree and Public Right-of-Way Requirements – Street Tree Quantity</b> Development or new vehicular use areas requires that street trees within the parkway be planted. Street trees have required separation requirements. The proposed change is to exclude curb cuts or required designated bus stops from the separation requirement. The proposed change supports the City's Urban Forestry Management Plan goals and provides regulatory relief.
23	Regulatory Reform	142.0409	<b>Street Tree and Public Right-of-Way Requirements – Street Tree Locations</b> The minimum street tree separation distance from driveways is 10 feet. To allow for additional tree planting areas in residential neighborhoods with slower traffic speeds, the distance is being changed to 5 feet when the development is on residential streets that has a speed limit of 25 miles per hour or slower. This change will provide additional trees within infill development areas.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
24	Regulatory Reform	142.0409	<p><b><u>Street Tree and Public Right-of-Way Requirements – Visibility Areas</u></b></p> <p>Plant material, other than trees, that is located within visibility areas or the adjacent public right-of-way currently cannot exceed 24 inches in height. The height is being changed to 36 inches in height, measured from the lowest grade abutting the plant material to the top of the plant material, consistent with the height measurement in visibility areas.</p>
25	Regulatory Reform	142.0412	<p><b><u>Brush Management</u></b></p> <p>Brush Management is required in all base zones that are within 100 feet of a structure and contain native or naturalized vegetation. The maximum width of Zone One and Zone Two cannot exceed 100 feet. Zone Two allows the width to be decreased by 1 ½ feet for each 1-foot of increase in Zone One width with a reduction of up to 30 feet. Where the development footprint allows for an expanded Zone One of up to 80 feet, no Zone Two is required. The proposed change is to eliminate the maximum reduction of 30 feet of Zone Two width, minimizing potential impacts on sensitive habitat areas.</p>
<b>Historic Resources:</b> The following item will streamline and incentivize preservation of Historical Resources.			
26	Regulatory Reform	143.0201	<p><b><u>Historic Resources</u></b></p> <p>Amendments to the Historical Resources Regulations are proposed in an effort to provide regulatory relief and further incentivize the preservation of designated historic resources, historic districts, important archaeology sites and traditional cultural properties. The Historical Resources Board unanimously recommended approval of the following amendments:</p> <ul style="list-style-type: none"> <li>• Exclusion of historically designated gross floor area from parking calculations for all developments.</li> <li>• Exclusion of historically designated gross floor area from the FAR calculation for non-single family development.</li> <li>• Allowed deviation from one of the base zone development regulations (excluding density and floor area ratio) for single-family development through a construction permit.</li> <li>• Allowed deviation from two or more base zone development regulations for single-family development through a Process 2 NDP.</li> <li>• Allowed deviations from one or more base zone development regulations for non-single family development through a Process 2 NDP.</li> </ul>

**Minor Corrections:** The following 24 items would fix typos, punctuation and formatting errors, incorrect terms, and incorrect section references.

27	Clarification	142.0530	<b><u>Nonresidential Uses — Parking Ratios</u></b> The repealed Planned District Ordinances that include Golden Hill, San Ysidro, and Southeastern are being removed from 142-05E and 142-05F Parking Tables.
28	Clarification	131.0460	<b><u>Maximum Third Story Dimensions in the RS and in Small Lot Subdivision</u></b> The reference to small lot subdivisions is being removed as it does not apply to this section.
29	Clarification	131.0623	<b><u>Additional Use Regulations of Industrial Zones</u></b> Beverage and food manufacturing is allowed in the IP-1-1 and the IP-3-1 zones. Removing an incorrect reference that states that it is only allowed in the IP-1-1 zone.
30	Clarification	131.0222 131.0322 131.0422	<b><u>Use Regulations</u></b> When the Artisan Food and Beverage Producer use was created it was not added into the use tables. The use will be added to all the use regulations tables.
31	Incorrect Reference	62.0616	<b><u>Property Owner Performance Bonds</u></b> The repealed surety bond section 62.0202 is being removed
32	Incomplete Reference	Ch 12, Art 5 Div 1	<b><u>Subdivision Procedures</u></b> The General Rules for Subdivision Procedures is being revised to General Subdivision Procedures. This title clarification will the public better navigate and utilize this section.
33	Incorrect Reference	128.0302	<b><u>Time limits for Preparation of Environmental Documents</u></b> The Planning and Development Review Director is being replaced with the current title of Planning Director.
34	Incorrect Reference	131.0540	<b><u>Maximum Permitted Residential Density and Other Residential Regulations</u></b> The incorrect zone, RM-3-10 is being corrected to reflect the correct zone, RM-4-10.
35	Incorrect Reference	131.0622	<b><u>Use Regulations Table for Industrial Zones</u></b> Two footnotes in the Industrial Use Table 131-06B have been removed. Assembly and recreational use facilities have square footage requirements that are not applicable.
36	Incorrect Reference	Ch 14, Art 1, Div 9	<b><u>Separately Regulated Uses</u></b> The use category Wholesale, Distribution and Storage Use Category was renamed in the 9 <sup>th</sup> Code Update. The term Wholesale has been removed from the use category to be consistent throughout the Land Development Code.
37	Incorrect Reference	142.0650	<b><u>Requirements for Park and Recreational Facilities</u></b> The reference to Municipal Code Chapter 9, Article 6, Division 4 is being removed, as that section has been repealed.

38	Incorrect Reference	131.0431	<b><u>Setback requirements for resubdivided corner lots</u></b> The development regulations tables that reference setback requirements for resubdivisions corner lots references Section 131.0443(i). That section is incorrect and is being replaced with the correct section 113.0246(f).
39	Conflicting definition	131.0112	<b><u>Description of Use Categories and Subcategories</u></b> The Residential Use Category for Multiple Dwelling Units in Chapter 13 is not consistent with the defined term for Multiple Dwelling Units in Chapter 11. Clarifying that Multiple Dwelling Units does not include companion units, junior units or employee housing consistent with the definition in Chapter 11.
40	Clarification	144.0211	<b><u>Lot Design Requirement for Tentative Maps</u></b> Subdivision lots require frontage on a street usable by vehicular traffic <u>and</u> a minimum 15-foot wide direct access to the street. Currently the language states that both are required. The language is being revised from "and" to "or."
41	Incorrect Reference	142.0650	<b><u>Requirements for Park and Recreational Facilities (Repeat of Issue Item No. 37)</u></b> The reference to Municipal Code Chapter 9, Article 6, Division 4 is being removed as that section has been repealed.
42	Incorrect Reference	144.0250	<b><u>Requirements for Park and Recreational Facilities Sites</u></b> The reference to Municipal Code Chapter 6, Article 3, Division 1 is being removed as that section has been repealed.
43	Incorrect Reference	12.0609	<b><u>Abatement Penalty</u></b> Abatement penalties for causing or maintaining a public nuisance is assessed pursuant to Section 12.0705. The section is incorrect and is being replace with the correct section 12.0610.
44	Incorrect Reference	125.0730	<b><u>Decision Process for Determination of Status of the Merge of Parcels</u></b> The appeal application may be filed within 30 calendar days of the recording of the Notice of Intention to Determine Status in place of the status specified in Section 112.0504(b). That section is incorrect and is being replaced with the correct section 112.0504(a)(2)(B).
45	Clarification	131.0522	<b><u>Use Regulations Table for Commercial Zones</u></b> Table 131-05B Footnote number 4 states that live entertainment <u>and</u> the sale of intoxicating beverages other than beer and wine are not permitted in the Commercial-Neighborhood zones. The language is being revised from "and" to "or."

46	Clarification	128.0209	<p><b><u>When a Previous Environmental Document May Be Used</u></b></p> <p>A previous certified EIR or Negative Declaration may be used when changes in the project or circumstances occur unless the Planning Director determines that one or more of the situations identified in the State CEQA guidelines in compliance with Section 15162 occurs. An additional reference of Section 15183 is being added.</p>
47	Clarification	143.0365	<p><b><u>Supplemental Site Development Regulations for Small Lot Subdivision</u></b></p> <p>A footnote is being added to the Development Regulations for Small Lot Subdivision Table 143-03C. In RM zones, within the Coastal Height Limit Overlay Zone in the Peninsula Community Plan area, the base zone maximum structure height is 30 feet per the recently adopted Peninsula RM Base Zone Height Limit Ordinance 0-20755.</p>
48	Clarification	141.1004	<p><b><u>Marijuana Production Facilities</u></b></p> <p>Clarifying that Marijuana Production Facilities must be conducted within a secured structure where the exterior walls cannot be of transparent materials.</p>
49	Clarification	143.0920	<p><b><u>Affordable Housing, In-Fill Projects, and Sustainable Buildings Deviations</u></b></p> <p>Clarifying that Affordable Housing, In-fill Project, and Sustainable Buildings cannot deviate from the Historical Resources regulations.</p>
50	Clarification	142.0525 142.0530 142.0545	<p><b><u>Parking Tables</u></b></p> <p>The defined term for Transit Priority Area was recently added in the Land Development Code. The Transit Priority Area will be added to the Parking Tables.</p>



**Draft 11<sup>th</sup> Update Code Language****PROCESS****Issue Item #1: Process Two: Request for an Appeal****§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 applicants 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) [No change in text.]
  - (4) 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 Planning Commission shall ~~appeal hearing shall generally be held the appeal~~ within 60 calendar days following the filing of the application for the hearing. The appeal hearing shall be noticed in accordance with Section 112.0308.
  - (5) [No change in text.]

**GENERAL ZONING****Issue Item #2: Repeal of 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.~~

~~(c) 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.~~

#### **§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).~~

~~(3)~~(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.

~~(4)~~(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]

**Issue Item #3 : Eliminate Site Development Permit Process Three for consolidated lots**

**§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 (3) [No change in text.]

(4) ~~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.~~

**Table 126-05A**

**Multiple Dwelling Unit Developments  
Requiring a Site Development Permit**

<b>Multiple dwelling unit zones</b>	<b>Number of dwelling units on consolidated lots</b>
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

(54) Multiple unit residential *development* that varies from minimum parking requirements, as described in Section 142.0525(a).

- (65) *Development* of a small *lot subdivision* in accordance with Section 143.0365.

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

### **§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 to diagram.]

- (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.

### **Issue Item #4: Commercial Signage in Residential Zones for Commercial Uses**

#### **§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 in accordance with Section 142.1220 are permitted 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) [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 in accordance with Section 142.1220 are permitted 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.]

#### **Issue Item #5: Expiration of Grading permit with Building Permit**

#### **§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;; or
- (2) The expiration date of a subdivision improvement agreement associated with the Grading Permit; or
- (3) The expiration date of a valid Building Permit associated with the Grading Permit; or
- (4) The expiration date approved by the City Manager Aat 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 permit expiration date, all work shall stop until a new Grading permit is issued.

### **Issue Item #6: Mobile Food Trucks**

#### **§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.]

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
<b>Institutional, Separately Regulated Institutional Uses</b> , Educational Facilities:, Colleges / Universities through <b>Commercial Services, Separately Regulated Commercial Services Uses</b> , Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]											
Mobile Food Trucks		-			N <u>L</u> <sup>(11)</sup>			L <sup>(11)</sup>			L <sup>(11)</sup>		L <sup>(11)</sup>
<b>Commercial Services, Separately Regulated Commercial Services Uses</b> , Nightclubs & Bars over 5,000 square		[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
feet in size through <b>Industrial, Separately Regulated Industrial Uses</b> [No change in text.]													

### Footnotes for Table 131-04B

<sup>1</sup> through <sup>10</sup> [No change in text.]

<sup>11</sup> 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 is subject to the limited use regulations set forth in Section 141.0612.

<sup>12</sup> [No change in text.]

### §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.]

### **Issue Item #7: Descriptions of Use Categories and Subcategories**

#### **§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 other than ~~companion units~~ 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) [No change in text.]

(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 would 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.]

#### **Issue Item #8: Ground-floor Height**

##### **§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 requirement shall not apply to projects in the Coastal Height Limit Overlay Zone or the Clairemont Mesa Height Limit Overlay Zone.

##### **§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 requirement shall not apply to projects in the Coastal Height Limit Overlay Zone or the Clairemont Mesa Height Limit Overlay Zone.



**Issue Item #9: Additional Use Regulations of Industrial Zones****§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 all industrial zones; and

(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.

**Issue Item #10: Paleontological qualifications for grading**

Refer to Attachment 3 and 4

**Issue Item #11: Home Occupation****§141.0308 Home Occupations**

Home occupations are businesses conducted by residents on the *premises* of their homes. Home occupations, including cottage food operations authorized pursuant to California Government Code section 51035, are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. All police-regulated occupations and businesses pursuant to Chapter 3, Article 3, except holistic health practitioner occupations and businesses, are not permitted as a home occupation. An

*applicant* may deviate from the requirements in Section 141.0308(k) through (n) by obtaining a Neighborhood Use Permit in accordance with Section 126.0203.

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

**Issue Item #12: Exemptions from Requirement to Provide Public Improvements Incidental to a Building Permit**

**§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 (c) [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.]

**Issue Item #13: Procedures for Emergency Authorization to Impact Environmentally Sensitive Lands**

**§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.]

#### **Issue Item #14: Utilities Requirements for Tentative Maps**

##### **§144.0240 Utilities Requirements for Tentative Maps**

There are no proposed changes at this time.

#### **Issue Item #15: Educational Facilities**

##### **§126.0203 When a Neighborhood Use Permit is Required**

- (a) An application for the following uses in certain zones may require a Neighborhood Use Permit. To determine whether a Neighborhood Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13.
- Artisan Food and Beverage Producer through Eating and drinking establishments abutting residential zones (under circumstances described in Section 141.0607) [No change in text.]
- Assembly and Entertainment Uses, Including Places of Religious Assembly
- Educational facilities (kindergarten through grade 12) (under circumstances described in Section 141.0407)
- Employee housing through *Wireless communication facilities* (under certain circumstances described in Section 141.0420) [No change in text.]

(b) [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.]

Use Categories/ Subcategories	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
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]													
<b>Open Space</b> through <b>Institutional, Separately Regulated Institutional Uses</b> , Educational Facilities:		[No change in text.]											
Kindergarten through Grade 12		<u>LP</u>			<u>LP</u>			<u>LP</u>			<u>LP</u>		-
<b>Institutional, Separately Regulated Institutional Uses</b> , Educational Facilities:, Colleges / Universities through <b>Commercial Services, Separately Regulated Commercial Services Uses</b> , Massage Establishments, Specialized Practice [No change in text.]		[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	Zone Designator	Zones														
	1st & 2nd >>	CN <sup>(1)</sup> -					CR-		CO-						CV-	CP-
	3rd >>	1-					1-	2-	1-	2-	3-	1-	2-	1-	2-	1-
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1	2
<b>Open Space through Residential, Separately Regulated Residential Uses, Home Occupations</b> [No change in text.]		[No change in text.]														
Live/Work Quarters		<u>-L</u>					L	<u>-L</u>	-	-	L	-	-	-	-	-
<b>Residential, Separately Regulated Residential Uses, Residential Care Facilities: through Institutional, Separately Regulated Institutional Uses, Educational Facilities:</b> [No change in text.]		[No change in text.]														
Kindergarten through Grade 12		<u>EN</u> <sup>(10)</sup>					L	L	<u>EN</u>	<u>EN</u>	<u>EN</u>	<u>C</u> <sup>(10)</sup>	-	-	-	-
<b>Institutional, Separately Regulated Institutional Uses, Educational Facilities:, Colleges / Universities through <i>Signs</i>, Separately Regulated <i>Signs</i> Uses, Theater Marquees</b> [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	1	2	3	4	5	6				
<b>Open Space through Residential, Separately Regulated Residential Uses, Home Occupations</b> [No change in text.]		[No change in text.]																																			
Live/Work Quarters		L			-L			L			L			L																							
<b>Residential, Separately Regulated Residential Uses, Residential Care Facilities: through Institutional, Separately Regulated Institutional Uses, Educational Facilities:</b> [No change in text.]		[No change in text.]																																			
Kindergarten through Grade 12		L			L			L			L			L																							
<b>Institutional, Separately Regulated Institutional Uses, Educational Facilities:, Colleges / Universities through Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]		[No change in text.]																																			

**Footnotes for Table 131-05B**

<sup>1</sup> through <sup>3</sup> [No change in text.]

- <sup>4</sup> Live entertainment ~~and~~ or the sale of intoxicating beverages other than beer and wine are 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.

<sup>5</sup> through <sup>9</sup> [No change in text.]



<sup>10</sup> This use is not allowed within the Coastal Overlay Zone, except that assembly and entertainment uses may be incorporated as accessory use to visitor accommodations.

<sup>11</sup> through <sup>17</sup> [No change in text.]

**§141.0407 Educational Facilities—Schools for Kindergarten ~~to~~ through Grade 12, Colleges/Universities, and Vocational Schools**

Educational facilities are facilities that are designed or used to provide specialized training or education. This section distinguishes between kindergarten ~~to~~ through grade 12 schools, colleges and universities, and vocational schools and trade schools. Educational facilities are permitted by right in zones indicated with a “P”, as a limited use in the zones indicated with an “L”, with a Neighborhood Use Permit decided in accordance with Process Two in the zones indicated with an “N,” and ~~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) subject to the following regulations.

(a) [No change in text.]

(b) One-on-one teaching facilities with a maximum capacity of 50 students that provide education for children enrolled in grades 6 through 12 in a traditional office building are permitted by right in locations where business and professional offices are a permitted use in zones indicated with a “P”, except that such facilities are not permitted where in conflict with Section 141.0407(f)(1).

(~~b~~c) Schools for Kindergarten ~~to~~ through Grade 12

(1) ~~This use category applies to schools that provide instruction to children enrolled in any grade kindergarten to grade 12.~~

(~~2~~1) Schools for kindergarten to grade 12 are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*.

(~~3~~2) Limited use regulations. Schools for kindergarten ~~to~~ through grade 12 are permitted as limited uses in zones indicated by a “L” subject to the following:

(A) The facility design shall not accommodate more than 300 students, except that a new school may replace an existing school with current enrollment over 300 students if the result is no increase in the number of students.

(B) [No change in text.]

- (C) Deviations from Section 141.0407(~~b~~c)(~~3~~2)(A) ~~or (B)~~ may be permitted to accommodate a maximum of 600 students with a Neighborhood Use Permit subject to the neighborhood use regulations in Section 141.04027(c)(3), or more than 600 students with a Conditional Use Permit decided in accordance with Process Three and subject to the conditional use regulations in Section 141.0407(~~b~~c) (~~5~~4).
- (~~4~~) ~~One-on-one teaching facilities with a maximum capacity of 50 students that provide education for children enrolled in grades 6 through 12 in a traditional office building are permitted by right in locations where business and professional offices are a permitted use in zones indicated with a "P", except that such facilities are not permitted where in conflict with Section 141.0407(e)(1).~~
- (3) Neighborhood use regulations. Schools for kindergarten through grade 12 are permitted in zones indicated by an "N" subject to the following:
- (A) The school facility shall not accommodate greater than 600 students.
- (B) Parking shall be provided in accordance with Table 142-05G.
- (C) Deviations from Section 141.0407(c)(3) may be permitted with a Conditional Use Permit subject to the conditional use regulations in Section 141.0407(c)(4).
- (~~5~~4) Conditional use regulations. Schools for kindergarten to through grade 12 are permitted as conditional uses with a Conditional Use Permit in accordance with a Process Three Decision in zones indicated by a "C" subject to the following:
- (A) through (D) [No change in text.]
- (~~ed~~) Colleges/Universities
- (1) [No change in text.]
- (2) Conditional use regulations. Colleges and universities are permitted as conditional uses in zones indicated by a "C" subject to the following:
- (A) Colleges and universities are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*, except as otherwise allowed in accordance with Section 141.0407(~~e~~f).

- (B) Colleges and universities are subject to the conditional use criteria applicable to schools for kindergarten to grade 12 in Section 141.0407(~~bc~~)(5).
  - (C) [No change in text.]
  - (D) Colleges and universities that provide education in a traditional office building without any extracurricular facilities of a traditional post secondary educational facility are permitted by right where business and professional offices are permitted uses in zones indicated with a "P". However, this type of educational facility is not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*, except as otherwise allowed in accordance with Section 141.0407(~~ef~~).
- (~~de~~) Vocational and Trade Schools
- (1) [No change in text.]
  - (2) Limited use regulations. Vocational schools and trade schools are permitted as limited uses in zones indicated by an "L" subject to the following:
    - (A) Vocational schools and trade schools are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*, except as otherwise allowed in accordance with Section 141.0407(~~ef~~).
    - (B) [No change in text.]
- (~~ef~~) Educational Facilities on Prime Industrial Land
- (1) through (2) [No change in text.]

#### **§141.0602 Assembly and Entertainment Uses, Including Places of Religious Assembly**

This use category applies to facilities designed to accommodate at least 25 people at a time for recreation, physical fitness, entertainment, or other assembly, including places of religious assembly. Assembly and entertainment uses are permitted as a limited use in accordance with Process One in zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and are subject to the regulations in Sections 141.0602(a) and (b). Assembly and entertainment uses may be permitted with a Neighborhood Use Permit decided in accordance with the regulations in Section 141.0602 (c) and with a Conditional Use Permit decided in accordance with Process Three in zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and are subject to the regulations in Sections 141.0602(a) and (~~ed~~).

#### (a) General Regulations

(1) Assembly and entertainment uses are not permitted:

(A) Within the *MHPA*;

(B) Within *floodplains* located in the Coastal Overlay Zone; or

(C) On a *premises* that is identified as Prime Industrial Land in a *land use plan*.

(2) Assembly and entertainment uses shall provide off-street parking according to the following:

(A) If the specific type of assembly and entertainment use is specified in Table 142-05G, the applicable off-street parking standard in Table 142-05G shall apply.

(B) If the specific type of assembly and entertainment use is not specified in Table 142-05G, off-street parking shall be provided as follows:

(i) If seating is fixed, one parking space shall be provided per three seats in the assembly area or one parking space per 60 inches of bench or pew seating space, whichever is greater.

(ii) If seating is not fixed, 30 parking spaces shall be provided per 1,000 square feet of assembly area.

(3) Auditoriums that are an *accessory use* to professional office or industrial *development* are not subject to Section 141.0602.

(b) Limited Use Regulations

(1) The facility shall be designed to accommodate a maximum of 300 people.

(2) Assembly and entertainment facilities adjacent to residentially zoned property shall not operate between 10:00 p.m. and 6:00 a.m., except that such facilities may operate until 11:00 p.m. on Fridays and Saturdays. Places of religious assembly shall not be subject to the limitations of Section 141.0602(b)(2).

(3) ~~Parking shall be accommodated on-site.~~ Parking shall be provided in accordance with Table 142-05G.

(4) Deviations from Section 141.0602(b)(1) may be permitted with a Neighborhood Conditional Use Permit in accordance with a Process Two Three.

(c) Neighborhood Use Regulations

(1) The facility shall be designed to accommodate a maximum of 600 people.

(2) Assembly and entertainment facilities adjacent to residentially zoned property shall not operate between 10:00 p.m. and 6:00 a.m., except that such facilities may operate until 11:00 p.m. on Fridays and Saturdays. Places of religious assembly shall not be subject to the limitations of Section 141.0602(c)(2).

(3) Parking shall be provided in accordance with Table 142-05G.

(4) Deviations from Section 141.0602(c)(1) or (2) may be permitted with a Conditional Use Permit in accordance with a Process Three.

(ed) Conditional Use Regulations

The decision maker shall consider, and may impose conditions to address, the following:

(1) The maximum number of people the facility can accommodate.

(12) Hours of operation shall be limited to minimize disturbance to neighboring *development* from noise and lights.

(23) Structures shall be placed on the site so that larger or high-activity buildings are away from adjacent property with smaller *structures* and lower levels of activity.

(34) Off-street parking areas shall be located away from adjacent residential property whenever feasible to minimize disturbance to neighboring *development*.

(45) The maximum capacity, including limits on the intensity of *accessory uses*, shall be limited to a level commensurate with the size of the *premises*, the intensity of surrounding *development*, and the capacity of *streets* serving the facility.

(56) Structures shall be designed to incorporate a variety of architectural elements that diminish bulk.

**1514.0304 Residential Zones (MVR-1, MVR-2, MVR-3, MVR-4, MVR-5)****Table 1514-03E****Residential Zones Use Table**

<b>PERMITTED USES</b>	<b>ALL RESIDENTIAL ZONES</b>
Residential/Compatible Residential [No change in text]	P
Schools, limited to primary, elementary, junior high and senior high in accordance with Section 141.0407, and child care centers in accordance with Section 141.0606	LP
Public Parks and Playgrounds [No change in text]	P

**Issue Item #16: Live/Work Quarters****§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.]



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 <sup>(1)</sup> -				CR-		CO-						CV-		CP-	
	3rd >>	1-				1-	2-	1-	2-	3-	1-	2-	1-	2-	1-	2-	1-
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1	2	1
<b>Open Space through Residential, Separately Regulated Residential Uses, Home Occupations</b> [No change in text.]	[No change in text.]																
Live/Work Quarters	<div>-L</div> <div>L</div> <div>-L</div> <div>-</div> <div>-</div> <div>L</div> <div>-</div> <div>-</div>																
<b>Residential, Separately Regulated Residential Uses, Residential Care Facilities: through Institutional, Separately Regulated Institutional Uses, Educational Facilities:</b> [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	1	2	3	4	5	6				
<b>Open Space through Residential, Separately Regulated Residential Uses, Home Occupations</b> [No change in text.]		[No change in text.]																																			
Live/Work Quarters		L			<u>-L</u>			L			L			L																							
<b>Residential, Separately Regulated Residential Uses, Residential Care Facilities: through Institutional, Separately Regulated Institutional Uses, Educational Facilities:</b> [No change in text.]		[No change in text.]																																			

**Issue Item #17: Underground Parking Structures****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 adjacent the existing or proposed grade, whichever is lower, and the finished *floor* elevation above, exceeds 5 feet.

(B) [No change in text.]

**Issue Item # 18: CalGreen Van Pool Sign Amendments****§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.
- (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*.
- (c) [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.]

## LANDSCAPING

### Issue Item #19: Construction Materials in Zone One

#### **§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.]

#### **Issue Item #20: Additional Yard Planting Area and Point Requirements**

##### **§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.]

#### **Issue Item #21: Additional Vehicular Use Area Requirements and Shade Structures**

##### **§142.0407 Additional Vehicular Use Area Requirements**

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

**Issue Item #22: Street Tree and Public Right-of-Way Requirements****§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.]

**Issue Item #23: Additional Vehicular Use Area Requirements****§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.]

**Minimum Tree Separation Distance**

<b>Improvement</b>	<b>Minimum Distance to Street Tree</b>
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 <sup>1</sup>
Intersections (intersecting curb lines of two streets)	25 feet

**Footnote for Table 142-04E**

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

- (C) [No change in text.]

**Issue Item #24: §142.0409 Additional Public Right-of-Way Regulations & Visibility Areas****§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 <sup>1</sup>
Intersections (intersecting curb lines of two streets)	25 feet

**Footnote for Table 142-04E**

<sup>1</sup> 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.

**Issue Item #25: §142.0412 Brush Management****§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.]

## HISTORICAL

### Issue Item #26: Historical Resources

Refer to Attachment 5

## MINOR CORRECTIONS

### Issue Item #27 Remove parking ratios for Golden Hill, San Ysidro, and Southeast San Diego Planned Districts because theses Planned District Ordinances no longer exist

#### §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 <i>Grade Floor Area</i> and Excludes <i>Floor Area</i> Devoted to Parking)		
	Required Automobile Parking Spaces <sup>(1)</sup>		
	Minimum Required Outside a <i>Transit Area</i>	Minimum Required Within a <i>Transit Area</i> (2)	Maximum Permitted
<b>Commercial Zones</b> through <b>Planned Districts</b> , Central Urbanized [No change in text.]	[No change in text.]		
Golden Hill	1.25	1.25	5.5
<b>Planned Districts</b> , La Jolla through <b>Planned Districts</b> , 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.]	[No change in text.]		

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

- (b) Eating and Drinking Establishments. Table 142-05F establishes the required ratio of parking spaces to building *floor area* in the commercial



zones, industrial zones, and planned districts shown, for eating and drinking establishments that are the *primary use* on a *premises*.

**Table 142-05F**

**Parking Ratios for Eating and Drinking Establishments**

<b>Zone</b>	<b>Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment<sup>(1)</sup> Floor Area Unless Otherwise Noted</b> ( <i>Floor Area</i> Includes <i>Gross Floor Area</i> plus <i>Below Grade Floor Area</i> and Excludes <i>Floor Area</i> Devoted to Parking)		
	<b>Required Automobile Parking Spaces<sup>(2)</sup></b>		
	<b>Minimum Required Outside a Transit Area</b>	<b>Minimum Required Within a Transit Area<sup>(3)</sup></b>	<b>Maximum Permitted</b>
<b>Commercial Zones</b>			
<b>Commercial Zones</b> through <b>Planned Districts</b> , Central Urbanized [No change in text.]	[No change in text.]		
Golden Hill	1.25	1.25	20.0
<b>Planned Districts</b> , La Jolla through <b>Planned Districts</b> , 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** [No change in text.]

(c) [No change in text.]

**Issue Item #28: Maximum Third Story Dimensions****§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.]

**Issue Item #29: Additional Use Regulations of Industrial Zones****§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.]

**Issue Item #30: Artisan Food and Beverage Producer****§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 <sup>(1)</sup> -	
	3rd >>	1-	2-	1-		1-	1-
	4th >>	1	1	1	1	2	1
<b>Open Space through Industrial, Separately Regulated Industrial Uses</b> [No change in text.]		[No change in text.]					
<u>Artisan Food and Beverage Producer</u>		=	=	=	=	=	=
<b>Industrial, Separately Regulated Industrial Uses, Hazardous Waste Research Facility through Signs, Separately Regulated Signs Uses, Theater Marquees</b> [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		[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
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
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.]																						

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

### **Issue Item #31: Bonds for Street Tree Planting Permits**

#### **§62.0616 Property Owners<sup>2</sup> 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.”~~

### **Issue Item # 32: General Rules for Subdivisions**

#### **Article 5: Subdivision Procedures**

#### **Division 1: General Rules Subdivision Procedures**

#### **§125.0101 Purpose of Subdivision Procedures**

[No change in text.]

### **Issue Item # 33: Correct title for Planning Director**

#### **§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*.

### **Issue Item # 34: Residential RM-4-10 Zones**

#### **§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.]

### **Issue Item # 35: Industrial Zone Use Table Footnote**

#### **§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, <i>Mobilehome Parks</i> [No change in text.]	[No change in text.]											
<i>Multiple Dwelling Units</i>	-	-	P <sup>(+715)</sup>	-	-	-	-	-	-	-	-	-
Residential, <i>Rooming House</i> [See Section 131.0112(a)(3)(A)] through Residential, Separately Regulated Residential Uses, <i>Companion Units</i> [No change in text.]	[No change in text.]											
Continuing Care Retirement Communities	-	-	L <sup>(+715)</sup>	-	-	-	-	-	-	-	-	-
Residential, Separately Regulated Residential Uses, Employee Housing: through Retail Sales [No change in text.]	[No change in text.]											
Building Supplies & Equipment	-	-	-	P <sup>(6,+513)</sup>	P <sup>(+513)</sup>	P <sup>(+513)</sup>	-	P <sup>(6,+513)</sup>	P <sup>(+513)</sup>	-	-	-
Food, Beverages and Groceries	-	-	-	-	-	P <sup>(+513)</sup>	-	-	-	-	-	-
Consumer Goods, Furniture, Appliances, Equipment	-	-	-	-	P <sup>(2,+513)</sup>	P <sup>(+513)</sup>	-	-	P <sup>(3,+513)</sup>	-	-	-
Pets & Pet Supplies	-	-	-	-	-	P <sup>(+513)</sup>	-	-	-	-	-	-

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
<b>Sundries, Pharmaceuticals, &amp; Convenience Sales</b>	-	P <sup>(5, +513)</sup>	P <sup>(5, +513)</sup>	P <sup>(5, +513)</sup>	P <sup>(5, +513)</sup>	P <sup>(5, +513)</sup>	P <sup>(+513)</sup>	P <sup>(5, +513)</sup>	P <sup>(5, +513)</sup>	P <sup>(4, +513)</sup>	-
<b>Wearing Apparel &amp; Accessories</b>	-	-	-	-	-	P <sup>(3, +513)</sup>	P <sup>(3, +513)</sup>	-	-	P <sup>(3, +513)</sup>	-
<b>Retail Sales, Separately Regulated Retail Sales Uses through Commercial Services, Business Support</b> [No change in text.]	[No change in text.]										
<b>Eating &amp; Drinking Establishments</b>	-	P <sup>(7, +816)</sup>	P <sup>(7, +816)</sup>	P <sup>(7, +816)</sup>	P <sup>(7, +816)</sup>	P <sup>(+816)</sup>	6)	-	P <sup>(7)</sup>	P <sup>(4, +816)</sup>	P <sup>(7, +816)</sup>
<b>Financial Institutions</b>	-	P	-	-	P	P	-	-	-	P	P
<b>Funeral &amp; Mortuary Services</b>	-	-	-	-	P	P	-	P	-	-	-
<b>Instructional Studios</b>	-	-	-	-	-	P <sup>(+614)</sup>	4)	-	-	P	-
<b>Retail Sales, Separately Regulated Retail Sales Uses, Maintenance &amp; Repair through Retail Sales, Separately Regulated Retail Sales Uses, Radio &amp; Television Studios</b> [No change in text.]	[No change in text.]										
<b>Tasting Rooms</b>	P <sup>(2018)</sup>	P <sup>(2018)</sup>	P <sup>(2018)</sup>	P <sup>(2018)</sup>	P <sup>(2018)</sup>	P <sup>(2018)</sup>	P <sup>(2018)</sup>	P <sup>(2018)</sup>	P <sup>(2018)</sup>	P <sup>(2018)</sup>	P <sup>(2018)</sup>
<b>Retail Sales, Separately Regulated Retail Sales Uses, Visitor Accommodations through Offices, Medical, Dental, &amp; Health Practitioner</b> [No change in text.]	[No change in text.]										
<b>Regional &amp; Corporate Headquarters</b>	P <sup>(1)</sup>	P	P <sup>(1)</sup>	P <sup>(1)</sup>	P	P	-	P <sup>(+412)</sup>	P	P <sup>(1)</sup>	P <sup>(1)</sup>
<b>Offices, Separately Regulated Office Uses through Distribution and Storage, Moving &amp; Storage Facilities</b> [No change in text.]	[No change in text.]										
<b>Distribution Facilities</b>	P <sup>(+917)</sup>	P	-	P	P	P	P	P	P	P	P
<b>Distribution and Storage, Separately Regulated Distribution and Storage Uses through Industrial, Separately Regulated Industrial Uses</b> [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 >>	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
<u>Artisan Food and Beverage Producer</u>		—	—	—	—	—	—	—	—	—	—
<b>Industrial, Separately Regulated Industrial Uses, Hazardous Waste Research Facility through Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]		[No change in text.]									

### Footnotes for Table 131-06B

<sup>1</sup> through <sup>10</sup> [No change in text.]

<sup>11</sup> ~~Assembly uses shall occupy at least 5,000 square feet of the gross floor area.~~

<sup>12</sup> ~~Recreational facilities shall not exceed 2,500 square feet of gross floor area and 2,500 square feet of outdoor recreational use area.~~

<sup>1311</sup> 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.

<sup>1412</sup> Only one regional and corporate headquarters establishment is permitted on an individual parcel of land.

<sup>1513</sup> *Development of a large retail establishment* is subject to Section 143.0302.

<sup>1614</sup> Instructional Studios are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*.

<sup>1715</sup> See Section 131.0623(j).

<sup>1816</sup> Eating and drinking establishments abutting residential *development* located in a residential zone may operate only between 6:00 a.m. and 12:00 midnight.

<sup>1917</sup> Distribution facilities are permitted in the IP-1-1 zone only within the Otay Mesa Community Plan area.

<sup>2018</sup> Tasting rooms are only permitted as an *accessory use* to a beverage manufacturing plant.

### Issue Item # 36: Distribution and Storage

#### Article 1: Separately Regulated Use Regulations

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

### Issue Item # 37: Repeal outdated Park and Recreation Fee Reference

#### §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).

**Issue Item # 38: Setback requirements for resubdivided corner lots****§131.0431 Development Regulations Table for Residential Zones**

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

## (a) RE Zones

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

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones		
	1st & 2nd >>	RE-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
<b>Max permitted density</b> (DU per lot) through <b>Setback requirements</b> , Min Rear setback (ft) [See Section 131.0443(a)(4) [No change in text.]]		[No change in text.]		
<b>Setback requirements for resubdivided corner lots</b> [See Section 113.0246(f) <u>113.0246(f)</u> ]		[No change in text.]		
<b>Max structure height</b> (ft) [See Section 131.0444(a)] through <b>Visibility Area</b> [See Section 113.0273] [No change in text.]		[No change in text.]		

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

## (d) RT Zones

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

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones				
	1st & 2nd >>	RT-				
	3rd >>	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5
<b>Maximum Permitted <i>Density</i></b> (DU per lot)		1	1	1	1	1
<b>Min Lot Area</b> (sf) [See Section 131.0441]		3,500	3,000	2,500	2,200	1,600
<b>Min Lot Dimensions</b>						
Lot Width (ft)		25	25	25	25	18
Street Frontage (ft)		25	25	25	25	18
Lot Width (corner) (ft)		25	25	25	25	25
Lot Depth (ft)		100	100	90	80	80
<b>Setback Requirements</b>						
Min Front <i>Setback</i> (ft) [See Section 131.0443(c)(1)]		5	5	5	5	5
Max Front <i>Setback</i> (ft) [See Section 131.0443(c)(1)]		15	15	15	15	10
Side <i>Setback</i> (ft) [See Section 131.0443(c)(2)]		0	0	0	0	0

<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	<b>Zones</b>				
	1st & 2nd >>	RT-				
	3rd >>	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5
Min <i>Street Side Setback</i> (ft)		5	5	5	5	5
Min <i>Rear Setback</i> (ft)		3	3	3	3	3
<b>Max Structure Height</b> [See 131.0444(d)]						
1 and 2 <i>story</i> buildings (ft)						
<i>slab floor</i>		21	21	21	21	21
<i>raised floor</i>		25	25	25	25	25
3 <i>story</i> buildings (ft)						
<i>slab floor</i>		31	31	31	31	31
<i>raised floor</i>		35	35	35	35	35
<b>Max Lot Coverage</b> (%) [See Section 131.0445(b)]		60	65	70	75	75
<b>Max Floor Area Ratio</b> [See 131.0446(d)]						
1 and 2 <i>story</i> buildings		0.85	0.95	1.00	1.10	1.20
3 <i>story</i> buildings		1.20	1.30	1.40	1.50	1.60
<b>Accessory uses and structures</b> [See Sections 131.0448 and 141.0307]		applies	applies	applies	applies	applies
<b>Garage Regulations</b> [See Section 131.0449(b)]		applies	applies	applies	applies	applies
<b>Parkway Requirement</b> [See Section 131.0452]		applies	applies	applies	applies	applies
<b>Architectural Projections and Encroachments</b> [See Section 131.0461(b)]		applies	applies	applies	applies	applies
<b>Supplemental Requirements</b> [See Section 131.0464(c)]		applies	applies	applies	applies	applies
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805]		applies	applies	applies	applies	applies
<b>Visibility Area</b> [See Section 113.0273]		applies	applies	applies	applies	applies

(e) RM Zones



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

<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	<b>Zones</b>					
	1st & 2nd >>	RM-					
	3rd >>	1-	1-	1-	2-	2-	2-
	4th >>	1	2	3	4	5	6
<b>Maximum permitted density<sup>(1),(2)</sup></b> (sf per DU) through <b>Setback requirements</b> , Min Rear setback (ft) [No change in text.]		[No change in text.]					
<b>Setback requirements for resubdivided corner lots</b> [See Section 131.0443(i) 113.0246(f)]		[No change in text.]					
<b>Max structure height</b> (ft) through <b>Visibility Area</b> [See Section 113.0273]		[No change in text.]					

<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	<b>Zones</b>					
	1st & 2nd >>	RM					
	3rd >>	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12
<b>Maximum permitted density<sup>(1),(2)</sup></b> (sf per DU) through <b>Setback requirements</b> , Min		[No change in text.]					

<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	<b>Zones</b>					
	1st & 2nd >>	RM					
	3rd >>	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12
Rear <i>setback</i> (ft) [No change in text.]							
<b>Setback requirements for resubdivided corner lots</b> [See Section 131.0443(i) 113.0246(f)]		[No change in text.]					
<b>Max structure height</b> (ft) through <b>Visibility Area</b> [See Section 113.0273]		[No change in text.]					

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

### **Issue Item # 39: Multiple Dwelling Units definition**

#### **§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 other than ~~companion units~~ 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) [No change in text.]

#### **Issue Item # 40: Tentative Map Regulations**

##### **§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.]

#### **Issue Item # 41: Park and Recreational Facilities**

##### **§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).~~

#### **Issue Item # 42: Park and Recreational Facilities**

##### **§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).~~

#### **Issue Item # 43: Abatement Penalty**

##### **§12.0609 Abatement Penalty**

- (a) through (d) [No change in text.]
- (e) Abatement penalties for causing or maintaining a public nuisance shall be assessed at a daily rate determined by the Director or Enforcement Hearing Officer pursuant to the criteria listed in section 12.07050610 of this Division. The maximum rate shall be \$2,500 per violation. The maximum amount of civil penalties shall not exceed \$200,000 per parcel or structure for any related series of violations.

**Issue Item # 44: Decision Process for Determination of Status of the Merge of Parcels**

**§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)(B). 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 request for hearing, in place of the time specified in Section 112.0504(e)(a)(4), but the time period may be continued or postponed with the mutual consent of the City and the ~~property owner~~ record owner.

**Issue Item # 45: Commercial Use Categories**

**§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														
	1st & 2nd >>	CN <sup>(1)</sup> -					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
<b>Open Space through Residential, Separately Regulated Residential Uses, Home Occupations</b> [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		
<b>Open Space through Residential, Separately Regulated Residential Uses, Home Occupations</b> [No change in text.]		[No change in text.]																											

**Footnotes for Table 131-05B**

<sup>1</sup> through <sup>3</sup> [No change in text.]

<sup>4</sup> Live entertainment ~~and~~or the sale of intoxicating beverages other than beer and wine are 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.

<sup>5</sup> through <sup>17</sup> [No change in text.]

#### **Issue Item # 46: When a Previous Environmental Document May Be Used**

##### **§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, Sections 15162 or 15183, exist.
- (b) [No change in text.]

#### **Issue Item # 47: Supplemental Site Development Regulations for Small Lot Subdivision**

##### **§143.0365 Supplemental Site Development Permit Regulations for Small Lot Subdivision**

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

<b>Setback requirements for resubdivided corner lots</b> [See Section 113.0246(f)]	applies
<b>Max structure height</b> (ft)	
RM-1-1, RM-1-2, and RM-1-3	36 <sup>(2)(5)</sup>
RM-2-4, RM-2-5, and RM-2-6	40 <sup>(3)(5)</sup>
RM-3-7 and RM-3-8	40 <sup>(5)</sup>
<b>Lot coverage for sloping lots</b> [See Section 131.0445(a)]	applies

**Footnotes for Table 143-03C**<sup>1</sup> through <sup>4</sup> [No change in text]

<sup>5</sup>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).

**Issue Item # 48: Marijuana Production Facilities****§141.1004 Marijuana Production Facilities**

- (a) [No change in text.]
- (b) All operations, including equipment and storage, shall be conducted indoors within a secured *structure*. The exterior walls of the structure shall not be composed of transparent materials. ~~All equipment and storage shall be also located within a secure structure.~~

**Issue Item # 49: Affordable Housing, In-Fill Projects, and Sustainable Buildings Deviations****§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(a) 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).

**Issue Item # 50: Parking Ratios and Shared Parking**

**§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios**

(a) [No change in text.]

**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>	<b>Automobile Spaces Required</b> <b>Per Dwelling Unit</b> (Unless Otherwise Indicated)			<b>Motorcycl e Spaces Required Per Dwelling Unit</b>	<b>Bicycle<sup>(5)</sup> Spaces Required Per Dwelling Unit</b>
	<b>Basic <sup>(1)</sup></b>	<b><i>Transit Area or Transit Priority Area<sup>(2)</sup></i></b>	<b>Parking Impact<sup>(4)</sup></b>		
<b>Studio up to 400 square feet</b>	1.25	1.0	1.5	0.05	0.3

**Footnotes for Table 142-05C**

- <sup>1</sup> 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.
- <sup>2</sup> *Transit Area or Transit Priority Area*. The *transit area* parking ratio or Transit Priority Area 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), the *Transit Priority Area*, or that is subject to Chapter 13, Article 2, Division 11 (Urban Village Overlay Zone).
- <sup>3</sup> through <sup>8</sup> [No change in tex.]

**§142.0530 Nonresidential Uses — Parking Ratios**

**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 <sup>(1)</sup>		
	Minimum Required Outside a <u><i>Transit Area or Transit Priority Area</i></u>	Minimum Required Within a <i>Transit Area</i> <u>or <i>Transit Priority Area</i></u> <sup>(2)</sup>	Maximum Permitted

**Footnotes for Table 142-05E**

- <sup>1</sup> [No change in text.]
- <sup>2</sup> *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), the *Transit Priority Area*, and in the Urban Village Overlay Zone (Chapter 13, Article 2, Division 11).

<sup>3</sup> through <sup>5</sup> [No change in tex.]

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

<b>Zone</b>	<b>Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment<sup>(1)</sup> Floor Area Unless Otherwise Noted</b> ( <i>Floor Area Includes Gross Floor Area plus Below Grade Floor Area and Excludes Floor Area Devoted to Parking</i> )		
	<b>Required Automobile Parking Spaces<sup>(2)</sup></b>		
	<b>Minimum Required Outside a <i>Transit Area or Transit Priority Area</i></b>	<b>Minimum Required Within a <i>Transit Area or Transit Priority Area</i><sup>(3)</sup></b>	<b>Maximum Permitted</b>

**Footnotes for Table 142-05F**

<sup>1</sup> through <sup>2</sup> [No change in tex.]

<sup>3</sup> *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 Area*, and in the *Urban Village Overlay Zone* (Chapter 13, Article 2, Division 11).

<sup>4</sup> through <sup>5</sup> [No change in tex.]

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

<b>Use</b>	<b>Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted</b> ( <i>Floor Area Includes Gross Floor Area plus below Grade Floor Area, and Excludes Floor Area Devoted to Parking</i> )
	<b>Required Automobile Parking Spaces<sup>(1)</sup></b>

	<b>Minimum Required Outside a <i>Transit Area</i> <u>or Transit Priority Area</u></b>	<b>Minimum Required Within a <i>Transit Area</i> <u>or Transit Priority</u> <u>Area</u> <sup>(2)</sup></b>	<b>Maximum Permitted</b>
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**Footnotes For Table 142-05G**

<sup>1</sup> [No change in text.]

<sup>2</sup> *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 Area*, and in the Urban Village Overlay Zone (Chapter 13, Article 2, Division 11).

<sup>3</sup> through <sup>6</sup> [No change in tex.]

**§142.0545 Shared Parking Requirements**

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

<b>Use</b>	<b>Peak Parking Demand</b>  (Ratio of spaces per 1,000 square feet of floor area unless otherwise noted. Floor area includes gross floor area plus below grade floor area and excludes floor area devoted to parking)	<b><i>Transit Area or Transit Priority Area</i> <sup>(1)</sup></b>
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**Footnote for Table 142-05I**

<sup>1</sup> *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).





**§142.0101 Purpose of Grading Regulations**

The purpose of these regulations is to address slope stability, protection of property, erosion control, water quality, ~~and landform preservation, and paleontological resources preservation,~~ and to protect the public health, safety, and welfare of persons, property, and the environment.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**EDITORS NOTE: The Land Development Manual includes:**

Coastal Bluffs and Beaches Guidelines  
Biology Guidelines  
Historical Resources Guidelines  
Submittal Requirements for Deviations within the Coastal Overlay Zone  
General Grading Guidelines for Paleontological Resources

See RR-292248 for the Coastal Bluffs and Beaches Guidelines of the Land Development Code; RR-292249 for the Biology Guidelines of the Land Development Code; RR-292250 for the Historical Resources Guidelines of the Land Development Code; RR-292251 for the Submittal Requirements for Deviations within the Coastal Overlay Zone of the Land Development Code.

**§142.0151 Paleontological Resources Requirements for Grading Activities**

(a) Paleontological resources monitoring shall be required for any of the following and in accordance with the General Grading Guidelines for Paleontological Resources in the Land Development Manual:

- (1) Grading that involves 1,000 cubic yards or greater, and 10 feet or greater in depth, in a High Resource Potential Geologic Deposit/Formation/Rock Unit; or
- (2) Grading that involves 2,000 cubic yards or greater, and 10 feet or greater in depth, in Moderate Resource Potential Geologic Deposit/Formation/Rock Unit; or
- (3) Grading on a fossil recovery site or within 100 feet of the mapped location of a fossil recovery site.

(b) If paleontological resources, as defined in the General Grading Guidelines for Paleontological Resources, are discovered during grading, notwithstanding Section 142.0151(a), all grading in the area of discovery shall cease until a qualified paleontological monitor has observed the discovery, and the

discovery has been recovered in accordance with the General Grading  
Guidelines for Paleontological Resources.

DRAFT

# LAND DEVELOPMENT MANUAL APPENDIX P

## GENERAL GRADING GUIDELINES FOR PALEONTOLOGICAL RESOURCES ~~GRADING GUIDELINES~~

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Paleontological resources (i.e., fossils) are the buried remains and/or traces of prehistoric organisms (i.e., animals, plants, and microbes). Body fossils such as bones or teeth, shells, leaves, and wood, as well as trace fossils such as tracks, trails, burrows, and footprints, are found in the geologic deposits (formations) within which they were originally buried. Fossil remains are considered important if they are: 1) well preserved; 2) taxonomically identifiable; 3) type/topotypic specimens; 4) age diagnostic; 5) useful in environmental reconstruction; or 6) represent new, rare, and/or endemic taxa.

Fossils are typically found buried in geologic deposits of sedimentary rock layers. They are exposed by natural weathering as well as by manmade earthmoving operations. Paleontological resources may be encountered during grading/excavation activities associated with project construction (e.g., residential subdivision projects, new roadway projects, urban redevelopment projects, or utility installation/improvement projects) where such work would be performed in previously undisturbed geologic deposits/formations/rock units (i.e., not in artificial fill materials).

The mapping of geologic deposits/formations/rock units can be located in the published geologic maps by Kennedy and Tan, 2008 all areas of the City of San Diego except Otay Mesa; and Todd, 2004 for the Otay Mesa area. The maps use colors to indicate the geographic distribution of individual geologic deposits/formations/rock units, with a map legend for reference of the geologic deposits/formations/rock units that are present in the project area. The geologic maps are available through the California Geological Survey and United States Geological Survey. Online digital versions of 1:100,000 scale maps are available at the following websites: <https://ngmdb.usgs.gov/mapview/>; [http://www.conservation.ca.gov/cgs/rghm/rgm/Pages/preliminary\\_geologic\\_maps.aspx](http://www.conservation.ca.gov/cgs/rghm/rgm/Pages/preliminary_geologic_maps.aspx); and <https://pubs.usgs.gov/of/2004/1361/>.

These General Grading Guidelines for Paleontological Resources ~~Grading Guidelines~~ do not replace the Significance Determination Thresholds set forth in Land Development Manual Appendix A for Paleontological Resources.



The following is the standard monitoring requirement that shall be placed on grading plans and implemented when ~~determined to be~~ required pursuant to LDC section 142.0151:

## **I. Prior to Permit Issuance**

### **~~A.~~ Entitlements Plan Check**

- ~~1.~~ Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the ~~Assistant Deputy Director (ADD) Environmental designee permit reviewer~~ City Engineer (CE) and/or Building Inspector (BI) shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

### ~~B. Letters of Qualification have been submitted to ADD~~

1. The applicant shall submit a letter of verification to ~~Mitigation Monitoring Coordination (MMC) Resident Engineer (RE) and/or Building Inspector (BI)~~ identifying the qualified Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program. A qualified PI is defined as a person with a Ph.D. or M.S. or equivalent in paleontology or closely related field (e.g., sedimentary or stratigraphic geology, evolutionary biology, etc.) with demonstrated knowledge of southern California paleontology and geology, and documented experience in professional paleontological procedures and techniques.
- ~~2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.~~
- ~~3. Prior to the start of work, the applicant shall obtain approval from MMC Resident Engineer (RE) for any personnel changes associated with the monitoring program.~~

## **II. Prior to Start of Construction**

### **A. Verification of Records Search**

1. The PI shall provide verification to ~~MMC Resident Engineer (RE)~~ RE and/or BI that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from the San Diego Natural History Museum, or another relevant institution that maintains paleontological collections recovered from sites within the City of San Diego.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Preconstruction Meetings

1. Prior to beginning any work that requires monitoring, ~~the~~ the Applicant shall arrange a Preconstruction Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, ~~Resident Engineer (RE), and Building Inspector (BI), as if appropriate, and MMC.~~ The qualified paleontologist (PI) shall attend any grading/excavation related Preconstruction Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Preconstruction Meeting, the Applicant shall schedule a focused Preconstruction Meeting with ~~MMC,~~ the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to ~~MMC-RE and/or BI~~ identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known geologic conditions (e.g., geologic deposits as listed in the Paleontological Monitoring Determination Matrix below).

3. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to ~~MMC through~~ the RE and/or BI indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to ~~MMC-RE and/or BI~~ prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents and geotechnical reports which indicate conditions such as depth of excavation and/or thickness of artificial fill overlying bedrock, presence or absence of fossils, etc., which may reduce or increase the potential for resources to be present.

**III. During Construction**

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The paleontological monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result

in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the ~~RE, PI, RE and/or BI and MMC~~ of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**

2. The PI may submit a detailed letter to ~~MMC RE and/or BI~~ during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter previously undisturbed and paleontologically sensitive geologic deposits as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for paleontological resources to be present.
3. The paleontological monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be emailed by the CM to the RE and/or BI the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. ~~The RE shall forward copies to MMC.~~

#### B. Discovery Notification Process

1. In the event of a discovery, the paleontological monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and notify the RE and/or BI, as appropriate. The contractor shall also process a construction change for administrative purposes to formalize the documentation and recovery program, including modification to Mitigation Monitoring and Compliance (MMC).
2. The paleontological monitor shall notify the PI (unless paleontological monitor is the PI) of the discovery.
3. The PI shall notify MMC of the discovery, and shall submit documentation to MMC within 24 hours by email with photos of the resource in context.

#### C. Recovery of Fossils

If a paleontological resource is encountered:

1. The paleontological monitor shall salvage unearthed fossil remains, including simple excavation of exposed specimens or, if necessary as determined by the PI, plaster-jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits.
2. The paleontological monitor shall record stratigraphic and geologic data to provide a context for the recovered fossil remains, including a detailed description of all paleontological localities within the project site, as well as the



lithology of fossil-bearing strata within the measured stratigraphic section, and photographic documentation of the geologic setting.

## V. Post Construction

### A. Preparation and Submittal of Draft Paleontological Monitoring Report

1. The PI shall submit two copies of the Draft Paleontological Monitoring Report (even if negative), prepared ~~in accordance with the Paleontological Guidelines to the satisfaction of the Development Services Department. The the Draft~~ Paleontological Monitoring Report ~~which shall de~~scribes the methods, results, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
  - a. For significant or potentially significant paleontological resources encountered during monitoring, as identified by the PI, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
  - b. The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines (revised November 2017), and submittal of such forms to the San Diego Natural History Museum and MMC with the ~~Final~~ Draft Paleontological Monitoring Report.
2. MMC shall return the Draft Paleontological Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Paleontological Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved Draft Paleontological Monitoring ~~Report~~.
5. MMC shall notify the RE and/or BI, ~~as appropriate~~, of receipt of all Draft Paleontological Monitoring Report submittals and approvals.

### B. Handling of Recovered Fossils

1. The PI shall ensure that all fossils collected are cleaned to the point of curation (e.g., removal of extraneous sediment, repair of broken specimens, and consolidation of fragile/brittle specimens) and catalogued as part of the Paleontological Monitoring Program.

2. The PI shall ensure that all fossils are analyzed to identify stratigraphic provenance, geochronology, and taphonomic context of the source geologic deposit; that faunal material is taxonomically identified; and that curation has been completed, as appropriate.

C. Curation of Fossil Remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossils associated with the paleontological monitoring program for this project are permanently curated with an accredited institution that maintains paleontological collections (such as the San Diego Natural History Museum).
2. The PI shall include an acceptance verification from the curation institution in the Final Paleontological Monitoring Report submitted to the RE and/or BI, and MMC.

D. Final Paleontological Monitoring Report(s)

1. The PI shall submit two copies of the Final Paleontological Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the ~~draft report~~ Final Paleontological Monitoring Report has been approved.
2. The RE and/or BI shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Paleontological Monitoring Report from MMC, which includes the Acceptance Verification from the curation institution.

**Paleontological Monitoring Determination Matrix**

<b>Geological Deposit/Formation/Rock Unit</b>	<b>Potential Fossil Localities</b>	<b>Sensitivity Rating</b>
Alluvium (Qsw, Qal, or Qls)	All communities where this unit occurs	Low
Ardath Shale (Ta)	All communities where this unit occurs	High
Bay Point/Marine Terrace (Qbp) <sup>1</sup>	All communities where unit occurs	High
Cabrillo Formation (Kcs)	All communities where unit occurs	Moderate
Delmar Formation (Td)	All communities where unit occurs	High
Friars Formation (Tf)	All communities where unit occurs	High
Granite/Plutonic (Kg)	All communities where unit occurs	Zero
Lindavista Formation (Qln, Qlb) <sup>2</sup>	A. Mira Mesa/Tierrasanta B. All other areas	A. High B. Moderate
Lusardi Formation (Kl)	Black Mountain Ranch/Lusardi Canyon Poway/Rancho Santa Fe B. All other areas	A. High B. Moderate
Mission Valley Formation (Tmv)	All communities where unit occurs	High
Mt. Soledad Formation (Tm, Tmss, Tmsc)	A. Rose Canyon B. All other areas where this unit occurs	A. High B. Moderate
Otay Formation (To)	All communities where unit occurs	High
Point Loma Formation (Kp)	All communities where unit occurs	High
Pomerado Conglomerate (Tp)	A. Scripps Ranch/Tierrasanta B. All other areas	High
River /Stream Terrace Deposits (Qt)	A. South Eastern/Chollas Valley/Fairbanks Ranch/Skyline/Paradise Hills/Otay Mesa, Nestor/San Ysidro B. All other areas	A. Moderate B. Low
San Diego Formation (Qsd)	All communities where this unit occurs.	High
Santiago Peak Volcanics (Jsp) A. Metasedimentary B. Metavolcanic	A. Black Mountain Ranch/La Jolla Valley, Fairbanks Ranch/Mira Mesa/Peñasquitos B. All other areas	A. Moderate B. Zero
Scripps Formation (Tsd)	All communities where this unit occurs	High
Stadium Conglomerate (Tst)	All communities where this unit occurs	High
Sweetwater Formation	All communities where this unit occurs	High
Torrey Sandstone (Tf)	A. Black Mountain Ranch/Carmel Valley B. All other areas	A. High B. Low

**Article 6: Development Permits****Division 4: Neighborhood Development Permit Procedures***(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)***§126.0401 Purpose of The Neighborhood Development Permit Procedures**

The purpose of these procedures is to establish a review process for proposed *development* that may be desirable but may have some limited physical impacts on the surrounding properties. The intent of these procedures is to determine if the proposed *development* complies with the development regulations of the applicable zone, as well as supplemental regulations for the type of *development* proposed, and to apply limited conditions if necessary to achieve conformance with these regulations.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)***§126.0402 When a Neighborhood Development Permit Is Required**

- (a) A Neighborhood Development Permit is required for the following types of *development* on sites with *previously conforming premises* or uses:
- (1) Maintenance, repair, or alteration of a *previously conforming structure* that incorporates *previously conforming* uses or *density* if costs would exceed 50 percent of *market value* as described in Section 127.0104;
  - (2) Reconstruction of a *structure* with *previously conforming* nonresidential uses if costs would exceed 50 percent of *market value* as described in Section 127.0105;
  - (3) Expansion or enlargement of a *previously conforming structural envelope* where the existing *previously conforming structure* does not conform with current zoning regulations for *density* or use as described in Section 127.0106;
  - (4) Expansion or enlargement of a *previously conforming structure* where the new construction proposes up to 20 percent reduction in the required *setback* as described in Section 127.0106; and
  - (5) Maintenance, repair, rebuilding, or alteration of a *previously conforming advertising display sign* where the costs of new construction would exceed 50 percent of the assessed value of the existing *advertising display sign*, but would not expand beyond the existing *structural envelope* as provided in Section 127.0303.



- (b) A Neighborhood Development Permit is required for *single dwelling unit development* on an individual *lot* that is less than or equal to 15,000 square feet and contains *steep hillsides*, *Special Flood Hazard Areas*, or *sensitive biological resources* as described in Section 143.0110.
- (c) A Neighborhood Development Permit is required for *single dwelling unit development* on a *lot* containing *historical resources* other than *designated historical resources* and *historical districts* as described in Section 143.0210 unless exempted in accordance with Section 143.0220.
- (d) A Neighborhood Development Permit is required for commercial *development* proposing tandem parking as described in Section 142.0555(b).
- (e) A Neighborhood Development Permit is required for *mobilehome parks* in any RM zone, as described in Section 143.0302, regardless of the unit number requirements in Table 126-05A.
- (f) A Neighborhood Development Permit is required for relocating a building to a *premises* where an existing building is to remain as described in Section 143.0302.
- (g) A Neighborhood Development Permit is required for *development* proposing *fences*, *walls*, or *retaining walls* that exceed the height permitted in Chapter 14, Article 2, Division 3, by 20 percent or less as described in Section 142.0350.
- (h) A Neighborhood Development Permit is required for nonresidential *development* exceeding the maximum permitted parking as described in Section 142.0540(b).
- (i) A Neighborhood Development Permit is required for *development* providing shared parking for uses not specified in Section 142.0545(c) as described in Section 142.0545(b)(7).
- (j) A Neighborhood Development Permit is required for construction of a privately owned *structure* proposed in the *public right-of-way* dedicated for a *street* or an *alley*, where the *applicant* is the *record owner* of the underlying fee title as described in Section 129.0710(a).
- (k) A Neighborhood Development Permit is required for *development* of a *large retail establishment* of 50,000 or more square feet *gross floor area* in all commercial and industrial zones, and in all planned districts, except the Centre City Planned District.

- (l) A Neighborhood Development Permit is required for the following types of *development* within the Airport Land Use Compatibility Overlay Zone:
  - (1) Non-residential *development* where alternative compliance is requested to demonstrate safety compatibility in accordance with Section 132.1515(d) using an equivalent calculation of intensity (people per acre).
  - (2) Non-residential *development* within the Brown Field or Montgomery Field airport influence areas where additional intensity (people per acre) is requested for a building designed to minimize risk and increase the safety of building occupants beyond the minimum requirements of the California Building Code in accordance with Section 132.1515(g)(2).
- (m) A Neighborhood Development *Permit* is required for *development* of a *wireless communication facility* with an equipment enclosure that exceeds 250 square feet as described in Section 141.0420(g)(3), or that contains equipment enclosures not placed underground as described in Section 141.0420(i)(2).
- (n) A Neighborhood Development *Permit* is required for *development* proposing to count tandem parking spaces as two parking spaces towards the off-street parking requirement as described in Section 132.0905(a)(5).
- (o) A Neighborhood Development Permit is required for *development* of a college, university, vocational, or trade school on a *premises* identified as Prime Industrial Land in a *land use plan* as described in Section 141.0407(e)(2).
- (p) A Neighborhood Development Permit is required for *development* on a site containing a designated historical resource, traditional cultural property, important archaeological site, or a designated contributing resource to a historical district when the development requests a specific historic preservation development incentive as described in Section 143.0240.

(Amended 4-22-2002 by O-19051 N.S.; effective 10-8-2002.)

(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

(Amended 6-15-2007 by O-19624 N.S.; effective 7-15-2007.)

(Amended 11-13-08 by O-19803 N.S.; effective 12-13-2008.)

(Amended 10-25-2011 by O-20047 N.S.; effective 1-1-2012.)

(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

(Amended XX-XX-XXXX by O-XXXXXX N.S.; effective XX-XX-XXXX.)

**[Editors Note:** Amendments as adopted by O-20634 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies if as a local Coastal Program Amendment.



Click the link to view the Strikeout Ordinance highlighting changes to prior language  
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### **§126.0403 Decision Process for a Neighborhood Development Permit**

A decision on a Neighborhood Development Permit shall be made in accordance with Process Two.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

### **§126.0404 Findings for Neighborhood Development Permit Approval**

A Neighborhood Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(b) through (ef) that are applicable to the proposed *development* as specified in this section.

#### **(a) Findings for all Neighborhood Development Permits**

- (1) The proposed *development* will not adversely affect the applicable *land use plan*;
- (2) The proposed *development* will not be detrimental to the public health, safety, and welfare; and
- (3) The proposed *development* will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

#### **(b) Supplemental Findings--Environmentally Sensitive Lands**

A Neighborhood Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):

- (1) The site is physically suitable for the design and siting of the proposed *development* and the *development* will result in minimum disturbance to *environmentally sensitive lands*;
- (2) The proposed *development* will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, *flood* hazards, or fire hazards;



- (3) The proposed *development* will be sited and designed to prevent adverse impacts on any adjacent *environmentally sensitive lands*; and
  - (4) The proposed *development* will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.
- (c) Supplemental Findings--Environmentally Sensitive Lands Deviation
- A Neighborhood Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested in accordance with Section 143.0150 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(b):
- (1) There are no feasible measures that can further minimize the potential adverse effects on *environmentally sensitive lands*; and
  - (2) The deviation requested is the minimum necessary to afford relief from special circumstances or conditions applicable to the land and not of the *applicant's* making.
- (d) Supplemental Findings-- Important Archaeological Sites and Traditional Cultural Properties
- A Neighborhood Development Permit required in accordance with Section 143.0210 because of potential impacts to an *important archaeological site* or a *traditional cultural property* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):
- (1) The site is physically suitable for the design and siting of the proposed *development*, the *development* will result in minimum disturbance to *historical resources*, and measures to fully mitigate for any disturbance have been provided by the *applicant*; and
  - (2) All feasible measures to protect and preserve the special character or the special historical, archaeological, or cultural value of the resource have been provided by the *applicant*.

- (e) Supplemental Findings – Additional Intensity for Non-residential Development in the Brown Field or Montgomery Field Airport Influence Areas. The *applicant* shall demonstrate that the building has been designed to minimize risk and increase the safety of the occupants beyond the minimum requirements of the California Building Code through evaluation of the following:
- (1) The proposed building provides increased fire resistant rated construction to prevent or delay fire-induced structural damage;
  - (2) The proposed building provides increased fire protection systems to allow occupants more time to exit the building and to delay the spread of fire to adjacent buildings;
  - (3) The building provides enhanced means for building egress; and
  - (4) The design of the building's structural systems addresses light aircraft impact loads to reduce the potential for structural damage.

(f) Supplemental Findings-- Development Incentives for Preservation of Designated Historical Resources, Historical Districts, Traditional Cultural Properties and Important Archaeological Sites

A Neighborhood Development Permit required in accordance with Section 143.0240 due to the utilization of historic preservation *development* incentives may be approved or conditionally approved only if the decision maker makes the following supplemental *finding* in addition to the *findings* in Section 126.0404(a):

The proposed *development* contains a *traditional cultural property* or *important archaeological site*, and the *historic preservation development* incentive is necessary in order to avoid impacts to the resource; or the proposed *development* contains a *designated historical resource* or a contributing resource to a *designated historical district* and the *historic preservation development* incentive is required in order to achieve a project that complies with the U.S. Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000; amended 6-19-2000 by O-18814 N.S.)*

*(Amended 11-13-08 by O-19805 N.S.; effective 12-13-2008.)*

*(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)*

*(Amended 10-25-2011 by O-20047 N.S.; effective 1-1-2012.)*

*(Amended XX-XX-XXXX by O-XXXXX N.S.; effective XX-XX-XXXX.)*

**§126.0405 Violations of a Neighborhood Development Permit**

It is unlawful for any person to maintain, use, or develop any *premises* without a Neighborhood Development Permit if such a permit is required for that use or *development* or to maintain, use or develop any *premises* contrary to the requirements or conditions of an existing Neighborhood Development Permit. Violation of any provision of this division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violations of this division shall be treated as strict liability offenses regardless of intent.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§126.0406 Judicial Review**

For a Neighborhood Development Permit required by Chapter 12, Article 7, Division 3 an *applicant* may seek judicial review of a final decision on the permit application, pursuant to California Code of Civil Procedure section 1094.8. This provision does not limit an *applicant's* ability to seek judicial review by other means.

*(“Judicial Review” added 1-13-2004 by O-19253 N.S.)*



**Article 3: Supplemental Development Regulations****Division 2: Historical Resources Regulations***(Added 12-9-1997 by O-18451 N.S.)***§143.0201 Purpose of Historical Resources Regulations**

The purpose of these regulations is to protect, preserve and, where damaged, restore the *historical resources* of San Diego, which include *historical buildings, historical structures or historical objects, important archaeological sites, historical districts, historical landscapes, and traditional cultural properties*. These regulations are intended to assure that *development* occurs in a manner that protects the overall quality of *historical resources*. It is further the intent of these regulations to protect the educational, cultural, economic, and general welfare of the public, while employing regulations that are consistent with sound historical preservation principles and the rights of private property owners.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)***§143.0210 When Historical Resources Regulations Apply**

- (a) This division applies to proposed *development* when the following *historical resources* are present on the site, whether or not a Neighborhood Development Permit or Site Development Permit is required;
- (1) *designated historical resources;*
  - (2) *historical buildings;*
  - (3) *historical districts;*
  - (4) *historical landscapes;*
  - (5) *historical objects;*
  - (6) *historical structures;*
  - (7) *important archaeological sites; and*
  - (8) *traditional cultural properties.*
- (b) Where any portion of a *premises* contains *historical resources*, this division shall apply to the entire *premises*.

- (c) Table 143-02A shall be used to determine the appropriate regulations and the required decision for various types of *development* proposals when *historical resources* are located on the *premises*.
- (d) A ~~C~~construction ~~P~~permit is required for any *development* on a *premises* that has *historical resources* on the site that will not adversely affect the *historical resources* and is consistent with one or more of the exemption criteria in accordance with Section 143.0220.
- (e) A Neighborhood Development Permit or Site Development Permit is required for the following types of *development* proposals that do not qualify for an exemption in accordance with Section 143.0220:
  - (1) Neighborhood Development Permit in Accordance with Process Two. *Single dwelling unit residential development* on a *single dwelling unit lot* of any size when a *traditional cultural property* or *important archaeological site* is present.
  - (2) Site Development Permit in Accordance With Process Four.
    - (A) *Single dwelling unit residential development* on a *single dwelling unit lot* of any size when a *designated historical resource* or *historical district* is present.
    - (B) *Multiple dwelling unit residential, commercial, or industrial development* on any size *lot*, or any *subdivision* on any size *lot*, or any City public works construction project other than any *capital improvement program project*, or any project specific *land use plan* when a *historical resource* is present.
    - (C) *Development* that proposes to deviate from the development regulations for *historical resources* as described in this division, except for any *capital improvement program project*.
  - (3) Site Development Permit in Accordance With Process CIP-Two. *Capital improvement program projects* that comply with the regulations of this division without deviation.
  - (4) Site Development Permit in Accordance With Process CIP-Five. *Capital improvement program projects* that deviate from any of the regulations of this division.
- (f) When a *development proposal* on a site containing a *designated historical resource, traditional cultural property, important archaeological site, or a designated contributing resource to a historical district* qualifies for an exemption in accordance with Section 143.0220, and includes a *historic preservation development incentive* in accordance with Section 143.0240, a



construction permit Process One or Neighborhood Development Permit Process Two is required depending upon the incentive requested, as detailed in Section 143.0240.

**Table 143-02A**  
**Applicability of Historical Resources Regulations**

Type of Development Proposal		Historical Resources Potentially Impacted by Project		
		<i>Designated Historical Resources or Historical Districts</i>	<i>Traditional Cultural Properties</i>	<i>Important Archaeological Sites</i>
1. Any project exempt from obtaining a development permit in accordance with Section 143.0220	R	143.0251	143.0251	143.0252
	P	Construction Permit/Process One	Construction Permit/Process One	Construction Permit/Process One
2. <u>Development on single dwelling units on any size lot that is exempt from obtaining a development permit in accordance with Section 143.0220, but includes a historic preservation development incentive in accordance with Section 143.0240</u>	<u>R</u>	<u>143.0240; 143.0251</u>	<u>143.0240; 143.0251</u>	<u>143.0240; 143.0251</u>
	<u>P</u>	<u>Construction Permit/Process One or NDP/Process Two<sup>1</sup></u>	<u>Construction Permit/Process One or NDP/Process Two<sup>1</sup></u>	<u>Construction Permit/Process One or NDP/Process Two<sup>1</sup></u>
3. <u>Development on multiple dwelling units, non-residential development, subdivisions and public works construction projects on any size lot, (other than capital improvement program projects), that is exempt from obtaining a development permit in accordance with Section 143.0220, but includes a historic preservation development incentive in accordance with Section 143.0240</u>	<u>R</u>	<u>143.0240; 143.0251</u>	<u>143.0240; 143.0251</u>	<u>143.0240; 143.0251</u>
	<u>P</u>	<u>Construction Permit/Process One or NDP/Process Two<sup>1</sup></u>	<u>Construction Permit/Process One or NDP/Process Two<sup>1</sup></u>	<u>Construction Permit/Process One or NDP/Process Two<sup>1</sup></u>
42. Single dwelling units on any size lot	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	NDP/Process Two	NDP/Process Two
53. Multiple dwelling unit, non-residential development, subdivisions and public works construction projects on any size Lot, other than capital improvement program projects	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	SDP/Process Four	SDP/Process Four
64. Project-Specific Land Use Plans	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	SDP/Process Four	SDP/Process Four

75. Development, other than capital improvement program projects, that deviates from any of the regulations in this division.	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	SDP/Process Four	SDP/Process Four
68. Capital improvement program projects that comply with the regulations of this division without deviation	R	143.0251	143.0252	143.0253
	P	SDP/Process CIP-Two	SDP/Process CIP-Two	SDP/Process CIP-Two
79. Capital improvement program projects that deviate from any of the regulations in this division	R	143.0251	143.0252	143.0253
	P	SDP/Process CIP-Five	SDP/Process CIP-Five	SDP/Process CIP-Five

**Footnotes for Table 143-02A**

<sup>1</sup> The Process level is dependent upon the historic preservation development incentive requested pursuant to Section 143.0240.

Legend to Table 143-02A	
R	Development regulation sections (in addition to Section 143.0250) applicable to the historical resources present.
P	Type of Permit/Decision process required. Neighborhood Development Permit (NDP) Site Development Permit (SDP)

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 11-13-08 by O-19805 N.S.; effective 12-13-2008.)

(Amended 10-22-2013 by O-20309 N.S.; effective 12-12-2013.)

(Amended XX-XX-XXXX by O-XXXXXX N.S.; effective XX-XX-XXXX.)

**§143.0211 Duty to Submit Required Documentation and to Obtain Permit**

The property owner or applicant shall submit required documentation and obtain a construction permit, a Neighborhood Development Permit, a Site Development Permit as required pursuant to this division before any development activity occurs on a premises that contains historical resources.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)



**§143.0212 Need for Site-Specific Survey and Determination of Location of Historical Resources**

- (a) The City Manager shall determine the need for a site-specific survey for the purposes of obtaining a *construction permit* or *development permit* for *development* proposed for any parcel containing a *structure* that is 45 or more years old and not located within any area identified as exempt in the Historical Resources Guidelines of the Land Development Manual or for any parcel identified as sensitive on the Historical Resource Sensitivity Maps. The following *development* shall be exempt from the requirements of Section 143.0212:
- (1) Interior *development* and any modifications or repairs that are limited in scope to an electrical or plumbing/mechanical permit where the *development* would not include a change to the exterior of existing *structures*;
  - (2) In kind roof repair and replacement;
  - (3) In kind foundation repair and replacement, except for *structures* with a decorative block or cobblestone foundation; and
  - (4) Construction of a swimming pool in a rear *yard*, except on a property that requires a survey in accordance with Section 143.0212(b).
- (b) The Historical Resource Sensitivity Maps shall be maintained by City Manager and shall be used to identify properties that have a likelihood of containing archaeological sites based on records from the South Coastal Information Center at San Diego State University and the San Diego Museum of Man, and based on site-specific information on file with the City. If it is demonstrated that archaeological sites exist on or immediately adjacent to any property, whether identified for review or not, the City Manager shall require a survey. If it is demonstrated that archaeological sites do not exist on any property identified for review, the Historical Resource Sensitivity Maps shall be updated to remove that property from the review requirements.
- (c) The City Manager shall evaluate proposed *development* to determine the need for a site-specific survey. The determination shall be made within 10 *business days* of an application for a *construction permit* or within 30 calendar days of an application for a *development permit*, as applicable. A site-specific survey shall be required when the City Manager determines that a *historical resource* may exist on the parcel, and if the *development* proposes a substantial alteration according to Section 143.0250(a)(3). If the City Manager determines that a site-specific survey is not required for a proposed *development* within the time-period specified above, then a permit in accordance with Section 143.0210 shall not be required. If a site-specific

survey is prepared to the satisfaction of the City Manager for a proposed *development*, additional site-specific surveys shall not be required pursuant to Section 143.0212.

- (d) If a site-specific survey is required, it shall be conducted consistent with the Historical Resources Guidelines of the Land Development Manual. Based on the site-specific survey and the best information available, the City Manager shall determine whether a *historical resource* exists, whether a potential *historical resource* is eligible for designation as a *designated historical resource* by the Historical Resources Board in accordance with Chapter 12, Article 3, Division 2 of the Land Development Code, and the precise location of the resource.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)

(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

**[Editors Note:** Amendments as adopted by O-20634 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

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## §143.0213 Procedures and Regulations for Project-Specific Land Use Plans

- (a) The regulations in this division shall apply to project-specific *land use plans*, including specific plans, precise plans, privately initiated *land use plan* amendments, and *Proposition A Land* subarea plans, when *historical resources* are present. These regulations are applied in order to ensure an adequate analysis of the constraints and opportunities of the planning area relative to *historical resources*.
- (b) This section provides two options for processing project-specific *land use plans* which depend on the level of detail available pertaining to the proposed *development*. Compliance with either Section 143.0213(b)(1) or Section 143.0213(b)(2) will be required based on whether or not a Site Development Permit is processed concurrently with the project-specific *land use plan*.
- (1) Where a Site Development Permit for *historical resources* is requested concurrently with the processing of a project-specific *land use plan*, the proposed *development* shall be subject to the following:



- (A) The boundaries of the Site Development Permit shall be the boundaries of the project-specific *land use plan*, including all individual interior *lots* within the plan area;
  - (B) The development regulations applicable shall be determined in accordance with Table 143-02A. Sufficient information must be submitted for the entire plan area in order to evaluate potential impacts to *historical resources*; and
  - (C) Subsequent individual *development* proposals within the plan area will be reviewed in accordance with the *substantial conformance* procedures. If the *development* is determined to be in conformance with the approved project-specific *land use plan* and any required mitigation is provided, no Site Development Permit will be required for the individual *development*. If the proposed *development* is not in conformance with the approved project-specific *land use plan*, an individual Site Development Permit will be required for the *development* in addition to an amendment to the approved project-specific *land use plan*; or
- (2) Where a Site Development Permit for *historical resources* is not requested concurrently with the processing of a project-specific *land use plan*, an analysis shall be provided in the project-specific *land use plan* that indicates how the subsequent *development* of the plan area will be consistent with the *historical resources* regulations. Project-specific *land use plans* and subsequent *development permits* reviewed in accordance with this option shall be subject to the following:
- (A) The project-specific *land use plan* shall indicate how individual subsequent *developments* within the plan area will conform to the *historical resources* regulations and the associated guidelines in the Land Development Manual;
  - (B) Subsequent to the approval of the project-specific *land use plan*, a Neighborhood Development Permit or a Site Development Permit shall be required for all proposed individual *developments* within the plan area and shall be reviewed in accordance with Table 143-02A. Additional information pertaining to *historical resources* may be required in order to conduct a detailed analysis of the specific *development* proposal. Approval of the individual Site Development Permits will require conformance with the approved project-specific *land use plan* and any required mitigation shall be provided.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 4-8-2008 by O-19734 N.S.; effective 5-8-2008.)

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**§143.0214 Emergency Authorization When Historical Resources Are Present**

Whenever *development* activity on a *premises* containing *historical resources*, or for any parcel identified as containing a *historical resource* in any community plan or in an historical resource inventory, or for any parcel identified as sensitive on the Historical Resource Sensitivity Maps 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 work necessary to protect the public health or safety, subject to the following:

- (a) If the emergency work does not adversely affect the *historical resources* and is consistent with one or more of the exemption criteria in accordance with Section 143.0220, a subsequent Construction Permit is required in accordance with this division.
- (b) If the emergency work results in impacts to *historical resources*, a subsequent Neighborhood Development Permit or Site Development Permit is required in accordance with this division.
- (c) The application for a Construction or Development Permit shall be submitted within 60 days of completion of the emergency work.
- (d) An emergency Coastal Development Permit may be required. If so, any permanent *coastal development* allowed under the emergency permit must be authorized through a follow-up Coastal Development Permit submitted within 60 days of the date of issuance of the emergency permit.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

**§143.0220 Development Exempted from the Requirement to Obtain a Development Permit for Historical Resources**

The following *development* activities are exempt from the requirement to obtain a Neighborhood Development Permit or Site Development Permit. However, in all cases a *construction permit* is required.

- (a) Any *development* that proposes minor alterations or improvements consistent with Section 143.0250(a), to a *designated historical resource*, or any *historical building* or *historical structure* located within a *historical district*, or any new construction within a *historical district* that will enhance, restore, maintain, repair, or allow adaptive reuse of the resource and which will not adversely affect the special character or special historical, architectural, archaeological, or cultural value of the resource when all feasible measures to protect and preserve the *historical resource* are included in the *development* proposal consistent with the Secretary of Interior's Standards and Guidelines.



- (b) Interior modifications or repairs or the ordinary maintenance or repair of any exterior architectural feature in or on any *historical building* or *historical structure* that does not adversely affect the special character or special historical, architectural, or cultural value or designated interior elements of the property consistent with the Secretary of Interior's Standards and Guidelines. Exterior architectural features shall mean the architectural elements embodying style, design, general arrangement and components of all of the outside surfaces of an improvement or *structure*, including the type of building materials and the type and style of all windows, doors, lights, *signs*, and other fixtures appurtenant to the improvement or *structure*.
- (c) Substantial alteration of a non-significant *structure* within a *historic district* consistent with the Secretary of Interior's Standards and Guidelines. However, new construction within a *historic district* is not exempt from the requirement to obtain a Site Development Permit except in accordance with Section 143.0220(a).
- (d) Any *development* on a parcel that has an *important archaeological site* and will not result in substantial alteration, demolition, destruction, removal, relocation, or *encroachment* into such resources during or after construction, subject to the following requirements.
  - (1) All feasible measures to protect and preserve the resource shall be included in the *development*.
  - (2) All documentation necessary to verify consistency with this subsection shall be provided by the *applicant* consistent with the Historical Resources Guidelines of the Land Development Manual.
  - (3) The property owner shall sign an acknowledgment that no further *development* can occur on the property unless the *development* is reviewed and approved in accordance with this division.
- e) Except in the case of a *designated historical resource*, the modification of an existing *structure* or the replacement of a *single dwelling unit* with another *single dwelling unit*, including modification or replacement of paved areas, brush management for fire protection purposes, and any other landscaping improvements, or alterations that do not alter the existing *development* area by more than 10 percent.
- (f) *Development* in the OF zone or the floodplain (formerly the FW and FPF zones) of Mission Valley.
- (g) *Development* in the Calle Cristobal Assessment District area that is outside the coastal zone.
- (h) *Development* in the Miramar Ranch North Community Plan area and the 70-acre high *school* project in Scripps Ranch.

- (i) *Development* in the 178 acres of land known as Sorrento Hills that was the subject of the land exchange approved by the voters as Proposition D on November 4, 1986.
- (j) Outside of the Coastal Overlay Zone, public works projects for which plans, specifications, and funding have been approved by the City Council or the City Manager before July 1, 1991.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

#### §143.0225 Limited Exceptions from the Historical Resources Regulations

The decision maker may grant an exception from the 25 percent *encroachment* limitation for *important archaeological sites* according to Section 143.0253 for brush management activities in Zone 2 provided that the following circumstances exist:

- (a) The area cleared or thinned for such brush management is the minimum necessary to comply with existing City fire codes;
- (b) No *grading* occurs in these brush management areas;
- (c) Native root stock is retained;
- (d) No permanent irrigation is provided; and
- (e) No non-native plants are introduced.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

#### §143.0240 Development Incentives for Preservation of Designated Historical Resources, Historical Districts, Traditional Cultural Properties and Important Archaeological Sites

In order to facilitate on-site preservation of *designated historical resources*, *contributing resources* to designated *historical districts*, *traditional cultural properties* and *important archaeological sites*, and the continued use or adaptive reuse of *designated historical resources* in a manner consistent with the U.S. Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties, the following *historic preservation development* incentives are available, provided that the *development* qualifies for an exemption under Section 143.0220:

- (a) The historic *gross floor area* of a *designated historical resource* may be excluded from the parking calculation for the *premises* in accordance with a *construction permit*.



- (b) On single dwelling unit sites containing designated historical resources, traditional cultural properties, important archaeological sites, or a designated contributing resource to a historical district, the following development incentives are provided in accordance with the approval processes indicated:
- (1) A deviation from one of the base zone development regulations, excluding density and floor area ratio, may be approved in accordance with a construction permit.
  - (2) A deviation from two or more of the base zone development regulations, excluding density and floor area ratio, may be approved in accordance with a Neighborhood Development Permit.
  - (3) For the purpose of this section, a deviation from one of the base zone development regulations shall refer to the entire development regulation category identified in bold in the development regulation table of the applicable base zone. For example, a deviation from both side and rear yard setback requirements would be considered a deviation from one base zone development regulation (setback requirements).
- (c) For multiple dwelling units, non-residential development, subdivisions, and public works construction projects on any size lot, ~~(other than capital improvement program projects)~~, containing designated historical resources, traditional cultural properties, important archaeological sites, or a designated contributing resource to a historical district, the following development incentives are provided in accordance with the approval processes indicated:
- (1) The historic gross floor area of a designated historical resource may be excluded from the floor area ratio in accordance with a construction permit.
  - (2) A deviation from one or more of the base zone development regulations may be approved in accordance with a Neighborhood Development Permit. For the purpose of this section, a deviation from one of the base zone development regulations shall refer to the entire development regulation category identified in bold in the development regulation table of the applicable base zone. For example, deviation from both side and rear yard setback requirements would be considered a deviation from one base zone development regulation (setback requirements).
- (d) A deviation from allowed uses or the requirements of Overlay Zones, environmentally sensitive lands regulations, historical resources regulations, City of San Diego Building Regulations, or similar regulations shall not be permitted as a historic preservation development incentive.

- (e) A historic preservation *development* incentive processed in accordance with a *construction permit* may be denied if the City makes a written *finding of denial* based upon substantial evidence, of any of the following:
- (1) The incentive is not necessary in order to avoid impacts to a *traditional cultural property* or *important archaeological site*, or to achieve a project that complies with the U.S. Secretary of the Interior's *Standards and Guidelines* for the Treatment of Historic Properties;
  - (2) The incentive would have a specific adverse impact upon public health and safety as defined in *California Government Code Section 65589.5*;
  - (3) The incentive would be contrary to state or federal law; or
  - (4) Within the Coastal Overlay Zone, the incentive would be inconsistent with the resource protection standards of the City's Local Coastal Program or the *environmentally sensitive lands* regulations, with the exception of *density*.
- (f) If *development* is proposed for a site which has previously received and implemented a historic preservation *development* incentive, and the proposed *development* is not exempt in accordance with Section 143.0220 due to a substantial alteration, relocation, or demolition of the *designated historical resource*, *traditional cultural property*, or *important archaeological site*, the proposed *development* may not be approved unless:
- (1) The proposed *development* includes the removal of the historic preservation *development* incentive and the *premises* is brought into compliance with the Land Development Code as it relates to the *development* incentive; or
  - (2) The proposed *development* includes complete demolition and removal of all buildings on the *premises*.
- (Added XX-XX-XXXX by O-XXXXX N.S.; effective XX-XX-XXXX.)

## §143.0250 General Development Regulations for Historical Resources

*Development* that does not qualify for an exemption pursuant to Section 143.0220 is subject to the following regulations and the Historical Resources Guidelines of the Land Development Manual.

- (a) For purposes of this division, the terms "alteration," "minor alteration," and "substantial alteration" shall mean the following:
- (1) Alteration means any change or modification, through public or private action, of any *historical resource* or of any property located



within a *historical district* including changes to designated interior architectural features; exterior changes to or modification of structural details, architectural details, or visual characteristics such as doors, windows, surface materials and texture, *grading*, or surface paving; addition of new *structures*; cutting or removal of trees, landscaping, or other historical features; disturbance of *archaeological sites*; and the placement or removal of any exterior objects such as *signs*, plaques, light fixtures, *street* furniture, walls, *fences*, steps, plantings, and landscape accessories affecting the exterior visual qualities of the property.

- (2) Minor alteration means improvements that enhance, restore, maintain, repair, or allow adaptive reuse of a *historical resource* that do not adversely affect the special character or special historical, architectural, archaeological, or cultural value of the resource and will conform to standards embodied in the designation of a *historical district* when applicable.
- (3) Substantial alteration means demolition, destruction, relocation, new construction or alteration activities that would impair the significance of a *historical resource*.
- (b) All areas with *designated historical resources*, *traditional cultural properties* or *important archaeological sites* that remain undisturbed or are restored or enhanced as a result of a *development* approval shall be preserved as a condition of that approval.
- (c) Upon notification to a property owner of a pending Historical Resources Board hearing to consider designation of a *historical resource*, the property owner or any authorized agent shall not undertake any alteration, construction, *grading*, demolition, relocation, or removal of the property, and no permit to undertake such work shall be approved by the City Manager, for a time period of at least two scheduled Board meetings, but in no event more than 90 calendar days, unless an extension is requested by the owner. This section shall not apply to the construction, *grading*, alteration, demolition, relocation, or removal of any *structure* or other feature, where a permit for the performance of such work was issued before the date of notice of the public hearing. In addition, this section shall not apply where such permit has not expired or been canceled or revoked, provided that construction is started and diligently pursued to completion in accordance with the Land Development Code.
- (d) Before the Historical Resources Board's hearing on the designation of a property, and upon application by the property owner, the City Manager may approve a permit for minor alterations or reconstruction consistent with the ordinary maintenance or repair of the property, to the extent that such work

does not adversely affect the special character or special historical, architectural, archaeological, or cultural value of the property.

- (e) *Designated historical resources* that are occupied shall be maintained in the same manner as all other occupied *structures* in accordance with the Uniform Building Code and State Historic Building Code and in a manner that preserves their historical integrity.
- (f) *Designated historical resources* that are unoccupied shall be maintained in a manner that preserves their historical integrity.
- (g) All proposed *subdivisions* that contain *designated historical resources*, *traditional cultural properties* or *important archaeological sites* shall provide a conceptual *grading* plan that indicates future limits of *grading* and future *development* potential of all *lots*. Future *development* of any newly created *lot* shall conform to this *grading* plan. In addition, no building *lot* shall be created that provides such a small *development* area that future reasonable *development* of that *lot* will require *encroachment* into an *important archaeological site* beyond 25 percent.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

#### §143.0251 Development Regulations for Designated Historical Resources and Historical Districts

In addition to the general development regulations in Section 143.0250, the following regulations apply to *designated historical resources* and *historical districts*.

- (a) It is unlawful to substantially alter, demolish, destruct, remove, or relocate any *designated historical resource* or any *historical building*, *historical structure*, *historical object* or *historical landscape* located within a *historical district* except as provided in Section 143.0260.
- (b) Minor alteration of any *designated historical resource*, or any *historical building*, *historical structure*, *historical object* or *historical landscape* located within a *historical district*, or any new construction within a *historical district* may be permitted if the minor alteration or new construction would not adversely affect the special character or special historical, architectural, archaeological, or cultural value of the resource consistent with the Secretary of Interior's Standards and Guidelines.
- (c) *Development* affecting *designated historical resources* or *historical districts* shall provide full mitigation for the impact to the resource, in accordance with the Historical Resources Guidelines of the Land Development Manual, as a condition of approval.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)



**§143.0252 Development Regulations for Traditional Cultural Properties**

In addition to the general development regulations in Section 143.0250, *development* shall not be permitted on any *traditional cultural property* unless all feasible measures to protect and preserve the resource are required as a condition of *development* approval except as provided in Section 143.0260.  
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§143.0253 Development Regulations for Important Archaeological Sites**

In addition to the general development regulations in Section 143.0250, the following regulations apply to *important archaeological sites*.

- (a) *Important archaeological sites* shall be preserved in their natural state, except that *development* may be permitted as provided in this section or as provided in Section 143.0260.
  - (1) *Development* may be permitted in areas containing *important archaeological sites* if necessary to achieve a reasonable *development* area, with up to 25 percent *encroachment* into any *important archaeological site* allowed. This 25 percent *encroachment* includes all *grading, structures*, public and private streets, brush management except as provided in Section 143.0225, and any project-serving utilities.
  - (2) An additional *encroachment* of up to 15 percent, for a total *encroachment* of 40 percent, into *important archaeological sites* may be permitted for essential public service projects that are sited, designed, and constructed to minimize adverse impacts to *important archaeological sites*, where it has been demonstrated that there is no feasible, less environmentally damaging location or alternative. Essential public service projects include publicly owned parks and recreation facilities, fire and police stations, publicly owned libraries, public *schools*, major *streets* and primary arterials, and *public utility* systems.
- (b) Any *encroachment* into *important archaeological sites* shall include measures to mitigate for the partial loss of the resource as a condition of approval. Mitigation shall include the following methods, consistent with the Historical Resources Guidelines of the Land Development Manual:
  - (1) The preservation through avoidance of the remaining portion of the *important archaeological site*; and
  - (2) The implementation of a research design and *excavation* program that recovers the scientific value of the portion of the *important archaeological site* that would be lost due to *encroachment*.



- (c) The following types of *development* shall not be considered *encroachment* provided that no *structures*, other than portable *structures* are erected or maintained on the *premises* and that adequate measures to preserve and protect the *important archaeological site*, consistent with the Historical Resources Guidelines of the Land Development Manual, are included as conditions of approval:

- (1) Parks and playgrounds;
- (2) Low-intensity, passive recreational uses such as trails, access paths, and public viewpoints; and
- (3) Parking lots.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### §143.0260 Deviations from the Historical Resources Regulations

- (a) If a proposed *development* cannot to the maximum extent feasible comply with this division, a deviation may be considered in accordance with decision Process Four, or Process CIP-Five for *capital improvement program projects*.
- (b) The minimum deviation to afford relief from the regulations of this division and accommodate *development* may be granted only if the decision maker makes the applicable *findings* in Section 126.0504.
- (c) If a deviation for demolition or removal of a *designated historical resource* or a contributing *structure* within a *historical district* is approved, the *applicant* shall obtain approval for new *development* on the same *premises* before issuance of a Demolition/Removal Permit.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

(Amended 10-22-2013 by O-20309 N.S.; effective 12-12-2013.)

#### §143.0270 Administrative Guidelines

The City Manager is authorized to promulgate and publish Historical Resources Guidelines and other support documents to be located in the Land Development Manual, as necessary to implement this division. These administrative guidelines shall serve as baseline standards for processing Construction Permits, Neighborhood Development Permits, and Site Development Permits issued pursuant to this division.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### §143.0280 Violations and Remedies

The provisions of this division shall be enforced pursuant to Chapter 12, Article 1, Division 2 (Enforcement Authorities for the Land Development Code) and the Historical Resources Guidelines of the Land Development Manual.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

DRAFT

## Chapter 10

## Article 3

## Division 7

**Article 3: Supplemental Development Regulations****Division 3: Supplemental Neighborhood Development Permit  
and Site Development Permit Regulations***(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)***§143.0301 Purpose of Supplemental Neighborhood Development Permit and Site  
Development Permit Regulations**

The purpose of these regulations is to provide standards for the evaluation of projects which, because of their size, location, community significance, or other identified characteristic, are required to obtain a Neighborhood Development Permit or Site Development Permit. It is intended that these supplemental regulations, in combination with the development regulations of the applicable zone, create the type of *development* envisioned by the applicable *land use plan*.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)***§143.0302 When Supplemental Neighborhood Development Permit and Site Development  
Permit Regulations Apply**

This division applies to any development proposal for which a Neighborhood Development Permit or Site Development Permit is required as described in Sections 126.0402 and 126.0502, in accordance with Table 143-03A.

**Legend for Table 143-03A**

NDP	Neighborhood Development Permit
SDP	Site Development Permit

**Table 143-03A**  
**Supplemental Neighborhood Development Permit or Site Development Permit**  
**Regulations Applicability**

<b>Type of Development Proposal</b>	<b>Applicable Sections</b>	<b>Required Development Permit/Decision Process</b>
Affordable/In-Fill Housing and Sustainable Building Projects with Deviations	143.0910, 143.0915, 143.0920	SDP/Process Four
<i>Development of a large retail establishment of 50,000 or more square feet gross floor area in all commercial and industrial zones, and in all planned districts, except the Centre City Planned District</i>	143.0303, 143.0305, 143.0355, 143.0375	NDP/Process Two
<i>Development of a large retail establishment of 100,000 or more square feet gross floor area in all commercial and industrial zones, and in all planned districts</i>	143.0303, 143.0305, 143.0355, 143.0375	SDP/Process Four
Site Containing <i>Environmentally Sensitive Lands</i>	143.0101-143.0160, 143.0303, 143.0305, 143.0350, 143.0375, 143.0380	NDP/Process Two or SDP/Process Three or Four
<i>Any capital improvement program project on a Site Containing Environmentally Sensitive Lands</i>	143.0101-143.0160, 143.0303, 143.0305, 143.0350, 143.0375, 143.0380	SDP/Process CIP-Two or SDP/Process CIP-Five
<i>Any capital improvement program project on a Site Containing Historical Resources</i>	143.0201, 143.0260, 143.0303, 143.0305, 143.0360, 143.0375, 143.0380	SDP/Process CIP-Two or SDP/Process CIP-Five



Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Site Containing <i>Historical Resources</i>	143.0201, <u>143.0240</u> , 143.0260, 143.0303, 143.0305, 143.0360, 143.0375, 143.0380	NDP/Process Two or SDP/Process Four
<i>Fences or Retaining Walls</i> Exceeding the Permitted Height	143.0303, 143.0305, 142.0350, 143.0375	NDP/Process Two
Relocated Building Onto a Site With an Existing Building	143.0303, 143.0305, 143.0345, 143.0375	NDP/Process Two
Site with <i>Previously Conforming</i> Conditions	127.0102-127.0106, 143.0303, 143.0305, 143.0375	NDP/Process Two
Nonresidential <i>Development</i> Exceeding the Maximum Permitted Parking	142.0540(b), 143.0303, 143.0305, 143.0375	NDP/Process Two
Shared Parking for Uses Not Listed in Section 142.0545(c)	142.0545(b)(7), 143.0303, 143.0305, 143.0375	NDP/Process Two
Commercial <i>Development</i> With Tandem Parking	142.0555(b), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Previously Conforming Parking</i> for a discontinued use	142.0510(d)(4), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Mobilehome Parks</i> in RM Zones	143.0303, 143.0305, 143.0340, 143.0375	NDP/Process Two
<i>Mobilehome Parks</i> in RS, RX Zones	143.0303, 143.0305, 143.0340, 143.0375	SDP/Process Three
Discontinuance of <i>Mobilehome Park</i>	143.0610-143.0640, 132.0701-132.0705, 143.0303, 143.0305, 143.0375	SDP/Process Three
Multiple Dwelling Unit <i>Development</i> that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three



Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Nonresidential Development (With TDM Plan) that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Community Plan Implementation Overlay Zone	132.1401-132.1405, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Mission Trails Design District	132.1201-132.1205, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Development of a small lot subdivision in accordance with Section 143.0365	143.0303, 143.0305, 143.0310, 143.0365, 143.0375	SDP/Process Three
Development Within the Urban Village Overlay Zone	132.1101-132.1110, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Public improvements on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply	142.0601-142.0670, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Any capital improvement program project on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply	142.0601-142.0670, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process CIP-Two
Manufactured Slopes in Excess of 25% Gradient and 25 Feet in Height	142.0101-142.0149, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Affordable Housing in RE, RS, RX, RT, AR Zones	143.0303, 143.0305, 143.0310, 143.0375, 143.0380, 143.0710, 143.0740	SDP/Process Three
Condominium Conversions with Deviations from Development Regulations	143.0303, 143.0305, 143.0360, 143.0375	SDP/Process Four

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Multiple Dwelling Unit Development in RM Zones Involving Lot Consolidation and Exceeds Number of Units Indicated in Table 126-05A	143.0303, 143.0305, 143.0310, 143.0375, 143.0380	SDP/Process Three
Clairemont Mesa Height Limit Overlay Zone	132.1301-132.1306, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Five

*(Amended 6-3-2003 by O-19186 N.S.)*

*(Amended 2-9-2006 by O-19461 N.S.; effective 3-9-2006.)*

*(Amended 7-5-2006 by O-19505 N.S.; effective 8-5-2006.)*

*(Amended 6-15-2007 by O-19624 N.S.; effective 7-15-2007.)*

*(Amended 11-13-08 by O-19803 N.S.; effective 12-13-2008.)*

*(Amended 10-22-2013 by O-20309 N.S.; effective 12-12-2013.)*

*(Amended 5-5-2015 by O-20483 N.S.; effective 6-4-2015)*

*(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)*

*(Amended XX-XX-XXXX by O-XXXXX N.S.; effective XX-XX-XXXX.)*

**[Editors Note:** Amendments as adopted by O-20634 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language

[http://docs.sandiego.gov/municode\\_strikeout\\_ord/O-20634-SO.pdf](http://docs.sandiego.gov/municode_strikeout_ord/O-20634-SO.pdf)

### §143.0303 Permitted Uses with Neighborhood Development Permits and Site Development Permits

The following regulations apply to all Neighborhood Development Permits or Site Development Permits.

- (a) The uses permitted with a Neighborhood Development Permit or Site Development Permit are those uses permitted by the applicable zone, unless otherwise specified in these supplemental regulations. Limited uses and uses requiring a Neighborhood Use Permit or Conditional Use Permit are permitted subject to the requirements of the applicable zone. A Neighborhood



Development Permit or Site Development Permit may not be used to permit any deviations from the use regulations of the applicable zone.

- (b) Changes of use on a *premises* do not require an amendment of the approved Neighborhood Development Permit or Site Development Permit if the proposed use is permitted in the applicable zone and no exterior modifications to the existing *structures* or associated exterior facilities are being made to accommodate the proposed use change. Proposed changes of use that require exterior modifications to the existing *structures* require an amendment to the approved Neighborhood Development Permit or Site Development Permit when the modifications are not in *substantial conformance* with the approved permit.
- (c) After construction of a *development* in accordance with a Neighborhood Development Permit or Site Development Permit, proposed uses that require a Neighborhood Use Permit or Conditional Use Permit may be permitted without an amendment to the Neighborhood Development Permit or Site Development Permit, unless the amendment involves exterior modifications to the *premises* that are not in *substantial conformance* with the approved Neighborhood Development Permit or Site Development Permit.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### **§143.0305 Applicable Development Regulations for All Neighborhood Development Permits and Site Development Permits**

All projects for which a Neighborhood Development Permit or Site Development Permit is required are subject to the development regulations of the applicable zone, including applicable regulations in Chapter 14, Article 2 (General Development Regulations) and the applicable supplemental regulations as identified in Table 143-03A. Where there is a conflict between the requirements of the applicable zone and the supplemental regulations, the supplemental regulations apply.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### **§143.0310 Supplemental Site Development Permit Regulations for Residential Development**

*Development* subject to this section, as indicated on Table 143-03A, is subject to the following supplemental regulations in addition to any other regulations of the applicable zone and this division.

- (a) *Development* is subject to the land use and *density* regulations of the applicable *land use plan* in effect for the premises.

(b) *Density and Intensity*

- (1) The number of dwelling units or *gross floor area* proposed on the *premises* shall not exceed that set forth by the applicable zone and the applicable *land use plan* and shall be based on the area of the entire *premises*. The dwelling units and *gross floor area* may be distributed without regard to the proposed *lot* boundaries.
- (2) If the *premises* is located in two or more zones, the maximum number of dwelling units or the *gross floor area* permitted on the *premises* shall be the sum of the dwelling units or the *gross floor area* permitted in each of the zones and may be distributed without regard to the zone.
- (3) If the proposed *development* includes property that is shown as part of an open space system on the applicable *land use plan* and is accepted by the City as dedicated open space, that portion of the property may be included in the calculation of the overall project *density* using the *density* of the base zone.
- (4) The areas of the *premises* that are designated for *streets* or private streets may not be used in the calculation of maximum *density*.
- (5) The areas of the *premises* that are designated for private drives may be used in the calculation of maximum *density*.

(c) *Parking and Access*

- (1) Identified pedestrian access shall be provided from all building entrances to the *public right-of-way*.
- (2) Parking areas and vehicular access drives shall be located to minimize impacts to pedestrian circulation, public *street* systems, and adjacent properties.

(d) *Public Transportation*

Access to or improvements for public transportation shall be provided as required by the Metropolitan Transit Development Board.

(e) *Fences and Walls*

- (1) All perimeter *fences* and walls shall be designed to be an integral part of the overall project design.
- (2) *Fences* and walls that are generally parallel to the *public right-of-way* and that exceed 100 feet in length shall be articulated with vertical elements spaced at no more than 25 feet on center. The vertical elements shall be a minimum of 12 inches wide.

(f) *Accessory Structures*

*Accessory structures* within the *development* shall be architecturally consistent with the primary buildings on the *premises*.

(g) *Open Space*

- (1) If the *premises* is located in two or more residential zones, the amount of open space required is the sum of the open space required in each of the residential zones and may be distributed with out regard to the zone boundaries.
- (2) All common open space intended for active use must be moderately level land with an overall gradient not exceeding 10 percent and located so that it is readily accessible to the occupants, employees, and guests of the *development*.
- (3) For *multiple dwelling unit* projects, at least 300 square feet of the total common open space required by the applicable zone shall be located in a single common area with no dimension less than 15 feet in any direction. Additionally, proposed *developments* exceeding 10 dwelling units shall contain, within the common area, at least one of the following recreational amenities: a tot lot, a barbecue area with picnic table and shade *structure*, a sport court or field, a swimming pool, or a golf course.
- (4) Recreational facilities shall be designed to serve only the occupants and guests of the *development*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

### §143.0340 Supplemental Neighborhood Development Permit and Site Development Permit Regulations for Mobilehome Parks

The following supplemental regulations apply to Neighborhood Development Permits and Site Development Permits for *mobilehome parks*.

(a) *Maximum Density*

- (1) Within the RM zones, the maximum *density* is one dwelling unit per 3,000 square feet of lot area.
- (2) Within the RS and RX zones, the maximum number of dwelling units is that permitted by the applicable zone. The dwelling units are not required to be located on individual *lots* within the *mobilehome park*.



- (3) The maximum permitted *density* may be exceeded in accordance with Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus).
- (b) **Minimum Size of *Mobilehome Park***  
The minimum size of a *mobilehome park* is 3 acres.
- (c) **Minimum Space Area for each *Mobilehome***
  - (1) For each single-section unit, the minimum space area is 1,600 square feet.
  - (2) For each multi-section unit, the minimum space area is 2,000 square feet.
- (d) **Minimum Dimensions of a *Mobilehome Park***
  - (1) The minimum lot width of the *mobilehome park* is 100 feet.
  - (2) The minimum lot depth of the *mobilehome park* is 100 feet.
- (e) **Minimum Width of Individual *Mobilehome* Space**  
The minimum width dimension for individual *mobilehome* spaces is 26 feet.
- (f) **Perimeter Buffer Requirement**  
A 20-foot-wide buffer shall be provided on the perimeter of the *mobilehome park*, except for vehicular and pedestrian access points, and shall consist of a combination of landscaping, berms, and low decorative walls, sufficient to *screen* the *mobilehome park* from adjacent properties.
- (g) **Pedestrian Access**  
Where applicable, pedestrian access shall be provided between the *mobilehome park* and adjacent land uses, consistent with the Transit Oriented Development Guidelines of the Land Development Manual.
- (h) **Minimum *Setback* Requirements for Individual *Mobilehome* Spaces**  
Individual *mobilehome* spaces shall observe the *setbacks* as set forth in Table 143-03B.

**Table 143-03B**  
**Mobilehome Space Setback Requirements**

Description	Setback
Front <i>Mobilehome Space Setback</i>	8 feet, measured from a private drive within the <i>mobilehome park</i>
Side <i>Mobilehome Space Setback</i>	4 feet  0-foot is permitted provided the opposite side <i>mobilehome space setback</i> is at least 8 feet
Private Street Side <i>Mobilehome Space Setback</i>	8 feet, measured from a private drive within the <i>mobilehome park</i>
Rear <i>Mobilehome Space Setback</i>	3 feet  8 feet if abutting a private drive

(i) Maximum Coverage

The maximum permitted coverage for individual *mobilehome* spaces is 75 percent, including the *mobilehome* and any other enclosed *structures*.

(j) Common Area Open Space and Recreational Amenities

(1) At least 250 square feet of usable common open space is required for each *mobilehome*, not including driveways, walks, *streets*, parking and service areas. The common usable open space shall have no dimension less than 25 feet or at least 10 percent of the gross project area shall be devoted to usable common open space and active-use recreational facilities.

(2) Common area open space requirements shall be separate from the perimeter buffer requirement.

(k) Required Resident Parking

Two parking spaces are required per *mobilehome* space, subject to the following:

(1) At least one required parking space must be located on the *mobilehome* space;

(2) Required parking located off of a *mobilehome* space must be sited within 200 feet from the home it is intended to serve; and

- (3) If both parking spaces are provided on the *mobilehome* space, the parking may be provided in tandem.
- (l) Required Guest Parking
 

There shall be 0.20 guest parking spaces provided for each *mobilehome* space in addition to the required resident parking spaces. The required guest spaces shall be evenly distributed throughout the *mobilehome park*.
- (m) Carport Requirement
 

Each *mobilehome* space shall contain at least one single-car carport or fully enclosed garage. All carports shall include at least 50 square feet of built-in storage area.
- (n) Landscaping Requirement
 

Landscaping is required as part of the perimeter buffer requirement and common open space requirements. Additionally, at least 25 percent of the total area of the required front, side, and rear *yards* on individual *mobilehome* spaces shall be landscaped with a combination of grass, shrubs, and trees.
- (o) Required Refuse Collection Area
 

A refuse storage space that is *screened* from public view shall be provided for each individual *mobilehome* space and each common open space area that contains recreation facilities.
- (p) Minimum Street-Width and Sidewalk Requirement
  - (1) Private drives internal to the *mobilehome park* shall be at least 32 feet wide if car parking is permitted on only one side of the *street*.
  - (2) Private drives internal to the *mobilehome park* shall be at least 40 feet wide if car parking is permitted on both sides of the *street*.
  - (3) Private drives internal to the *mobilehome park* shall be at least 20 feet wide if car parking is not permitted on either side of the *street*.
  - (4) Paved sidewalks that are at least 4 feet wide shall be provided on at least one side of every *street* in the *mobilehome park*.
- (q) *Mobilehome* Separation Requirements
 

*Mobilehomes* shall be separated from other *mobilehomes* by at least the following dimensions, measured from *structure* to *structure*:

  - (1) 8 feet from side to side;
  - (2) 8 feet from side to front or rear; and
  - (3) 6 feet from rear to rear, or front to front, or front to rear.



## (r) Projections and Overhangs

- (1) Projections, including roof overhangs, may encroach into the required *mobilehome* space *setback* areas that are not adjacent to private drives, provided they are no closer than 3 feet to the boundary line of the *mobilehome* space.
- (2) Projections, including roof overhangs, may encroach into the required *mobilehome* space *setback* area or *mobilehome* separation area, provided that a minimum 6-foot separation is maintained between the edge of the projection and an adjacent *mobilehome*, building, *accessory structure*, or its projection. A minimum distance of 3 feet must be maintained from the *mobilehome* projection and the adjacent *mobilehome* space boundary.

## (s) Additional Regulations

- (1) Siding shall be of nonreflective material.
- (2) Roofing shall be of nonreflective material consisting of concrete tiles; fiberglass shingles; or composition shingles, shakes, or tiles.
- (3) Eaves shall be between 12 and 16 inches in length, measured from the vertical side of the exterior wall.
- (4) All site-added *structures* including steps, stoops, porches, and parking *structures* shall conform to the applicable provisions of the Uniform Building Code.
- (5) The exterior of the perimeter of all foundations shall conform to the applicable provisions of the Uniform Building Code and shall consist of poured concrete, masonry, or approved all-weather material. If the perimeter material is not masonry or concrete, it shall match the siding material of the *mobilehome*.

## (t) Discontinuance Policy

Discontinuance of a *mobilehome park* requires compliance with all regulations of Chapter 14, Article 3, Division 6 (Mobilehome Park Discontinuance and Tenant Relocation Regulations).

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)



**§143.0345 Supplemental Neighborhood Development Permit Regulations for Relocated Buildings**

- (a) The following regulations apply to a Neighborhood Development Permit for any *premises* to which a building is proposed to be relocated and at least one existing building on the *premises* will remain. The proposed *development* including the relocated building is subject to all development and use regulations of the applicable zone.
- (b) The placement and design of the relocated building shall be compatible with other buildings on the *premises* in terms of building orientation, *floor area ratio*, height and number of *stories*, roof design and composition of roofing materials, and siding and surface materials type.
- (c) The foundation along the exterior perimeter of the relocated building shall conform to the Building Regulations and shall consist of poured concrete, masonry, or approved all-weather material. If the foundation material is not masonry or concrete, it shall match the siding material of the building.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§143.0350 Supplemental Neighborhood Development Permit and Site Development Permit Regulations for Environmentally Sensitive Lands**

The following regulations apply to Neighborhood Development Permits and Site Development Permits required because of potential impacts to *environmentally sensitive lands* in addition to other indicated supplemental regulations.

- (a) Lot Dimensions. Deviations may be permitted from the minimum lot dimensions required by the applicable zone if necessary to comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).
- (b) Lot Area. Within the *MHPA* only, a deviation may be permitted from the minimum *lot* size requirement of the OR-1-2 zone if necessary to accommodate *development* within the *development* area and facilitate *dedication* of the remainder of the *premises*. This does not permit a deviation from the maximum permitted residential *density* for the OR-1-2 zone for the entire *premises*.
- (c) Setback Requirements. A deviation of up to 20 percent may be permitted from any required *setback* if necessary to comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations), except that a deviation from the front *setback* in the RS or RE zones shall not be permitted in addition to what is permitted by Section 131.0443(a)(1), when applicable.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§143.0355 Supplemental Neighborhood Development Permit and Site Development Permit Regulations for Large Retail Establishments**

The following supplemental regulations apply to *development of large retail establishments*. The purpose of these regulations is to provide standards for the evaluation of *large retail establishments*. The intent of these regulations is to minimize *development* footprint, preserve community character, create a pedestrian scale environment, and promote a diversity of uses in accordance with the General Plan.

**(a) Minimum Setbacks**

A *large retail establishment* shall have a minimum front and street side setback of 8 feet. Architectural features as defined in Section 143.0355(b) are permitted to encroach a maximum of 4 feet into the required front and street side yards.

**(b) Building Articulation**

A *large retail establishment* shall incorporate architectural features from at least four of the following eight categories:

- (1) Pilasters
- (2) Trellises
- (3) Awnings or extended covered entries
- (4) Arcades
- (5) Varied roof lines or roof cornices
- (6) A minimum of three material changes, such as glazing, tile, stone, or varied pattern/texture shall be provided in street (facing) wall surfaces, where no one material shall cover less than 10 percent of the wall area or more than 60 percent of the wall area.
- (7) A minimum of 25 percent of street wall area transparent with clear glass visible into a commercial use, or a minimum of 25 percent of street wall area covered with display windows.
- (8) Clerestory windows

## (c) Pedestrian Paths

Pedestrian access and pathways shall be designed to provide an interconnected network for pedestrian travel between buildings within the same *development* in accordance with Section 131.0550.

## (d) Landscaping Requirements

Landscape for *large retail establishments* shall comply with Sections 142.0404, 142.0405 and 142.0406.

(e) Expansion or Enlargement or Change in Use of Existing Structures  
Proposed expansion or enlargement or a change in use of a *previously conforming large retail establishment* is subject to Section 127.0106(e) and the supplemental regulations in Section 143.0355(a) and (c), and Section 142.0410.

(Added 6-15-2007 by O-19624 N.S.; effective 7-15-2007.)

## §143.0360 Supplemental Neighborhood Development Permit and Site Development Permit Regulations for Historical Resources

The following regulations apply to Neighborhood Development Permits and Site Development Permits required because of potential impacts to *historical resources* in addition to other indicated supplemental regulations.

~~(a) Lot Dimensions. Deviations may be permitted from the minimum lot dimensions required by the applicable base zone if necessary to comply with Chapter 14, Article 3, Division 2 (Historical Resources Regulations).~~

~~(b) Setback Requirements. A deviation of up to 20 percent may be permitted from any required setback if necessary to comply with Chapter 14, Article 3, Division 2 (Historical Resources Regulations), except that a deviation from the front setback in the RS or RE zones shall not be permitted in addition to what is permitted by Section 131.0443(a)(1), when applicable.~~

(a) For development on sites containing traditional cultural properties or important archaeological sites, a deviation from one or more of the development regulations of the base zone may be approved in order to reduce impacts to the resource, subject to the findings in Sections 126.0404(a) and 126.0404(d).



- (b) For sites receiving a relocated *designated historical resource* through a Site Development Permit in accordance with Sections 126.0505(d), 143.0210, 143.0250, a deviation from one or more of the *development* regulations of the base zone may be approved in order to accommodate the *designated historical resource* on the new site in a manner consistent with the U.S. Secretary of the Interior's Standards, subject to the findings in Sections 126.0504(a) and 126.0504(h).
- (c) For *development* proposing substantial alteration (other than relocation) or demolition of a *designated historical resource*, deviations from the *development* regulations of the base zone may not be approved under these supplemental regulations.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended XX-XX-XXXX by O-XXXXX N.S.; effective XX-XX-XXXX.)

#### §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) A small *lot subdivision development* is permitted in the RM-1-1 through RM-3-8 (Residential Multiple Unit) Zones, and zones with comparable *density* in the Planned Districts regulated in Chapter 15.
- (b) A *dwelling unit* may have a maximum of three bedrooms.
- (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**

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

**Footnotes for Table 143-03C**

- <sup>1</sup> Only the setbacks that apply to the pre-subdivided lot apply, except that if the pre-subdivided small lot subdivision development covers more than one lot, the setback shall not be required for internal lot lines of the pre-subdivided lot.
- <sup>2</sup> Section 131.0444(e) only applies to the building envelope at the front and side setback lines of the pre-subdivided lot. When adjacent to a RS (Residential--Single Unit Zone), the maximum height is 30 feet.
- <sup>3</sup> Section 131.0444(f) only applies to the building envelope at the front and side setback lines of the pre-subdivided lot.
- <sup>4</sup> Per the base zone, except that reservation of floor area ratio for parking shall not be required.

- (d) Required exterior open space.
  - (1) Each *dwelling unit* shall provide a minimum of 200 square feet of exterior open space within the small *lot subdivision*.
  - (2) Each *dwelling unit* shall provide a minimum of one private exterior useable open space area measuring 60 square feet, with a minimum dimension of no less than 6 feet.
  - (3) The area of a driveway shall not be counted toward required exterior open space.
- (e) *Dwelling units* that abut the *front yard* of the pre-subdivided *lot* shall locate the primary pedestrian entrance facing that *front yard*.
- (f) A Mutual Maintenance and Access Agreement for all facilities used in common shall be entered into to the satisfaction of the City Manager and shall be recorded against the applicable property or properties in the office of the San Diego County Recorder prior to issuance of a certificate of occupancy. The Mutual Maintenance and Access Agreement shall, at a minimum, include and provide for the following:
  - (1) Easements for:
    - (A) Shared driveway(s)
    - (B) Utilities
    - (C) Drainage and runoff
    - (D) Encroachments
    - (E) Maintenance, repair, and reconstruction
  - (2) Maintenance for:
    - (A) Shared driveway(s)
    - (B) Sewer lines
    - (C) Cable and electrical lines
    - (D) Exterior lighting

## (E) Perimeter fences

- (g) When an *alley* abuts the *premises*, access to required *off-street parking spaces* shall only be from the *alley*.
- (h) Parking requirements and parking site design shall comply with the following regulations and Chapter 14, Article 2, Division 5 (Parking Regulations) for *single dwelling units*. Where there is a conflict with Chapter 14, Article 2, Division 5, the requirements of this section shall apply.
- (1) The number of *off-street parking spaces* shall be consistent with the ratios for small *lot subdivision* in Table 142-05C.
  - (2) Required parking shall be provided on each lot, or within a common parking area, or in a combination of the two.
  - (3) Tandem parking is permitted, provided that the tandem spaces are assigned to the same *dwelling unit*.
  - (4) A maximum of one driveway curb cut shall be permitted for each 50 feet of pre-subdivided *street frontage*.
  - (5) Driveway width shall be determined based on the size of the *lot*, the number of parking spaces and location inside or outside of the Parking Impact Overlay Zone. The applicable minimum and maximum driveway widths are shown in Table 143-03D.
  - (6) Required *off-street parking spaces* may be provided within a garage, a carport, or an unenclosed parking space.

**Table 143-03D**  
**Driveway Width for Small Lot Subdivisions**

Pre-subdivided <i>lots</i> greater than 50 feet in width		
<i>Off-street Parking Spaces in Small Lot Subdivision</i>	Required Width	
	One-Way	Two-Way
10 or fewer	12 feet	
More than 10	14 feet	20 feet



Pre-subdivided lots 50 feet or less in width		
Off-street Parking Spaces in Small Lot Subdivision	Required Width	
	One-Way	Two-Way
10 or fewer	12 feet	
More than 10	14 feet	20 feet

- (i) The landscape requirements shall be in accordance with the requirements for small *lot subdivisions* shown in Section 142.0402, Table 142-04A.
- (j) An existing *development* that proposes to be subdivided into a small *lot subdivision* that deviates from the supplemental regulations set forth in this section or the parking ratios shown in Table 142-05C may be permitted only with a Site Development Permit decided in accordance with Process Three subject to the following regulations:
  - (1) the *development* must be consistent with permitted *density*; and
  - (2) the *development* must comply with the requirement for a Mutual Maintenance and Access Agreement in Section 143.0365(f).

(“Supplemental Site Development Permit Regulations for Small Lot Subdivisions” added 5-5-2015 by O-20483 N.S.; effective 6-4-2015)  
(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

**[Editors Note:** Amendments as adopted by O-20634 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language  
[http://docs.sandiego.gov/municode\\_strikeout\\_ord/O-20634-SO.pdf](http://docs.sandiego.gov/municode_strikeout_ord/O-20634-SO.pdf)

#### §143.0375 Maintenance Requirements for Neighborhood Development Permits and Site Development Permits

All *development* approved with a Neighborhood Development Permit or Site Development Permit is subject to the following regulations.

- (a) All *developments* shall be constructed and maintained in accordance with the approved plans and conditions contained in the Neighborhood Development Permit or Site Development Permit.



- (b) If a *development* includes open areas or recreational facilities to be used by the residents or employees of the *development*, the permit shall include a plan for the preservation of the common elements of the property that is acceptable to the City Manager.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### §143.0380 Phased Site Development Permits

Construction of *development* requiring a Site Development Permit may be phased subject to the following regulations pertaining to each phase of *development*.

*Development* pursuant to a Neighborhood Development Permit may not be phased.

- (a) Where construction is to be phased over a period of time, the *applicant* shall provide plans corresponding to each phase at the time of Site Development Permit submittal and shall include a proposed construction schedule and an illustration of the various phases of *development*.
- (b) The plans corresponding to each phase shall clearly delineate all fundamental project elements integral to implementation of that particular phase, including landscaping, open space, parking, and recreational facilities. Each phase must assure that the provision of fundamental project elements will correspond with the demand to provide the associated site facilities and improvements necessary to support the density or intensity of each phase of *development*.
- (c) The phasing program shall address the interim use of all areas where *development* will occur at a later date, including identification of the interim landscape and irrigation measures to be used to assure that portions of the site that may be graded or disturbed in the initial phase of project implementation but not be developed until a later phase, will be adequately mitigated.
- (d) Where construction is to be phased over a predetermined period, the phasing program shall be based on the projected population growth and availability of public facilities of the designated economic support area.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)