

# Complete Communities

In exchange for affordable housing and public amenities near transit, Complete Communities Housing Solutions offers a Floor Area Ratio (FAR) bonus. This is an opt-in bonus program where development density and height (with some exceptions) would be governed by a new FAR. This program provides an innovative new incentive program to stimulate the construction of housing and improve affordability and quality of life for all San Diegans.

- [O-21275](#) Adopted December 9, 2020

## Chapter 14

### Article 3: Supplemental Development Regulations

#### Division 10: Complete Communities Housing Solutions Regulations

(“Complete Communities Housing Solutions Regulations” added 12-9-2020 by O-21275 N.S.; effective 1-8-2021.)

#### §143.1001 Purpose, Intent, and Definitions

- (a) Purpose. The purpose of these regulations is to provide a *floor area ratio*-based *density* bonus incentive program for *development* within *Transit Priority Areas* that provides housing for *very low income*, *low income*, or *moderate income* households and provides neighborhood-serving infrastructure amenities. These regulations are intended to materially assist in providing adequate housing for all economic segments of the community; to provide a balance of housing opportunities within the City of San Diego with an emphasis on housing near transit; and to encourage use of mobility alternatives through the construction of neighborhood-serving infrastructure amenities. Investment in neighborhood-serving infrastructure that creates destinations and encourages walking, biking and use of transit, particularly within *Transit Priority Areas*, is critical to the City’s Climate Action Plan goal to reduce greenhouse gas emissions. These regulations do not implement California Government Code Section 65915 (State Density Bonus Law), which is implemented through San Diego Municipal Code Chapter 14, Article 3, Division 7.
- (b) Definitions. For purposes of this Division, the following definitions shall apply:
  - (1) FAR Tier 1 means any *premises* where any portion of the *premises* is located within the Downtown Community Planning Area.
  - (2) FAR Tier 2 means any *premises* where any portion of the *premises* is located in a regional or subregional employment area, as identified in the General Plan Economic Prosperity Element, or within a one-mile radius of any university campus that includes a medical center and is within a *Transit Priority Area* that is located in an area ~~as defined in Section 143.1103(a)(3) as Mobility Zone 3~~ that is Vehicle Miles Travelled (VMT) efficient per the definition of Mobility Zone 3 in Section 143.1103(a)(3).
  - (3) FAR Tier 3 means any *premises* where any portion of the

*premises* is located in an area located within a *Transit Priority Area* that is located in an area ~~as defined in Section 143.1103(a)(3) as Mobility Zone 3.~~ that is VMT efficient per the definition of Mobility Zone 3 in Section 143.1103(a)(3).

- (4) FAR Tier 4 means any *premises* where any portion of the *premises* is located in an area located within a *Transit Priority Area* that is located in an area ~~defined in Section 143.1103(a)(4) as Mobility Zone 4.~~ that is not VMT efficient per the definition of Mobility Zone 4 in Section 143.1103(a)(4).
- (5) Community of Concern means a census tract that has been identified as having very low or low access to opportunity as identified in the San Diego Climate Equity Index.

#### **§143.1002 Application of Complete Communities Housing Solutions Regulations**

- (a) At the request of the *applicant*, except as otherwise provided in Section 143.1030, the regulations in this Division shall apply to any *development* within a *Transit Priority Area* where any portion of the *premises* contains zoning that is commercial, residential, or mixed-use of the *premises* is zoned 20 *dwelling units* per acre or greater, or has a land use plan designation that allows for 20 *dwelling units* per acre or greater, and is within one quarter mile of a rail station, not including additional units permitted under this Division, if all of the following requirements are met:
  - (1) through (3) [No change in text.]
- (b) The regulations in this Division may be utilized to add *gross floor area* to an existing *development* through the construction of additional *dwelling units*. The additional *gross floor area* allowed shall be determined as follows:
  - (1) The additional *gross floor area* is determined by multiplying the remaining *lot area* and shall not include existing landscaping, open space amenities and sidewalks, by the applicable *floor area ratio* in Section 143.1010(a). The remaining *lot area* is the difference between the *lot coverage* of the existing *development* and the *lot area*.

(2) [No change in text.]

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

(e) The required number of affordable *dwelling units* shall be calculated in accordance with Section 143.1015, ~~based upon the number of *dwelling units* proposed in accordance with Sections 143.1002(c)(1) and 143.1002(c)(2).~~ For the purposes of calculating the required number of affordable dwelling units, all density calculations resulting in fractional units shall be rounded up to the next whole number. Existing covenant-restricted affordable *dwelling units* shall not be counted towards the affordable housing requirement in this Division.

(f) [No change in text.]

**§143.1010 Incentives in Exchange for Transit Priority Area Affordable Housing and Infrastructure Amenities**

An *applicant* proposing *development* that is consistent with the criteria in Section 143.1002 shall be entitled to the following incentives:

(a) An *applicant* is ineligible for any incentive under this Division if the *premises* on which the *development* is proposed contains, or during the seven years preceding the application, contained, rental *dwelling units* that have had the rent restricted by law or covenant to persons and *families* of ~~*moderate income*~~, *low income*, or *very low income*, or have been occupied by persons and *families* of ~~*moderate income*~~, *low income*, or *very low income*, unless the proposed *development* replaces the affordable *dwelling units*, and either:

- (1) Provides affordable *dwelling units* at the percentages set forth in Section 143.1015 (inclusive of the replacement *dwelling units*), or
- (2) Provides all of the *dwelling units* in the *development* as affordable to *low income* or *very low income* households, excluding any manager's unit(s).

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

(e) Waiver of ~~the personal storage area requirement in Section 131.0454~~ and the private exterior open space requirement in Section 131.0455 for all *dwelling units* in the *development* if

at least 10 percent of the total *dwelling units* in the *development* are three-bedroom *dwelling units*.

(f) [No change in text.]

(g) Waiver of Development Impact Fees for all covenant-restricted affordable *dwelling units* and all *dwelling units* that do not exceed 500 square feet, if the development provides a residential density that is at least 120 percent of the maximum permitted density of the applicable base zone(s) or Planned District.

(h) Waiver of the Neighborhood Enhancement Fee for *development* that meets the affordable housing requirements set forth by this Division and restricts 100 percent of the *dwelling units*, not including any managers units, to households earning no more than 50 percent of the area *median income*.

(i) Use of up to five Affordable Housing Incentives. An *applicant* utilizing the regulations in this Division shall be entitled to incentives as described in Section 143.1010(i) for any *development* for which a written agreement and a deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission. The City shall process an incentive requested by an *applicant* in accordance with Section 143.1010(i).

(1) [No change in text.]

(2) Items not considered incentives by the City of San Diego include, but are not limited to the following:

~~(A) A waiver of a required permit;~~

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

(3) [No change in text.]

(4) The number of incentives available are as follows:

(A) [No change in text.]

(B) Three incentives for a *development* that includes at least ~~40~~ 30 percent of the pre-density *dwelling units* for lower income households, with at least 20 percent reserved for *very low income* households.

(C) Four incentives for a *development* in which at least ~~50~~ 40 percent of the covenant-restricted *dwelling units* are three *bedrooms*.

(D) [No change in text.]

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

#### **§143.1015 Required Provision of Affordable Dwelling Units**

- (a) In accordance with Section 143.1002(a)(1), an *applicant* requesting application of the regulations in this Division shall provide a written agreement to provide affordable *dwelling units*, entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission and secured by a deed of trust, that meets the following requirements:

(1) to (3) [No change in text.] ADD FOR CONTEXT

(4) As an alternative to the requirements 143.1015(a) (1-3), an applicant may provide at least 40 percent of rental *dwelling units* in the *development*, excluding any additional *dwelling units* allowed under a *floor area ratio* bonus, for rent by *low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 50 percent of the *area median income*, as adjusted for household size.

~~(4)~~ (5) The number of required affordable *dwelling units* for *development* located in FAR Tier 1 shall be determined by multiplying the proposed number of *dwelling units permitted* with the maximum base *floor area ratio*, illustrated in Figure H of the Centre City Planned District, by the percentages of affordable *dwelling units* required in Section 143.1015(a)(1-~~23~~).

~~(5)~~ (6) For rental *dwelling units* to be counted as affordable and meet the requirements of this Division, the following qualifying criteria shall be met:

(A) and (B) [No change in text.]

(b) [No change in text.]

- (c) Notwithstanding Section 143.1015(a), as an alternative to the requirements in Section 143.1015(a)(1)-(3), an applicant may instead provide 100 percent of the total *dwelling units*, not including any *managers units*, in the development for rent by *low income* households, including an allowance for utilities, that does not exceed 30 percent of 60 percent of the area *median income*, as adjusted for household size.

## **§143.1020 Required Provision of Infrastructure Amenities**

In accordance with Section 143.1002(a)(2), an *applicant* requesting application of the regulations in this Division shall provide infrastructure amenities as follows:

- (a) Neighborhood Enhancement Fund. All *developments* shall pay a fee to the “Neighborhood Enhancement Fund”, as established by City Council Resolution R-313282. ~~This fund shall be used for design, construction, or maintenance of neighborhood-serving infrastructure amenities.~~
- (1) ~~The fee shall be set at \$9.00 per square foot of *lot* area. Structures over 95 feet in height shall pay an additional 25 percent of the established fee.~~
- (2) ~~The fees paid shall be divided with 50 percent of the fee invested in infrastructure improvements within the same community planning area as the *development*, and 50 percent of the fee invested in infrastructure improvements within Communities of Concern, as determined by the City Manager, until it is defined in the City’s General Plan.~~
- (b) Public promenade alternative. In lieu of the fee described in Section 143.1020(a), *development* on a *premises* of 25,000 square feet in area or larger with at least 200 linear feet of *street frontage* or a separately-owned parcel within the *Transit Priority Area* where the *development* is located and with an equivalent-sized *premises* of the *development* or larger with at least 200 linear feet of *street frontage*, may construct public amenities in the form of a public promenade.
- (1) through (6) [No change in text.]
- (7) A promenade is a public open space that adjoins or is visible from a public *right-of-way* along the longest

*street frontage*. The promenade shall meet the following standards and will be exempt from Council Policy 600-33.

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

(L) At least one of the following recreation amenities must be provided:

- (i) Playground equipment;
- (ii) Fitness circuit equipment;
- (iii) Game equipment, such as a bocce ball court or an oversized chess set;
- (iv) Basketball Court;
- (v) Rock climbing wall; or
- (vi) Skate Plaza.

(M) At least one of the following additional amenities must be provided:

- (i) Water feature;
- (ii) Art installation;
- (iii) Food and beverage kiosk;
- (iv) Parkour Course;
- (v) Pump Track; or
- (vi) Educational Kiosk [ Minimum 4].

(N) through (P) [No change in text.]

(8) [No change in text.]

#### **§143.1025 Supplemental Development Regulations**

*Development* utilizing the regulations in this Division must comply



later, unless an extension is approved by a majority of the City Council.

- (a) Pedestrian Circulation Space. All *development* shall include the following pedestrian circulation improvements:

(1) [No change in text.]

- (2) At least one, 24-inch box canopy form tree is required for each 25 feet of street frontage on each side of the required sidewalk. For premises less than 25,000 square feet, tree requirement shall be determined by dividing the street frontage by 25 feet and multiplying by 2.

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

- (5) Each dwelling unit on the ground floor fronting a public right-of-way or a private drive shall have a separate ground floor entrance or path adjacent to the public right-of-way, or a private drive.

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

- (d) Buffer from Adjacent Freeways. *Development*, except for *development* within the Centre City Planned District, on a premises within ~~100~~ 50 feet of a freeway shall comply with the following:

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

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

#### **§143.1030 Division Inapplicability**

This Division shall be applicable and effective for all eligible premises located in all community planning areas except for those community planning areas that contain any portion of a Community of Concern the Division shall only be applicable and effective until the community planning areas has reached 80 percent of the housing capacity identified for the community planning area in the City's Adequate Sites Inventory in the General Plan Housing Element, as determined by the Planning Department through its annual housing progress reports or nine years from the effective date, whichever is

with the following Supplemental Development Regulations and may not utilize incentives or waivers provided in Section 143.1010(h) to deviate from the requirements in Section 143.1025.

**§132.1515 Safety Compatibility**

Safety compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated in accordance with this Section.

- (a) Relative aircraft accident risk exposure for property surrounding an airport is identified on Airport Land Use Compatibility Plan safety zone maps set forth in Table 132-15E, prepared and adopted by the Airport Land Use Commission for each airport, and filed in the office of the City Clerk. Adopted safety zone maps identified in Table 132-15E and applicable safety compatibility tables shall be used to determine land use compatibility in accordance with Section 132.1515(b).

**Table 132-15E**

**Adopted Safety Zone Maps**

Airport Influence Area	Map Number
MCAS Miramar	C-930
Brown Field	C-940
Montgomery Field	C-935

- (b) *Development* in an airport influence area shall be considered compatible with respect to safety as follows:
- (1) The proposed *development* is consistent with the use and development regulations of the underlying base zone, including required *development permits* as applicable.

- (2) The proposed *development* is permitted within the designated safety zone, as applicable, or is compatible infill *development* in accordance with Section 132.1540
  - (3) The proposed *development* complies with the maximum residential *density* and non-residential intensity regulations for applicable safety zones, as measured in accordance with Section 132.1515(c), or is compatible infill *development* in accordance with Section 132.1540.
  - (4) Compatible *development* may be approved with a *construction permit*, except where the *development* otherwise requires a *development permit*.
- (c) Rules for calculation and measurement of safety compatibility.

The intent is to measure the total number of *dwelling units* for a proposed residential *development* and the total intensity (people per acre) for a proposed non-residential *development* to determine compliance with the applicable safety zone. Uses that are identified as permitted in a safety zone are presumed to comply with the limits for that safety zone. Uses that are identified as a limited use or require a *development permit* in accordance with Table 132-15F or 132-15G shall be subject to a calculation of *density* or intensity as follows:

  - (1) Residential *development density*
    - (A) For the purpose of this section, the total number of people for a residential *development* shall be measured in terms of *dwelling units* per acre. The total proposed *density* (including any *density* bonus in accordance with Chapter 14, Article 3, Division 7 and 10) for new residential *development* shall comply with the maximum *dwelling units* per acre specified in the applicable safety compatibility table.
    - (B) Maximum *densities* indicated in each safety table below are calculated as *dwelling units* per gross acre on a site-wide average. Alternatively, within the Brown Field and Montgomery Field airport influence areas *density* may be calculated as *dwelling units* per net acre in which case, a 20 percent increase in the maximum *dwelling units* per acre for the safety zone may be permitted.

The amendment is needed to ensure the current process level is consistent with how these projects have been reviewed in the past. Further clarification on what type of projects falls into this category is also needed for transparency with the process.

The amendment will revert the process level for these types of projects from a discretionary decision to a ministerial decision, consistent with past review process.

### §129.0710 How to Apply for a Public Right-of-Way Permit

An application for a Public Right-of-Way Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Public Right-of-Way Permits are listed in the Land Development Manual. A *development permit* is required prior to issuance of a Public Right-of-Way Permit for the following:

- (a) If the proposed *encroachment* involves construction of a privately-owned *structure* or facility into the *public right-of-way* dedicated for a *street* or an *alley*, and where the *applicant* is the *record owner* of the underlying fee title, a Neighborhood Development Permit is required in accordance with Section 126.0402(j) except for the following, which are subject to approval by the City Engineer in accordance with Process One:

(1) through (9) [No change in text.]

(10) Encroachment of equipment into the *public right-of-way* by fiber optic industries that are necessary and required to comply with the Communications Resiliency Plan for areas defined as Tier 2 and Tier 3 High Fire Threat Districts (California Public Utilities Commission Fire-Threat Maps) per Commission R 18-03-11; multiple location analysis and proof that equipment cannot be undergrounded shall be presented and reviewed by the City Engineer.

- (b) If the proposed *encroachment* is erected, placed, constructed, established or maintained in the *public right-of-way* when the *applicant* is not the *record owner* of the property on which the *encroachment* will be located, a Site Development Permit is required in accordance with Section 126.0502(d)(6), except for the following:

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

(6) Encroachment of equipment into the *public right-of-way* by fiber optic industries that are necessary and required to comply with the Communications Resiliency Plan for areas defined as Tier 2 and Tier 3 High Fire Threat Districts (California Public Utilities Commission Fire-Threat Maps) per Commission R 18-03-11; multiple location analysis and proof that equipment cannot be undergrounded shall be presented and reviewed by the City Engineer.

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

**129.0119 Bond Required for Construction Permit for Grading or Public Improvements**

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

(f) ~~The City Manager may waive the requirement for a bond, as established in the Land Development Manual.~~ No bond, under the provisions of this article, shall be required when the estimate of the cost of work is less than \$50,000.00.

(g) ~~No bond, under the provisions of this article, shall be required for grading permits issued under the authority of the Building Official in accordance with SDMC 129.0104(a)(14).~~

(h) ~~The City Manager may waive the requirement for a bond, as established in the Land Development Manual.~~

**§141.0309 Interim Ground Floor Residential**

Residential *development* within commercial zones is permitted only when a commercial *structure* exists on the *premises* or is a part of the proposed *development*. Residential use is restricted on the ground *floor* in accordance with Section 131.0540. The residential *density* shall not be counted towards the maximum allowable *density* of the underlying zone. Interim ground ~~*floor residential*~~ residential may be permitted within existing commercial space in accordance with Process Two in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations:

- (a) The change of a *development* site from commercial to residential use shall be in compliance with the California Building Code and California Fire Code for the residential use at the time of the conversion.
- (b) The Neighborhood Use Permit shall expire no later than 10 years from the date of issuance.
- (c) No additional parking is required for interim ground *floor* residential use.
- (d) The decision maker shall make the findings in Section 126.0205 ~~(a c) through (d)~~.

## Mobility Choices

The purpose of the Mobility Choices Regulations is to reduce Citywide vehicle miles traveled (VMT) to address the environmental impacts of development related to noise, air pollution, and greenhouse gas emissions, and to promote public health and enjoyment, by investing in active transportation infrastructure and amenities that will result in the greatest reductions to Citywide VMT.

### §143.1102 When Mobility Choices Regulations Apply

The Mobility Choices Regulations apply to any *development* for which a Building Permit is issued, except:

- (a) Residential *development* with four or fewer *dwelling units*;
- (b) Any commercial or office *development* with less than 5,000 square feet *gross floor area*;
- (c) *Development* located on property owned, leased, or maintained by the City where the City is the *applicant* or where a private party is the *applicant* acting on behalf of the City, that is a locally-serving public facility, as defined in the Land Development Manual, Transportation Study Manual, Appendix R;
- (d) *Development* located within a one-half mile pedestrian walk to an existing passenger rail station;
- (e) *Development* located in Mobility Zone 1, except as otherwise required in Section 143.1103(d);
- (f) Industrial Uses, as defined in the Land Development Manual, Transportation Study Manual (Appendix B), located within Prime Industrial Lands;
- (g) Multi-family residential *development* in a *Transit Priority Area* that provides the transportation amenities required by Section 142.0528; and
- (h) *Development* that does not require a Certificate of Occupancy.

### §143.1103 Mobility Choices Requirements

- (a) [No change in text]
- (b) Except as provided in Section 143.1103(b)(5) or (b)(6), all *development* located within Mobility Zone 2 or Mobility Zone 3 shall provide VMT Reduction Measures in accordance with Land Development Manual, Appendix T as follows:
  - (1) *Development* in Mobility Zone 2 shall include VMT Reduction Measures totaling at least 5 points.



- (2) *Development* in Mobility Zone 3 shall include VMT Reduction Measures totaling at least 8 points.
- (3) A notice describing the VMT Reduction Measures provided shall be posted in a prominent and accessible common area of the *development* where it can easily be seen by residents and the public. The notice shall include the responsible party contact information and a statement that the VMT Reduction Measures are required pursuant to the San Diego Municipal Code and to the satisfaction of the Development Services Department. The notice shall be in the form required by Land Development Manual, Appendix T.
- (4) The types of VMT Reduction Measures that shall be used to satisfy the requirements in Section 143.1103(b) are included in Land Development Manual, Appendix T. VMT Reduction Measures that also satisfy other *development* regulations may be used to satisfy the requirements in Section 143.1103(b).
- (5) In lieu of providing the VMT Reduction Measures in Section 143.1103(b)(1) or (2), the *applicant* may pay the Active Transportation In Lieu Fee referenced in Section 143.1103(c).
- (6) *Development* in Mobility Zones 2 and 3 that provides more than the minimum parking required in Chapter 14, Article 2, Division 5 shall not be required to provide the VMT Reduction Measures in Section 143.1103(b)(2), but shall pay the Active Transportation In Lieu Fee referenced in Section 143.1103(c). For purposes of this subsection, the minimum required parking for multiple dwelling units in Section 142.0528 shall not apply, but shall rather be defined as set forth in Section 142.0525.

(c) [No change in text]

- (d) *Development* in Mobility Zone 1 that provides more than the minimum parking required in Chapter 14, Article 2, Division 5 shall pay the Active Transportation In Lieu Fee referenced in Section 143.1103(c). For purposes of this subsection, the minimum required parking for multiple dwelling units in Section 142.0528 shall not apply but shall rather be defined as set forth in Section 142.0525.

# Transit Priority Area Implementation

Table 131-05B

## Use Regulations Table for Commercial Zones

San Diego Municipal Code  
(5-2021)

Chapter 13: 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 >>  3rd >>  4th >>	CN <sup>(1)</sup> -						CR-		CO-						CV-		CP-	
		1-						1-	2-	1-		2-		3-		1-	1-		
		1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Adult Peep Show Theater		-						L	L	-	-	-	-	-	L	-			
Adult Theater		-						L	L	-	-	-	-	-	L	-			
Body Painting Studio		L						L	L	-	-	-	-	-	L	-			
Massage Establishment		L						L	L	-	-	-	-	-	-	-			
Sexual Encounter Establishment		L						L	L	-	-	-	-	-	L	-			
Assembly and Entertainment Uses, Including Places of Religious Assembly		L <sup>(10)</sup>						L	L	L	L	L	L	L	L <sup>(10)</sup>	-			
Boarding Kennels/Pet Day Care		L						L	L	N	N	-	-	-	N <sup>(10)</sup>	-			
Camping Parks		-						C	C	C	C	-	-	-	C	-			
Child Care Facilities:																			
Child Care Centers		L						L	-	L	L	L	L	L	L <sup>(10)</sup>	-			
Large Family Child Care Homes		L						L	-	L	L	L	L	L	L <sup>(10)</sup>	-			
Small Family Child Care Homes		L						L	-	L	L	L	L	L	L	-			
Eating and Drinking Establishments with a Drive-in or Drive-through Component		-	C	-	-	-	-	P		P	P	P	-	P	-	-			
Fairgrounds		-						C	C	-	-	-	-	-	C	-			
Golf Courses, Driving Ranges, and Pitch & Putt Courses		-						C	C	C	C	-	-	-	C	-			
Helicopter Landing Facilities		-						C	C	C	C	C	C	C	C <sup>(10)</sup>	-			
Massage Establishments, Specialized Practice		L						L	L	-	-	-	-	-	L <sup>(14)</sup>	-			
Mobile Food Trucks		L <sup>(15)</sup>						L <sup>(15)</sup>	L <sup>(15)</sup>	L <sup>(15)</sup>	L <sup>(15)</sup>	L <sup>(15)</sup>	L <sup>(15)</sup>	L <sup>(15)</sup>	L <sup>(15)</sup>	L <sup>(15)</sup>			
Nightclubs & Bars Over 5,000 Square Feet in Size		-						C	C	C	C	C	C	C	C	-			
Parking Facilities as a <i>Primary Use</i> :																			
Permanent Parking Facilities		-						P	P	C	C	-	-	-	C	P			
Temporary Parking Facilities		-						N	N	C	C	C	C	C	C	N			
Private Clubs, Lodges and Fraternal Organizations		p <sup>(10)</sup>						P	P	P	P	P	P	P	p <sup>(10)</sup>	-			
Privately Operated, Outdoor Recreation Facilities with 40,000 Square Feet in Size <sup>(9)</sup>		-						P	P	C	C	-	-	-	C	-			

### Footnotes for Table 131-05B

<sup>1</sup> through <sup>19</sup> [No change in text]

<sup>20</sup> This use is not allowed within a *Transit priority area*.

**Table 131-06B**  
**Industrial Use Tables**

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
<i>Adult Day Care Facility</i>		-	L	L	-	L	L	-	-	L	-
Adult Entertainment Establishments:											
Adult Book Store		-	-	-	-	L	L	-	L	L	-
Adult Cabaret		-	-	-	-	-	L	-	-	-	-
Adult Drive-in Theater		-	-	-	-	L	L	-	-	-	-
Adult Mini-Motion Picture Theater		-	-	-	-	L	L	-	-	L	-
Adult Model Studio		-	-	-	-	L	L	-	-	-	-
Adult Motel		-	-	-	-	-	-	-	-	-	-
Adult Motion Picture Theater		-	-	-	-	L	L	-	-	L	-
Adult Peep Show Theater		-	-	-	-	L	L	-	-	L	-
Adult Theater		-	-	-	-	L	L	-	-	L	-
Body Painting Studio		-	-	-	-	L	L	-	-	-	-
Massage Establishment		-	-	-	-	-	L	-	-	-	-
Sexual Encounter Establishment		-	-	-	-	-	-	-	-	-	-
Assembly and Entertainment Uses, Including Places of Religious Assembly		L	L	L	L	L	L	-	-	L	-
Boarding Kennels/Pet Day Care Facilities		N	N	N	N	L	L	N	N	N	N
Camping Parks		-	-	-	-	-	-	-	-	-	-
<i>Child Care Facilities:</i>											
Child Care Centers		C	C	C	-	C	C	-	C	C	C
Large Family Child Care Homes		-	-	L	-	-	-	-	-	-	-
Small Family Child Care Homes		-	-	L	-	-	-	-	-	-	-
Eating and Drinking Establishments with Drive-in or Drive-through Component	<sup>22</sup>	-	C	C	C	C	P	-	C	-	C
Fairgrounds		-	C	-	C	C	C	C	C	C	-
Golf Courses, Driving Ranges, and Pitch & Putt Courses		-	C	-	C	C	C	C	C	C	-
Helicopter Landing Facilities		C	C	C	C	C	C	C	C	C	C
Massage Establishments, Specialized Practice		-	-	-	-	-	L	-	-	-	-
Mobile Food Trucks		P	P	P	P	P	P	P	P	P	P
Nightclubs & Bars over 5,000 square feet in size		-	-	-	-	-	-	-	-	-	-
Parking Facilities as a <i>Primary Use</i> :											

**Footnotes for Table 131-06B**

<sup>1</sup> through <sup>21</sup> [No change in text]

<sup>22</sup> This use is not allowed within a *Transit priority area*.

**§141.1001 Artisan Food and Beverage Producer**

The Artisan Food and Beverage Producer use category applies to establishments less than 20,000 square feet for which the primary *use* is in the commercial on-site production of food or beverage products, such as coffee products, ice cream, baked goods, confections, alcoholic and non-alcoholic beverages, and other foodstuffs. Artisan Food and Beverage Producers are permitted as a Limited Use in the zones indicated with an “L” and may be permitted with a Neighborhood Use Permit decided in accordance with Process Two in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations.

- (a) Accessory retail sales are permitted in accordance with Section 131.0125.
- (b) All storage shall be within an enclosed building, tank, or silo, or *screened* from the *public right-of-way* by *fences*, walls, or landscaping. Stored items shall not be stacked to a height that exceeds the height of the *screening*.
- (c) Sales, service, product consumptions, and outdoor activities shall only occur between 6:00 a.m. and 10:00 p.m. if the establishment is adjacent to residential *development*.
- (d) Shipping and receiving activities shall only occur during operating hours between 6:00 a.m. and 10:00 p.m.
- (e) Shipping and receiving activities shall not be performed using trucks with a Gross Vehicle Weight Rating (GVWR) of greater than 26,000 pounds if the establishment is adjacent to residential *development*.

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>Regional &amp; Corporate Headquarters</b>		P <sup>(1)</sup>	P	P <sup>(1)</sup>	P <sup>(1)</sup>	P	P	-	P <sup>(12)</sup>	P	P <sup>(1)</sup>
<b>Separately Regulated Office Uses</b>											
Real Estate Sales Offices & Model Homes		-	-	-	-	-	-	-	-	-	-
<i>Sex Offender Treatment and Counseling Facilities</i>		-	L	-	-	L	L	-	-	L	-
<b>Vehicle &amp; Vehicular Equipment Sales &amp; Service</b>											
<b>Commercial Vehicle Repair &amp; Maintenance</b>		-	-	-	P	P	P	P	P	P	P
<b>Commercial Vehicle Sales &amp; Rentals</b>		-	-	-	P	P	P	P	P	P	-
<b>Personal Vehicle Repair &amp; Maintenance</b>		-	-	-	P	P	P	-	-	P	-
<b>Personal Vehicle Sales &amp; Rentals</b>		-	-	-	P	P	P	-	P	P	-
<b>Vehicle Equipment &amp; Supplies Sales &amp; Rentals</b>		-	-	-	P	-	P	P	P	P	-
<b>Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses</b>											
Automobile Service Stations		L	L	L	L	L	L	L	L	L	C
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i>		-	-	-	P	P	P	P	P	P	P
Vehicle Storage Facilities as a <i>Primary Use</i>		L	L	L	L	L	L	L	L	L	L
<b>Distribution and Storage</b>											
<b>Equipment &amp; Materials Storage Yards</b>		-	-	-	P	P	P	P	P	P	P
<b>Moving &amp; Storage Facilities</b>		-	-	-	P	P	P	P	P	P	-
<b>Distribution Facilities</b>		P <sup>(17)</sup>	P	-	P	P	P	P	P	P	P
<b>Separately Regulated Distribution and Storage Uses</b>											
Junk Yards		-	-	-	C	C	C	C	C	C	-
Temporary Construction Storage Yards Located Off-site		L	L	L	L	L	L	L	L	L	L
<b>Industrial</b>											
<b>Heavy Manufacturing</b>		-	-	-	-	-	-	P	P	-	-
<b>Light Manufacturing</b>		P <sup>(10)</sup>	P	P <sup>(10)</sup>	P	P	P	P	P	P	P
<b>Marine Industry</b>		-	-	-	P	P	P	P	P	P	P
<b>Research &amp; Development</b>		P	P	P	P	P	P	P	P	P	P
Testing Labs		P	P	P	P	P	P	P	P	P	P
<b>Trucking &amp; Transportation Terminals</b>		P	P	P	P	P	P	P	P	P	P
<b>Separately Regulated Industrial Uses</b>											
Artisan Food and Beverage Producer		-P	P-	P-	P-	P-	P-	P-	P-	P-	P-
<i>Cannabis Production Facilities</i>		-	-	-	C	C	C	C	C	-	-
<i>Hazardous Waste Research Facility</i>		C	C	C	C	C	C	C	C	C	C
<i>Hazardous Waste Treatment Facility</i>		C	C	C	C	C	C	C	C	C	-

## Footnotes for Table 131-06B

- <sup>1</sup> A regional and corporate headquarters establishment shall have a *gross floor area* of at least 40,000 square feet.
- <sup>2</sup> Household and office furniture, appliances, and equipment sales establishments shall occupy an area of at least 5,000 square feet in *gross floor area* unless the sales are of items that are manufactured on the same *premises*.
- <sup>3</sup> See Section 131.0623(g).
- <sup>4</sup> See Section 131.0623(h).
- <sup>5</sup> See Section 131.0623(a).
- <sup>6</sup> See Section 131.0623(f).
- <sup>7</sup> See Section 131.0623(b).
- <sup>8</sup> See Section 131.0623(c).
- <sup>9</sup> See Section 131.0623(d).
- <sup>10</sup> See Section 131.0623(e).

### §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. In addition to the use-specific regulations below, the combined *gross floor area* for the uses identified in Sections 131.0623(a), (b), (d), (h), (k), (m), and (n) shall not exceed 35 percent of the allowable *gross floor area* of the *premises*.

- (a) through (d) no change in text

- (d) Personal appearance and health services are permitted subject to the following:
  - (1) Individual establishments are limited to 3,500 square feet of *gross floor area*; and
  - (2) The total area occupied by these uses shall not exceed 10 percent of the *gross floor area* of the building in which they are located.
- (di) Light manufacturing and assembly uses in the IP-1-1 and the IP-3-1 zones are limited to the following:
  - (1) Prototype fabrication;
  - (2) Production requiring advanced technology and skills and directly related to research and development activities on the *premises*;
  - (3) Manufacturing of biochemical research and diagnostic compounds to be used primarily by universities, laboratories, hospitals, and clinics for scientific research and developmental testing purposes;
  - (4) Production of experimental products;
  - (5) Development of production or operating systems to be installed and operated at another location, including manufacturing of products necessary for such development;
  - (6) Manufacturing of biological, biomedical, and pharmaceutical products;
  - (7) Manufacturing of scientific, engineering, and medical instruments; and
  - (8) Beverage and food manufacturing. Beverage manufacturing operations may include a tasting room as an *accessory use*.

This new use provides battery storage for utilities and sdds regulations related to location, permit type and design.

### **§141.0422 Battery Energy Storage Facilities**

This Section regulates utility scale battery energy storage facilities. The primary purpose of utility scale battery energy storage facilities is to store energy within enclosed buildings or modular containers and then released the energy back to the electrical grid. Nothing in this Section grants any deviation from the Environmentally Sensitive Lands Regulations (Chapter14, Article 3, Division 1).

#### **(a) Conditional Use Permit Regulations**

Battery energy storage facilities may be permitted with a Conditional Use Permit, as follows:

##### **(1) Decided in accordance with Process Four as follows:**

- (A) Where the facility is in an industrial zone and has a total rated battery power capacity that is greater than 100 megawatts.**
- (B) Where the facility is in a residential, commercial, mixed use, agriculture, or open space zone and has a total rated battery power capacity that is equal or less than 15 megawatts and is greater than 5 megawatts.**

##### **(2) Decided in accordance with Process Three, as follows:**

- (A) Where the facility is in an industrial zone and has a total rated battery power capacity that is equal or less than 100 megawatts and is greater than 50 megawatts.**
- (B) Where the facility is in a residential, commercial, mixed use, agriculture, or open space zone and has a total rated battery power capacity that is equal or less than 5 megawatts and is greater than 1 megawatt.**

#### **(b) Neighborhood Use Permit Regulations**

Battery energy storage facilities may be permitted with a Neighborhood Use Permit decided in accordance with Process Two, as follows:

- (3) Where the facility is in an industrial zone and has a total rated battery power capacity that is equal or less than 50 megawatts.**
- (4) Where the facility is in residential, commercial, mixed use, agriculture, or open space zones; and has a total rated battery power capacity that is equal or less than 1 megawatt.**

#### **(c) General Regulations for Battery Energy Storage Facilities**

- (1) Every application shall include documentation satisfactory to the City Manager, as follows:**



- (A) Demonstrating that the battery energy storage facility complies with any requirements imposed by state or federal regulatory agencies; and
  - (B) Identifying the facility type/application, total rated battery power capacity in kilowatts or megawatts, energy capacity in kilowatt-hours or megawatt-hours, storage duration, cycle life/lifetime, and type of battery chemistry.
- (2) The applicant shall submit and implement an emergency response plan for battery storage fire events and other emergency events consistent with state and national standards and regulations to the satisfaction of the Fire Marshal.
  - (3) The premise shall not contain a dwelling unit, child care center, or school with children enrolled in any grade kindergarten through grade 12.
  - (4) Activities involving aerial transmissions are not permitted.
  - (5) Overhead wires connecting the battery energy storage facility to an energy generation station or substation are not permitted.
  - (6) Battery energy storage facilities shall not be located beyond a maximum distance of 1,500 feet from and energy generation station or substation unless it is determined that do so would further minimize conflicts in scale and bulk with adjacent development that is not of a similar nature.
  - (7) Battery energy storage facilities shall not be located at a distance of 100 feet or less from the property line of a premises with a dwelling unit, child care center, or school with children enrolled in any grade kindergarten through grade 12, or a distance greater than 100 feet at the decision of Fire Marshall.
  - (8) All mechanical equipment, batteries, and all storage areas shall be located within an enclosed building or modular container.
  - (9) The design of buildings, structures, walls, and fences shall incorporate architectural elements that help to minimize conflicts in scale and bulk with adjacent development that is not of a similar nature.
  - (10) The buildings and/or modular containers shall be located on the site so that visibility from adjacent public rights-of-way or adjacent development that is not of a similar nature is minimized.
  - (11) Fences and/or walls shall be used to enclose the battery energy storage facility.
  - (12) Trees and other forms of landscaping shall be used to minimize visibility of buildings, structures, modular containers, and service and parking areas from adjacent public rights-of-way or adjacent development that is not of a similar nature.
  - (13) Access to a battery energy storage facility shall be as direct as possible from primary arterials and major streets and shall avoid residential streets unless no

other feasible options exist. Shared access with an adjacent energy generation station or substation is permitted.

- (14) Noise generated from battery energy storage facilities shall not exceed the noise limits by land use zone established in the Noise Abatement and Control Regulations (Chapter 5, Article 9.5, Division 4: Limits).
- (15) Battery energy storage facilities located within or adjacent to the City's Multi-Habitat Planning Areas shall comply with the Multiple Species Conservation Program Subarea Plan's Land Use Adjacency Guidelines.
- (16) The applicant shall obtain all necessary construction permits to comply with applicable building, fire, mechanical, electrical, and plumbing codes, and state and federal laws.
- (17) The applicant shall comply with all state and national standards and requirements for the design, construction, installation, commissioning, operation, maintenance, and decommissioning of the battery energy storage facility.
- (18) Battery energy storage facilities shall be maintained in good working order, free from trash, debris, and graffiti, and designed to discourage vandalism. The permittee or owner shall repair or replace any damaged walls, fencing, buildings, structures, and equipment within 30 calendar days of receipt of a written notification from the City Manager.
- (19) The permittee or owner shall remove and decommission the battery energy storage facility from the premises and restore the premises to the condition preceding the construction and installation of the battery energy storage facility, at the owner's or permittee's sole cost and expense, if any of the following circumstances exists:
  - (A) The permit authorizing the battery energy storage facility is expired and a new permit has not been obtained;
  - (B) The City Manager determines that the battery energy storage facility or components of the battery energy storage facility are non-operational or no longer use; or
  - (C) The City Manager determines that the battery energy storage facility is a public nuisance.