

ORDINANCE NUMBER O- 18691 (NEW SERIES)

ADOPTED ON OCT 18 1999

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 1, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 111.0101 AND 111.0104; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 1, BY AMENDING SECTION 112.0103; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 3, BY AMENDING SECTIONS 112.0301, 112.0302, AND 112.0306; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 5, BY AMENDING SECTION 112.0503; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1, BY AMENDING SECTION 113.0103; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2, BY AMENDING SECTIONS 113.0228 AND 113.0273; AMENDING CHAPTER 12, ARTICLE 1, DIVISION 1, BY AMENDING SECTION 121.0101; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 1, BY AMENDING SECTIONS 126.0105, 126.0111, 126.0112, AND 126.0113; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5, BY AMENDING SECTION 126.0503; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7, BY AMENDING SECTIONS 126.0702, 126.0704, 126.0707, 126.0708, 126.0710, 126.0717, 126.0718, 126.0722, BY RENUMBERING 126.0722 TO 126.0723, AND BY ADDING 126.0724; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 8, BY AMENDING SECTION 126.0805; AMENDING CHAPTER 12, ARTICLE 7, DIVISION 1, BY AMENDING SECTIONS 127.0106 AND 127.0107; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1, BY AMENDING SECTIONS 131.0112 AND 131.0140; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2, BY AMENDING SECTIONS 131.0222, 131.0230, 131.0231, AND 131.0250; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3, BY AMENDING SECTIONS 131.0303, 131.0322, 131.0323, 131.0330 AND 131.0331; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4, BY AMENDING SECTIONS 131.0403, 131.0420, 131.0430, 131.0431, AND 131.0461; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5, BY AMENDING SECTIONS 131.0522, 131.0530, 131.0531 AND 131.0540; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6, BY AMENDING SECTIONS 131.0622, 131.0630, AND 131.0631; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 4, BY AMENDING SECTION 132.0402, AND ADDING SECTION 132.0403; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 8, BY AMENDING SECTION 132.0802; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14, BY AMENDING SECTION 132.1402; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 2, BY AMENDING SECTION 141.0202; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3, BY AMENDING SECTION 141.0301; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4, BY AMENDING SECTIONS 141.0404, 141.0405, 141.0407, AND 141.0413; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6, BY AMENDING SECTIONS 141.0610, 141.0614, 141.0615, 141.0617, 141.0621, 141.0623 and 141.0624; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 9, BY AMENDING SECTION 141.0902; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 3, BY AMENDING SECTIONS 142.0305 AND 142.0340; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4, BY AMENDING

SECTION 142.0412; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5, BY AMENDING SECTIONS 142.0505, 142.0510, 142.0525, 142.0530, 142.0535, 142.0540, 142.0555, AND 142.0560; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 7, BY AMENDING SECTION 142.0740; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12, BY AMENDING SECTION 142.1290; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1, BY AMENDING SECTIONS 143.0101, 143.0110, 143.0111, 143.0112, 143.0115, 143.0126, 143.0130, 143.0141, 143.0142, 143.0143, 143.0144, 143.0145, 143.0150, 143.0151, 143.0152, AND 143.0155; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 2, BY AMENDING SECTIONS 143.0212, 143.0214, 143.0220, 143.0225, 143.0250, AND 143.0260; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 4, BY AMENDING SECTIONS 143.0440 AND 143.0450, ALL RELATING TO THE LAND DEVELOPMENT CODE.

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

Section 1. That Chapter 11, Article 1, Division 1, of the San Diego Municipal Code is amended by amending sections 111.0101 and 111.0104, to read as follows:

SEC. 111.0101 Title

(a) and (b) [No change.]

(c) Chapter X, Article 3 of the Municipal Code contains regulations pertaining to Planned Districts as adopted by the City and shall constitute a part of the Land Development Code.

SEC. 111.0104 Retention of Existing Ordinances, Rules, or Regulations

Where the Land Development Code imposes a greater restriction upon *development* than is imposed or required by other ordinances, rules, or regulations the provisions of the Land Development Code supercede those other ordinances, rules, or regulations unless otherwise specifically stated.

Section 2. That Chapter 11, Article 2, Division 1, of the San Diego Municipal Code is amended by amending section 112.0103, to read as follows:

SEC. 112.0103 Consolidation of Processing

When an *applicant* applies for more than one permit, map, or other approval for a single *development*, the applications shall be consolidated for processing and shall be reviewed by a single decision maker. The decision maker shall act on the consolidated application at the highest level of authority for that *development* as set forth in Section 111.0105. The *findings* required for approval of each permit shall be considered individually, consistent with Section 126.0105.

Section 3. That Chapter 11, Article 2, Division 3, of the San Diego Municipal Code is amended by amending sections 112.0301, 112.0302 and 112.0306, to read as follows:

SEC. 112.0301 Types of Notice

(a) [No change.]

(b) Notice of Future Decision. A Notice of Future Decision shall be provided for an application for a permit or other matter acted upon in accordance with Process Two.

(1) Content. The Notice of Future Decision shall include the following information:

(A) through (F) [No change.]

(G) An explanation that the decision to approve, conditionally approve, or deny the proposed *development* will be made by City staff, without a public hearing, and that the *decision date* will not be less than 11 *business days* after the date of mailing the Notice of Future Decision to allow for sufficient time for public comment.

(H) and (I) [No change.]

(2) [No change.]

(c) Notice of Public Hearing. A Notice of Public Hearing shall be provided before a decision is made on an application for a permit, map, or other matter acted upon in accordance with Process Three, Process Four, or Process Five, or on an appeal of a Process Two, Process Three, or Process Four decision.

(1) Content. The Notice of Public Hearing shall include the following information:

(A) through (G) [No change.]

(H) A brief description of the general procedures concerning the conduct of hearing and local actions and the procedure and requirements for filing an appeal. For Process Three or Process Four public hearings, the definition of an *interested person* for purposes of appeal.

(I) [No change.]

(2) [No change.]

SEC. 112.0302 Notice by Mail

(a) General Provisions. When the Land Development Code requires a Notice of Application, Notice of Future Decision, Notice of Public Hearing, or other mailed notice, the notice shall be postage prepaid and addressed to the persons identified in Section 112.0302(b). Notice by mail shall be considered complete at the time of deposit in the United States Mail.

(b) Persons Entitled to Notice. Except as provided in Section 112.0302(c), the Notice of Application, Notice of Future Decision, and Notice of Public Hearing shall be mailed to the following:

- (1) [No change.]
- (2) All addresses located within 300 feet of the boundary of the real property that is the subject of the application, including each address within a condominium or apartment complex;
- (c) Alternative to Mailed Notice. If the number of tenants and owners to whom notice would be mailed in accordance with Section 112.0302(b) is greater than 1,000, notice may be given by placing a display advertisement of at least one-eighth page in a newspaper of general daily circulation within the City in lieu of mailing, unless the noticing is required for a Coastal Development Permit.
- (d) Notice Address
 - (1) and (2) [No change.]
 - (3) A notice mailed to a tenant address shall be addressed "Tenant".

SEC. 112.0306 Notice for Coastal Development Permits

All notices for a Coastal Development Permit shall include a statement that the *development* is within the Coastal Overlay Zone, the date of filing of the application and the number assigned to the application. When a Coastal Development Permit is to be considered under Process Two or at a public hearing, the City Manager shall mail a Notice of Future Decision or Notice of Public Hearing to the California Coastal Commission and all persons requesting notice on Coastal Development Permits. This notice shall be provided in addition to the other notices required by this division. Notices for appealable Coastal Development Permits shall include provisions for appeals to the California Coastal Commission.

Section 4. That Chapter 11, Article 2, Division 5, of the San Diego Municipal Code is amended by amending section 112.0503, to read as follows:

SEC. 112.0503 Process Two

[No change in first paragraph.]

(a) [No change.]

(b) Decision Process. The designated staff person may approve, conditionally approve, or deny the application without a public hearing. The decision shall be made no less than 11 *business days* after the date on which the Notice of Future Decision is mailed to allow for sufficient time for public comment. This 11 *business days* minimum time frame for a staff decision will be extended by a period not to exceed an additional 20 *business days* to allow time for a recommendation by a recognized community planning group, if requested by the group's chair, or the chair's designee. Notification of the decision shall be given to the *applicant* and to those persons who request notification in accordance with this section, no later than 2 *business days* after the *decision date*.

Section 5. That Chapter 11, Article 3, Division 1, of the San Diego Municipal Code is amended by amending section 113.0103, to read as follows:

SEC. 113.0103 Definitions [Only those listed are amended.]

Appealable area means the area, as defined by California Public Resources Code Section 30603, within the coastal zone that constitutes the appeal jurisdiction of the Coastal Commission. This area includes lands between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; or within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff. The *appealable area* is shown on Map Drawing No. C-730, on file in the office of the City Clerk as Document No. 00-17067-1; however, this map may be updated

as appropriate and may not include all lands involving post-LCP certification appeal jurisdiction.

Channelization means artificial *flood* control works designed and constructed to contain all of a specified *flood* event; however, within the Coastal Overlay Zone *channelization* also means the filling or substantial alteration of the floodplain.

Coastal bluff means an escarpment or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, folding, or excavation of the land mass that has a vertical relief of 10 feet or more and is in the coastal zone.

Coastal bluff edge means the termination of the top of a *coastal bluff* where the downward gradient of the land surface begins to increase more or less continuously until it reaches the general gradient of the *coastal bluff face*. See Section 113.0219 for additional information on determining the *coastal bluff edge*.

Coastal development means "development" as defined in the California Coastal Act of 1976, Section 30106 in the Coastal Overlay Zone, which states "development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes and kelp harvesting. As used in this

section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Fill means any soil, excavated or dredged material, riprap, rock, concrete, construction debris, pilings, sand, or other material or substance that is added to any location on a *premises*.

Local Coastal Program has the same meaning as stated in the California Coastal Act of 1976, Section 30108.6, which states: "*Local Coastal Program* means a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resource areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level."

Open fence means a *fence* that has at least 35 percent of the vertical surface area of each 6-foot section open to light. Within the Coastal Overlay Zone, *open fence* means a fence designed to permit public views that has at least 75 percent of its surface area open to light.

Temporary event means an activity or use of limited duration that involves the placement of non-permanent structures and/or involves exclusive use of sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use. For purposes of this definition, limited duration means a period of time which does not exceed a two week period on a continual basis, or does not exceed a consecutive four month period on an intermittent basis.

Section 6. That Chapter 11, Article 3, Division 2, of the San Diego Municipal Code is amended by amending sections 113.0228 and 113.0273, to read as follows:

SEC. 113.0228 Determining Existing Grade

- (a) *Existing grade* is the ground elevation of the surface of a *premises* that has never been *graded* or, for a *premises* that has been *graded*, outside the Coastal Overlay Zone, the ground elevation that existed on March 4, 1972. Within the Coastal Overlay Zone, *existing grade* on *premises* that has been graded shall be determined pursuant to Section 113.0228 (b) and (c). This is illustrated in Diagram 113-02F.

[No change to Diagram 113-02F]

- (b) and (c) [No change.]

[No change to Diagram 113-02G.]

SEC. 113.0273 Measuring Visibility Area

[No change in first paragraph.]

- (a) through (c) [No change.]

- (d) Where the required front and street side yards measure less than 25 feet when combined, that measurement or 15 feet, whichever is greater, establishes the *visibility area* at the street intersection.

Section 7. That Chapter 12, Article 1, Division 1, of the San Diego Municipal Code is amended by amending section 121.0101, to read as follows:

SEC. 121.0101 Purpose of City Review

[No change in first paragraph.]

The Land Development Code provides procedures to review *land use plans*, zoning actions, maps, and permit applications. Map and permit reviews are divided into two major categories: development review and construction review. A proposed map or permit may require either type or both types of review as specified. Development review is the review of conceptual or schematic plans. Development review is required when conditions must be applied to a map or permit or when adjustments or exceptions from

regulations are proposed. Construction review is review of final or construction plans for compliance with regulations of the Land Development Code.

Section 8. That Chapter 12, Article 6, Division 1, of the San Diego Municipal Code is amended by amending sections 126.0105, 126.0111, 126.0112, and 126.0113, to read as follows:

SEC. 126.0105 Findings for Development Permit Approval

An application for a *development permit* may be approved only if the decision maker determines that the *development*, as proposed or as conditioned, meets all *findings* for all required permits as provided in Chapter 12, Article 6, Divisions 2 through 8. If the decision maker determines that any of the *findings* are not met, the application shall be denied. The decision maker shall record the decision in writing and shall specify the evidence or statements presented that support the *findings*.

SEC. 126.0111 Extension of Time of a Development Permit

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

(e) *Findings* for Approval. An extension of time, except for a Coastal Development Permit, may be approved without new conditions if the decision maker makes both of the following *findings*:

(1) and (2) [No change.]

(f) *Findings* for Conditional Approval. An extension of time, except for a Coastal Development Permit, may be approved with new conditions if the decision maker makes one of the following *findings*:

(1) and (2) [No change.]

(g) *Findings* for Approval for Extension of Time for a Coastal Development Permit. An extension of time for a Coastal Development Permit may be approved only if the decision maker makes all of the following findings:

(1) The project as originally approved would not place the occupants of the

proposed *development* or the immediate community in a condition dangerous to their health or safety;

- (2) There are no changed circumstances which would affect the project's consistency with the *Local Coastal Program*; and
 - (3) No new condition is required to comply with state or federal law.
- (h) Denial of the Extension of Time. The decision maker shall deny the extension of time if the project, even as conditioned, would place the residents of the proposed *development* or the immediate community in a condition dangerous to their health or safety, or would not comply with state or federal law.

SEC. 126.0112 Minor Modifications to a Development Permit

A proposed minor modification to an approved *development permit* may be submitted to the City Manager to determine if the revision is in *substantial conformance* with the approved permit. If the revision is determined to be in *substantial conformance* with the approved permit, the revision shall not require an amendment to the *development permit*. Within the Coastal Overlay Zone, any *substantial conformance* determination shall be reached through a Process Two review.

SEC. 126.0113 Amendments to a Development Permit

- (a) through (d) [No change.]
- (e) Within the Coastal Overlay Zone, a proposed change in use which will result in a change in intensity of use requires an amendment or a new Coastal Development Permit.

Section 9. That Chapter 12, Article 6, Division 5, of the San Diego Municipal Code is amended by amending section 126.0503, to read as follows:

SEC. 126.0503 Decision Processes for Site Development Permits

- (a) Process Three

A decision on an application for a Site Development Permit for the types of *development* listed in Section 126.0502(a), (b) and (c) shall be made in accordance with Process Three. The decision may be appealed to the Planning Commission in accordance with Section 112.0506.

(b) Process Four

(1) A decision on an application for a Site Development Permit for the types of *development* listed in Section 126.0502(d) shall be made in accordance with Process Four.

(2) [No change.]

(c) Process Five

A decision on an application for a Site Development Permit for the types of *development* listed in 126.0502() shall be made in accordance with Process Five.

Section 10. That Chapter 12, Article 6, Division 7, of the San Diego Municipal Code is amended by amending sections 126.0702, 126.0704, 126.0707, 126.0708, 126.0710, 126.0717, 126.0718, 126.0722, by renumbering sections 126.0722 to 126.0723, and by adding section 126.0725, to read as follows:

SEC. 126.0702 When a Coastal Development Permit Is Required

(a) [No change.]

(b) Permits Issued by the Coastal Commission. A Coastal Development Permit or exemption for all *coastal development* on a project site located completely within the Coastal Commission Permit Jurisdiction or in the Deferred Certification Area must be obtained from the Coastal Commission. The Coastal Commission Permit Jurisdiction and the Deferred Certification Area are shown on Map No. C-730.1 on file in the Planning and Development Review Department, the San Diego office of

the Coastal Commission, and in the office of the City Clerk as Document No. 00-17067-1.

- (c) Permits Issued by the City and the Coastal Commission. A Coastal Development Permit or exemption issued by the City and the Coastal Commission are required for all *coastal development* on a *premises* located partially within the Coastal Commission permit jurisdiction. A Coastal Development Permit from each agency is required for the portion of the project within the agency's jurisdiction.

SEC. 126.0704 Exemptions from a Coastal Development Permit

The following *coastal development* is exempt from the requirement to obtain a Coastal Development Permit.

- (a) Improvements to existing *structures* are exempt, except if the improvements involve any of the following:
- (1) Improvements to any *structure* located on a beach, *wetland*, stream, or seaward of the mean high tide line, where the *structure* or proposed improvements would encroach within 50 feet of a *coastal bluff edge*.
 - (2) Improvements to any *structure* that would result in an increase of 10 percent or more of interior *floor* area or an additional improvement of 10 percent or less where an improvement to the structure had previously been exempted; an increase in building height by more than 10 percent where the *structure* is located between the sea and first public roadway paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line where there is no beach, whichever is the greater distance. The first public roadway is shown on Map No. C-730.1 filed in the office of the County Recorder as Document No. 00-17069.
 - (3) Improvements that result in an intensification of use. For purposes of

Section 126.0704, intensification of use means a change in the use of a *lot* or *premises* which, based upon the provisions of the applicable zone, requires more off-street parking than the most recent legal use on the property.

- (4) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland or sand dune, or within 100 feet of the edge of a *coastal bluff*.
 - (5) The demolition or removal of 50% or more of the exterior walls of the existing structure.
 - (6) The expansion or construction of water wells or septic systems.
 - (7) Any significant non-attached structures such as garages, *fences*, shoreline protective works or docks on property located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance.
 - (8) Any improvement to a structure where the Coastal Development Permit issued for the original structure indicated that any future improvements would require a *development permit*.
- (b) Repair or maintenance activities are exempt except if the repairs or maintenance involve any of the following:
- (1) Repair or maintenance of a seawall, revetment, bluff *retaining wall*, breakwater, groin, culvert, outfall, or similar shoreline work that involves: substantial alteration to the foundation of the protective work including pilings and other surface or sub-surface structures; the placement, whether temporary or permanent, of riprap, artificial berms of sand or other beach

materials, or any other forms of solid materials on a beach or in coastal waters, streams, *wetlands*, estuaries or on a shoreline protective work, unless destroyed by a natural disaster; the replacement of 20 percent or more of the materials of an existing *structure* with materials of a different kind; the placement, whether temporary or permanent, of mechanized construction equipment on any sand area, *coastal bluff*, or within 20 feet of coastal waters or streams, except that the use of such equipment solely for routine beach and park maintenance shall not require a Coastal Development Permit.

- (2) Any repair or maintenance to facilities or *structures* or any work located within a *wetland*, any sandy beach area, within 50 feet of a *coastal bluff edge* or wetland, or within 20 feet of any coastal waters or streams that include: the placement or removal, whether temporary or permanent, of riprap, rocks, sand or other beach materials or any other forms of solid materials or the presence, whether temporary or permanent, of mechanized equipment or construction materials.
- (c) Any *coastal development* that has been categorically excluded pursuant to Categorical Exclusion Order No. _____ . (Editor's note: a number will be inserted if and when a categorical Exclusion Order is issued by the California Coastal Commission.)
- (d) A *temporary event* which does not meet all of the following criteria:
 - (1) The event is held between Memorial Day weekend and Labor Day; and,
 - (2) The event will occupy all or a portion of a sandy beach or public parking area; and
 - (3) The event involves a charge for general public admission or seating where

no fee is currently charged for use of the same area (not including booth or entry fees).

However, a *temporary event* which does not meet all of the criteria in Sections 126.0704(d)(1)-(3) may require a Coastal Development Permit if the City Manager determines the event has the potential to adversely affect public access to the shoreline and/or *environmentally sensitive lands*, and the event involves any of the following circumstances:

- (4) The event and its associated activities or access requirements will either directly or indirectly impact *environmentally sensitive lands*;
 - (5) The event is scheduled between Memorial Day weekend and Labor Day and would restrict or close to the public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;
 - (6) The event has historically required a Coastal Development Permit to address and monitor associated impacts to coastal resources.
- (e) *Public utility* installation of new or increased service to *development* approved or exempted in the Municipal Code, and *public utility* repair or maintenance as exempted under the Coastal Commission's Interpretive Guidelines on Exclusions from Permit Requirements filed with the City Clerk as Document No. OO-17067-2.
- (f) Any action necessary to abate a *public nuisance* as provided under California Public Resources Code Section 30005(b).
- (g) Agricultural *grading* on land that has been cultivated within the previous 10 years.
- (h) The replacement of any *structure* destroyed by a disaster, except a public works facility. The replacement *structure* shall comply with the applicable zone, shall be for the same use as the destroyed *structure*, shall not exceed the *floor area ratio*,

height, or bulk of the destroyed *structure* by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed *structure*.

SEC. 126.0707 Decision Process for a Coastal Development Permit

(a) and (b) [No change.]

(c) Conditions may be imposed by the decision maker when approving a Coastal Development Permit to carry out the purpose and the requirements of this division. The conditions may include a provision for public access, open space, or conservation easements or the relocation or redesign of proposed site improvements. In any *subdivision* or other land division, such conditions shall be imposed at the time of the *subdivision* or other land division, rather than through subsequent development permits. When conditions pertaining to public access, open space, or conservation easements are imposed, the City Manager shall notify the Executive Director of the Coastal Commission as set forth in Section 126.0719.

(d) When more than one permit, map or other approval is required for a single *development*, the applications shall be consolidated and the action of the decision maker shall be considered one consolidated action. In the Coastal Overlay Zone, the findings for each approval shall be consolidated and shall constitute the *findings* of the Coastal Development Permit. For decisions involving *coastal development* within the *appealable area*, the entire consolidated decision is appealable to the Coastal Commission.

(e) Any *coastal development* involving a *subdivision* pursuant to the Subdivision Map Act and any other division of land requires a Coastal Development Permit. The land division shall be processed as part of the Coastal Development Permit in

accordance with the Subdivision Regulations (Chapter 14, Article 4) and Subdivision Procedures (Chapter 12, Article 5). Any tentative map, lot line adjustment, merger, public right-of-way vacation or public easement abandonment may be approved or conditionally approved only if the decision maker makes the *findings* pursuant to Section 126.0708.

SEC. 126.0708 Findings for Coastal Development Permit Approval

An application for a Coastal Development Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

- (a) The proposed *coastal development* will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a *Local Coastal Program land use plan*; and the proposed *coastal development* will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the *Local Coastal Program land use plan*;
- (b) The proposed *coastal development* will not adversely affect *environmentally sensitive lands*; and
- (c) The proposed *coastal development* is in conformity with the certified *Local Coastal Program land use plan* and complies with all regulations of the certified Implementation Program.
- (d) For every Coastal Development Permit issued for any *coastal development* between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the *coastal development* is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.
- (e) Supplemental Findings - Environmentally Sensitive Lands Within the Coastal

Overlay Zone

When a deviation is requested from the Environmentally Sensitive Lands Regulations because the applicant contends that application of the regulations would result in denial of all economically viable use, the Coastal Development Permit shall include a determination of economically viable use.

A Coastal Development Permit, or a Site Development Permit in the Coastal Overlay Zone, 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 126.0708(a), (b), (c) and (d) and the supplemental findings in Section 126.0504 (b):

The decision maker shall hold a public hearing on any application on a Coastal Development Permit that includes a deviation from the Environmentally Sensitive Lands Regulations in the Coastal Overlay Zone. Such hearing shall address the economically viable use determination. Prior to approving a Coastal Development Permit for development within the Coastal Overlay Zone that requires a deviation from the Environmentally Sensitive Lands Regulations, the decision maker shall make all of the following findings:

- (1) Based on the economic information provided by the applicant, as well as any other relevant evidence, each use provided for in the Environmentally Sensitive Lands Regulations would not provide any economically viable use of the applicant's property; and
- (2) Application of the Environmentally Sensitive Lands Regulations would interfere with the applicant's reasonable investment-backed expectations;

and

- (3) The use proposed by the applicant is consistent with the applicable zoning;
and
- (4) The use and project design, siting, and size are the minimum necessary to provide the applicant with an economically viable use of the premises; and
- (5) The project is the least environmentally damaging alternative and is consistent with all provisions of the certified *Local Coastal Program* with the exception of the provision for which the deviation is requested.

The findings adopted by the decision making authority shall identify the evidence supporting the findings.

SEC. 126.0710 Appeals to the Coastal Commission

(a) [No change.]

(b) A Coastal Development Permit that has been approved or denied for a major public works project or a major energy facility as these are defined by California Public Resources Code Sections 30114 and 30107, respectively, and Section 13012, California Code of Regulations, Title 14, Division 5.5, may be appealed to the Coastal Commission if the *development* authorized by the permit is located anywhere within the Coastal Overlay Zone.

(c) Exhaustion of City Appeal. A decision on a Coastal Development Permit may be appealed to the Coastal Commission only after all appeal remedies of the City have been exhausted, except that exhaustion of all local appeals shall not be required if any of the following occur: an appellant is required to appeal to more local appellate bodies than have been certified as appellate bodies for Coastal Development Permits; an appellant was denied the right of the initial local appeal

by a local ordinance which restricts the class of persons who may appeal a local decision; an appellant was denied the right of local appeal because local notice and hearing procedures for the development were inadequate or an appeal fee is required for the filing or processing of appeals.

(d) Coastal Commission Responsibility

(1) If the Coastal Commission determines that a substantial issue exists in an appeal of a City Coastal Development Permit, the Coastal Development Permit becomes the responsibility of the Coastal Commission. All future responsibility pertaining to the Coastal Development Permit lies with the Coastal Commission, including any future amendment to, extension to, or enforcement of the conditions of approval of the permit.

(2) [No change.]

SEC. 126.0717 Permits Issued by the Coastal Commission

Any person who has a valid Coastal Development Permit issued by the Coastal Commission is not required to obtain a Coastal Development Permit for that same *coastal development* from the City. The Coastal Commission is exclusively responsible for the issuance of an amendment to a Coastal Development Permit that has been approved by the Coastal Commission, regardless of the jurisdictional boundaries governing applications for Coastal Development Permits. The City may not grant a Coastal Development Permit for the same *coastal development* on a site that has a previously approved Coastal Development Permit issued by the Coastal Commission unless the previously approved permit has expired or been forfeited to the Coastal Commission. Following a decision on a Coastal Development Permit, no applicant or the applicant's successor in interest may reapply for a Coastal Development Permit for substantially the same *development* for a

period of six months from the date of the prior final decision.

SEC. 126.0718 Procedures for Emergency Coastal Development Permits

(a) [No change.]

(b) **Application.** When a coastal emergency exists, an *applicant* may use the procedures of this section instead of the standard application and decision procedures for a Coastal Development Permit. However, all emergency Coastal Development Permits shall authorize only the minimum necessary to stabilize the emergency. In addition, emergency development requires the subsequent processing of a standard Coastal Development Permit application for any work authorized on an emergency basis by these procedures. The *applicant* may apply for an emergency Coastal Development Permit in person, by letter to the City Manager, or by telephone.

(c) **Contents of Application.** The application shall include the following information:

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

(4) The remedial, protective, or preventive work required to deal with the coastal emergency;

(5) The circumstances during the coastal emergency that justify the course of action taken or to be taken, including the probable consequences of failing to take emergency action; and

(6) Identification of options for addressing the coastal emergency, including the least environmentally damaging alternative.

(d) and (e) [No change.]

(f) **Findings.** An emergency Coastal Development Permit may be approved or conditionally approved only if the City Manager makes the following *findings*:

(1) A coastal emergency exists that requires action more quickly than would be permitted by the normal procedures for acquiring a Coastal Development Permit and the *development* can and will be completed within 30 days unless otherwise specified in the permit;

(2) and (3) [No change.]

(g) [No change.]

(h) Notice. The City Manager shall provide public notice of the emergency work, with the extent and type of notice determined by the nature and time constraints of the coastal emergency. Notice of the issuance of an emergency Coastal Development Permit shall always be provided to the Coastal Commission.

SEC. 126.0722 Beach Sand Mitigation Fee

(a) An applicant for a Coastal Development Permit for a *coastal development* proposal involving a bluff or shoreline protective device may be required, as a condition of development approval, to pay a fee to the City of San Diego Beach Sand Mitigation Fund held at the San Diego Association of Governments to be used for beach replenishment and/or public access improvements within the City of San Diego.

(b) The fee shall be to mitigate impacts to local shoreline sand supply and/or to compensate for direct encroachment by the protective device onto State tidelands or public beach. The amount of the fee shall be roughly proportional to the value of the beach area and sand supply lost as a result of the approved protective device. The information necessary to quantify potential impacts and to calculate a mitigation fee, as discussed within the Beach and Bluff Guidelines in the Land Development Manual, shall be included with the permit application.

SEC. 126.0723 Violations of a Coastal Development Permit

It is unlawful for any person to maintain, use, or undertake *coastal development* on any lot or *premises* without a Coastal Development Permit if such a permit is required for the use or *development* or to maintain, use, or develop any *premises* contrary to the requirements or conditions of an existing Coastal 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.

SEC. 126.0724 Revocation of Coastal Development Permits

The provisions of this section shall govern proceedings for revocation of a Coastal Development Permit. The revocation of a Coastal Development Permit issued by the City shall be considered and acted upon in accordance with Sections 121.0313, 121.0314, 121.0315 and 121.0316 of this code. However, the Coastal Development Permit may be revoked if the Hearing Officer makes any of the *findings* stated in Section 121.0314 or the following:

- (a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a Coastal Development Permit application, where the decision maker finds that accurate and complete information would have caused the decision maker to require additional or different conditions on a Coastal Development Permit or deny an application; or
- (b) Failure to comply with the notice provisions of Section 112.0306 where the views of the person(s) not notified were not otherwise made known to the decision maker and could have caused the decision maker to require additional or different conditions on the Coastal Development Permit or to deny the application.

Section 11. That Chapter 12, Article 6, Division 8, of the San Diego Municipal Code is

amended by amending section 126.0805, to read as follows:

SEC. 126.0805 Findings for Variance Approval

The decision maker may approve or conditionally approve an application for a variance only if the decision maker makes the following *findings*:

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

(d) The granting of the variance will not adversely affect the applicable *land use plan*. If the variance is being sought in conjunction with any proposed *coastal development*, the required finding shall specify that granting of the variance conforms with, and is adequate to carry out, the provisions of the certified *land use plan*.

Section 12. That Chapter 12, Article 7, Division 1, of the San Diego Municipal Code is amended by amending sections 127.0106 and 127.0107, to read as follows:

SEC. 127.0106 Expansion or Enlargement of Previously Conforming Structures

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

(d) Within the coastal Overlay Zone, if the proposal involves the demolition or removal of 50% or more of the exterior walls of an existing structure, the previously conforming rights are not retained for the new structure.

SEC. 127.0107 Change in Use of a Previously Conforming Use

(a) A change in use from a *previously conforming* use to another use within the same use category of the Use Regulations Tables of Chapter 13, Article 1, outside the Coastal Overlay Zone, is considered a change of use of equal intensity and retains the *previously conforming* rights for the new use. A change of use from a *previously conforming* use to a use in another use category or to a separately regulated use category of the Use Regulations Tables of Chapter 13, Article 1, is

not allowed.

- (b) Within the Coastal Overlay Zone, if a change in use from a previously conforming use to another use within the same use category of the Use Regulation Tables of Chapter 13, Article 1 involves any intensification of use, the previously conforming rights are not retained for the new use.
- (c) A change in the number of business licenses issued for the same use within the same square footage is not considered an intensification of use.

Section 13. That Chapter 13, Article 1, Division 1, of the San Diego Municipal Code is amended by amending sections 131.0112 and 131.0140, to read as follows:

SEC. 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) and (2) [No change.]

- (3) Residential Use Category

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

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

- (C) *Multiple Dwelling Units* -- Dwelling units where more than one dwelling unit is located on a single *lot*.

(D) [No change.]

(4) and (5) [No change.]

(6) Commercial Services Use Category

[No change in first paragraph.]

(A) through (J) [No change.]

(K) Visitor Accommodations -- Uses that provide lodging, or a combination of lodging, food, and entertainment, primarily to visitors and tourists. (Outside the Coastal Overlay Zone, includes single room occupancy hotels.)

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

SEC. 131.0140 Use of Yards and Landscaped Areas in All Base Zones

The following regulations are related to other development regulations that are addressed in the Development Regulations Tables in each of the base zones and are applicable to all base zones. Except as specified by the applicable zone, *yards* and landscaped areas may be used only for the following items and purposes:

- (a) Living Landscape Material.
- (b) Incidental passage and use by occupants.
- (c) Landscape elements, constructed and installed to complement living landscape material, and not exceeding a height of 3 feet within front and street side yards.
- (d) *Fences* and walls as permitted in Chapter 14, Article 2, Division 3 (Fence Regulations).
- (e) Directional and other notification *signs* as permitted in Chapter 14, Article 2, Division 12 (Sign Regulations).
- (f) Walkways and paved driveways consistent with zone standards and applicable parking and landscape regulations.
- (g) Items that the City Manager may determine to be necessary to accommodate a

temporary period of construction, site modification, or equipment change, when there is evidence of frequent and diligent physical effort to complete work.

- (h) Parking in accordance with Section 142.0510.
- (i) Storage of items when *screened* in accordance with Chapter 14, Article 2, Division 11 (Outdoor Storage and Display Regulations).

Section 14. That Chapter 13, Article 1, Division 2, of the San Diego Municipal Code is amended by amending sections 131.0222, 131.0230, 131.0231, and 131.0250, to read as follows:

SEC. 131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

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

[The following reflects the changes to Table 131-02B. The entire Table is not shown.]

Legend for Table 131-02B

Symbol in Table 131-02B	Description of Symbol
P	Use or use category is permitted. Regulations pertaining to a specific use may be referenced.
L	Use is permitted with limitations, which may include location limitations or the requirement for a use or <i>development permit</i> . Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
N	Neighborhood Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
C	Conditional Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
-	Use or use category is not permitted.

**Table 131-02B
Use Regulations Table of Open Space Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones				
	1st & 2nd »		OP-		OC-	OR ⁽¹⁾ -	OF ⁽¹²⁾ -
	3rd »		1-	2-	1-	1-	1-
	4th »		1	1	1	1	2
Retail Sales							
Swap Meets & Other Larger Outdoor Retail Facilities	-	-	-	-	-	C ⁽¹⁷⁾ -	
Commercial Services							

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 »	OP-		OC-	OR ⁽¹⁾	OF ⁽¹²⁾
			1-	2-	1-	1-	1-
	4th »	1	1	1	1	2	1
Separately Regulated Commercial Services Uses							
Camping Parks	C	C	-	-	-	-	C ⁽⁷⁾
Fairgrounds	-	-	-	-	-	-	C ⁽⁷⁾
Golf Courses, Driving Ranges, and Pitch & Putt Courses	C	C	-	-	C ⁽⁹⁾	-	C ⁽¹¹⁾
Helicopter Landing Facilities	-	-	-	-	-	-	C ⁽¹¹⁾
Industrial							
Mining and Extractive Industries	-	-	-	-	C ⁽⁸⁾	-	C ⁽⁷⁾

Footnotes for Table 131-02B

(1) through (6) [No change.]

(7) No *structures*, except portable *structures*, are permitted within a *floodway*.

(8) through (10) [No change.]

(11) No fill or permanent structures shall be authorized for such development in the Coastal Overlay Zone.

(12) Within the Coastal Overlay zone, no structures are permitted within a floodway.

SEC. 131.0230 Development Regulations of Open Space Zones

(a) Within the open space zones no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations).

SEC. 131.0231 Development Regulations Table for Open Space Zones

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

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

Development Regulations (See Section 131.0230 for Development Regulations of Open Space Zones)	Zone Designator	Zones					
	1st & 2nd »	OP-		OC-	OR-		OF ⁽¹⁾ -
	3rd »	1-	2-	1-	1-	1-	1-
4th »	1		1	1	2	1	

[No change in remainder of Table 131-02C.]

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

SEC. 131.0250 Allowable Development Area in OR Zones

(a) Within the OR-1-1 zone up to 25 percent of the *premises* may be developed subject to the following:

(1) and (2) [No change.]

(3) Within the Coastal Overlay Zone, only uses identified in Section 143.0130

(d) and (e) shall be permitted within *wetlands* subject to the provisions of Section 143.0141 (a) and (b).

(4) Within the Coastal Overlay Zone, *coastal development on premises with steep hillsides* containing *sensitive biological resources*, or mapped as Viewshed or Geologic hazard on Map C-720, is subject to the encroachment limitations set forth in Section 143.0142(a).

(b) A *premises* within the OR-1-2 zone, within or partially within the *MHPA* is subject to the following regulations:

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

(10) Within the Coastal Overlay Zone, only uses identified in Section 143.0130 (d) and (e) shall be permitted within *wetlands* subject to the provisions of Section 143.0141 (a) and (b).

(11) Within the Coastal Overlay Zone, *coastal development on premises with steep hillsides* containing *sensitive biological resources*, or mapped as

Viewshed or Geologic hazard on Map C-720, is subject to the encroachment limitations set forth in Section 143.0142(a).

Section 15. That Chapter 13, Article 1, Division 3, of the San Diego Municipal Code is amended by amending sections 131.0303, 131.0322, 131.0323, 131.0330 and 131.0331, to read as follows:

SEC. 131.0303 Purpose of the AR (Agricultural--Residential) Zones

- (a) The purpose of the AR zones is to accommodate a wide range of agricultural uses while also permitting the *development* of *single dwelling unit* homes at a very low *density*. The agricultural uses are limited to those of low intensity to minimize the potential conflicts with residential uses. This zone is applied to lands that are in agricultural use or that are undeveloped and not appropriate for more intense zoning. Residential *development* opportunities are permitted with a Planned Development Permit at various densities that will preserve land for open space or future *development* at urban intensities when and where appropriate.
- (b) [No change.]

SEC. 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.]

[The following reflects the changes to Table 131-03B. The entire Table is not shown.]

**Table 131-03B
Use Regulations Table of 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
Commercial Services					
Child Care Facilities:					
Child Care Centers	-	C ⁽⁹⁾			
Large Family Day Care Homes	-	L ⁽⁹⁾			
Recycling Facilities:					
Large Collection Facility	N	N ⁽⁹⁾			
Industrial					
Hazardous Waste Research Facility	-	C ⁽⁹⁾			
Hazardous Waste Treatment Facility	-	C ⁽⁹⁾			

Footnotes for Table 131-03B

(1) through (8) [No change.]

(9) This use is not allowed within the Coastal Overlay Zone.

SEC. 131.0323 Additional Use Regulations of Agricultural Zones

The uses in this section are permitted within the agricultural zones as indicated subject to the regulations listed.

(a) [No change.]

(b) Horticulture nurseries are permitted subject to the following:

(1) Only plants are permitted to be sold on the *premises*. The sale of nonplant items requires a Conditional Use Permit for a plant nursery in accordance with Section 141.0503;

(2) and (3) [No change.]

SEC. 131.0330 Development Regulations of Agricultural Zones

(a) Within the agricultural zones, no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations).

(b) and (c) [No change.]

SEC. 131.0331 Development Regulations Table for Agricultural Zones

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

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

Development Regulations (See Section 131.0330 for Development Regulations of Agricultural Zones)	Zone Designator	Zones			
	1st & 2nd »	AG		AR	
	3rd »	1-	1-	1-	1-
	4th »	1	2	1	2
Min Side Setback (ft) ⁽⁶⁾ (See Section 131.0343)		20	20	20	20
Min Rear Setback (ft)		25	25	25	25
		30	30	30	30
Max Lot Coverage (%) ⁽⁷⁾		10	20	10	20
Min Floor Area ⁽⁷⁶⁾		applies	applies	applies	applies

Footnotes for Table 131-03C

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

(6) Each dwelling unit shall have a *gross floor area* of at least 650 square feet, not including the garage.

(7) *Structures* that are used to provide shade areas for growing plants, such as green houses and agricultural shade *structures*, are not included for determining *lot coverage*.

Section 16. That Chapter 13, Article 1, Division 4, of the San Diego Municipal Code is amended by amending sections 131.0403, 131.0420, 131.0430, 131.0431, and 131.0461, to read as follows:

SEC. 131.0403 Purpose of the RS (Residential--Single Unit) Zones

- (a) [No change.]
- (b) The RS zones are differentiated based on the minimum *lot* size and whether the *premises* is located in an urbanized community or a planned or future urbanizing community, as follows:
 - (1) [No change.]
 - (2) Planned or Future Urbanizing Communities

[No change to remainder of section.]

SEC. 131.0420 Use Regulations of Residential Zones

The regulations of Section 131.0422 apply in the residential zones unless otherwise specifically provided by footnotes indicated in Table 131-04B. The uses permitted in any zone may be further limited if *environmentally sensitive lands* are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

- (a) through (d) [No change.]
- (e) For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

SEC. 131.0430 Development Regulations of Residential Zones

- (a) Within the residential zones, no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations).

(b) and (c) [No change.]

SEC. 131.0431 Development Regulations Table of Residential Zones

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

(a) RE Zones

**Table 131-04C
Development Regulations of 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

[No change to remainder of Table 131-04C.]

(b) RS Zones

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

Development Regulations (See Section 131.0430 for Development Regulations of Residential Zones)	Zone Designator	Zones						
	1st & 2nd »	RS-						
	3rd »	1-	1-	1-	1-	1-	1-	1-
	4th »	1	2	3	4	5	6	7

[No change to remainder of Table 131-04D.]

[No change to Footnotes for Table 131-04D.]

(c) RX Zones

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

Development Regulations (See Section 131.0430 for Development Regulations of Residential Zones)	Zone designator	Zones	
	1st & 2nd »	RX-	
	3rd »	1-	1-
	4th »	1	2

[No change to remainder of Table 131-04E.]

[No change to Footnotes for Table 131-04E.]

(d) RT Zones

**Table 131-04F
Development Regulations of 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-	
4th »	1	2	3	4	

[No change to remainder of Table 131-04F.]

(e) RM Zones

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

Development Regulations (See Section 131.0430 for Development Regulations of Residential Zones)	Zone Designator	Zones					
	1st & 2nd »	RM-					
3rd »	1-	1-	1-	2-	2-	2-	
4th »	1	2	3	4	5	6	

[No change to remainder of Table 131-04G.]

Footnotes for Table 131-04G

- (1) [No change.]
- (2) An exception to the maximum permitted *density* may be permitted in accordance with Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus).
- (3) through (36) [No change.]

SEC. 131.0461 Architectural Projections and Encroachments in Residential Zones

- (a) The following are permitted *architectural projections* and *encroachments* into required *yards* for RS and RX zones and the RM-1-1, RM-1-2, and RM-1-3 zones. These projections and *encroachments* are not permitted in the required *yards* within view corridors that are designated by *land use plans* in the Coastal Overlay Zone and may not be located in a required *visibility area* or a required turning radius or vehicle

back-up area except where development regulations may allow.

(1) through (10) [No change.]

(b) [No change.]

(c) In the RM-2-4, RM-2-5, RM-2-6, RM-3-7, RM-3-8, RM-3-9, RM-4-10, RM-4-11, and RM-5-12 zones, architectural *encroachments* listed in Section 131.0461(a) are permitted with the following limitations. No permitted projection or *encroachment* may be located in required *yards* within view corridors that are designated by *land use plans* in the Coastal Overlay Zone or in a required *visibility area* or a required turning radius or vehicle back-up area except where development regulations may allow.

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

Section 17. That Chapter 13, Article 1, Division 5, of the San Diego Municipal Code is amended by amending sections 131.0522, 131.0530, 131.0531, and 131.0540, to read as follows:

SEC. 131.0522 Use Regulations Table of Commercial Zones

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

[No change to Legend for Table 131-05B.]

[The following reflects the changes to Table 131-05B. The entire Table is not shown.]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones									
	1st & 2nd		CN ⁽¹⁾ -			CR-		CO-		CV-		CP-
	3rd		1-			1-	2-	1-		1-		
	4th		1	2	3	1	1	1	2	1	2	1
Residential												
Separately Regulated Residential Uses												
<i>Boarder & Lodger Accommodations</i>			L ⁽²⁾			L	-	L	L ⁽²⁾		-	
Fraternities, Sororities and Student Dormitories			C ⁽²⁾			C	-	C	C ⁽²⁾		-	
Housing for Senior Citizens			C ⁽²⁾			C	-	C	C ⁽²⁾		-	
Residential Care Facilities:												

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones									
	1st & 2nd		CN ⁽¹⁾ -			CR-		CO-		CV-		CP-
	3rd		1-			1- 2-		1-		1-		1-
	4th		1	2	3	1	1	1	2	1	2	1
6 or Fewer Persons			P ⁽²⁾			P	-	P		P ⁽²⁾		-
7 or More Persons			C ⁽²⁾			C	-	C		C ⁽²⁾		-
Transitional Housing:												
6 or Fewer Persons			P ⁽²⁾			P	-	P		P ⁽²⁾		-
7 or More Persons			C ⁽²⁾			C	-	C		C ⁽²⁾		-
Institutional												
Separately Regulated Institutional Uses												
Airports			-	C	C	C	C	C		C ⁽¹⁰⁾		-
Cemeteries, Mausoleums, Crematories			-	C	C	C	C	C		C ⁽¹⁰⁾		-
Churches & Places of Religious Assembly			C ⁽¹⁰⁾			C	C	C		C ⁽¹⁰⁾		-
Communication Antennas:												
Major Telecommunication Facility			C ⁽¹⁰⁾			C	C	C		C ⁽¹⁰⁾		C
Correctional Placement Centers			-	C	C	C	C	C		C ⁽¹⁰⁾		-
Educational Facilities:												
Kindergarten through Grade 12			C ⁽¹⁰⁾			C	C	C		C ⁽¹⁰⁾		-
Colleges / Universities			-	C	C	C	C	C		C ⁽¹⁰⁾		-
Energy Generation & Distribution Facilities			C ⁽¹⁰⁾			P	C	P		P ⁽¹⁰⁾		-
Historical Buildings Used for Purposes Not Otherwise Allowed			C ⁽¹⁰⁾			C	C	C		C ⁽¹⁰⁾		-
Homeless Facilities:												
Congregate Meal Facilities			C ⁽¹⁰⁾			C	-	C		C ⁽¹⁰⁾		-
Emergency Shelters			C ⁽¹⁰⁾			C	-	C		C ⁽¹⁰⁾		-
Homeless Day Centers			C ⁽¹⁰⁾			C	-	C		C ⁽¹⁰⁾		-
Hospitals, Intermediate Care Facilities & Nursing Facilities			-	P	P	C	C	C		P ⁽¹⁰⁾		-
Major Transmission, Relay, or Communication Switching Stations			-	C	C	C	C	C		C ⁽¹⁰⁾		-
Social Service Institutions			-	C	C	C	C	C		C ⁽¹⁰⁾		-
Retail Sales												
Wearing Apparel & Accessories			P	P	P	-	-	P		P		-
Swap Meets & Other Large Outdoor Retail Facilities			-	C	C	-	-	C ⁽¹⁰⁾		C ⁽¹⁰⁾		-
Commercial Services												
Boarding Kennels			-	C	C	C	C	C		C ⁽¹⁰⁾		-
Child Care Facilities:												
Child Care Centers			L	L	-	L	L	L		L ⁽¹⁰⁾		-
Large Family Day Care Homes			L	L	-	L	L	L		L ⁽¹⁰⁾		-
Small Family Day Care Homes			P	P	-	P	P	P		P		-
Helicopter Landing Facilities			-	C	C	C	C	C		C ⁽¹⁰⁾		-
Instructional Studios			P	P	P	C	C	C		C ⁽²⁾		-
Outpatient Medical Clinics			N	N	N	N	N	N		N ⁽¹⁰⁾		-

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones									
	1st & 2nd		CN ⁽¹⁾			CR-		CO-		CV-		CP-
			1-			1-	2-	1-		1-		1-
	3rd		1	2	3	1	1	1	2	1	2	1
4th		1	2	3	1	1	1	2	1	2	1	
Recycling Facilities:												
Large Collection Facility			N	N	N	N	N	N	N ⁽¹⁰⁾	-	-	-
Small Collection Facility			L	L	L	L	L	L	L ⁽¹⁰⁾	-	-	-
Medical, Dental, & Health Practitioner			P	P	P	P	P	P	P ⁽¹⁰⁾	-	-	-
Sex Offender Treatment & Counseling			L	L	L	L	L	L	L ⁽¹⁰⁾	-	-	-
Newspaper Publishing Plants			-	C	C	C	C	C	C ⁽¹⁰⁾	-	-	-

(1) [No change.]

(2) Residential use and residential parking are permitted only as part of a mixed-use (commercial/residential) project. Non-owner occupants must reside on the *premises* for a minimum of 7 consecutive calendar days. Within the Coastal Overlay Zone, residential uses and instructional studios are not permitted on the ground floor.

(3) through (9) [No change.]

(10) This use is not allowed within the Coastal Overlay Zone.

SEC. 131.0530 Development Regulations of Commercial Zones

(a) Within the commercial zones, no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations).

(b) and (c) [No change.]

SEC. 131.0531 Development Regulations Tables of Commercial Zones

The following development regulations apply in each of the commercial zones as shown in Tables 131-05C, 131-05D, and 131-05E.

(a) CN Zones

**Table 131-05C
Development Regulations of CN Zones**

Development Regulations (See Section 131.0530 for Development Regulations of Commercial Zones)	Zone designator	Zones		
	1st & 2nd »	CN-		
	3rd »	1-	1-	1-
	4th »	1	2	3
Max permitted residential density⁽¹⁾		3,000	1,500	1,500

[No change to remainder of Table 131.05C.]

[No change to Footnotes for Table 131.05C.]

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

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

Development Regulations (See Section 131.0530 for Development Regulations of Commercial Zones)	Zone Designator	Zones						
	1st & 2nd »	CR-		CO-		CV-		CP-
	3rd »	1-	2-	1-		1-		1-
	4th »	1	1	2	1	2	1	
Max permitted residential density⁽¹⁾		1,500	1,000	1,500	1,500	1,500	--	

[No change to remainder of Table 131.05D.]

[No change to Footnotes for Table 131.05D.]

(c) CC Zones

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

Development Regulations (See Section 131.0530 for Development Regulations of Commercial Zones)	Zone Designator	Zones																	
	1st & 2nd »	CC-																	
	3rd »	1-	2-	4-	5-	1-	2-	4-	5-	1-	2-	4-	5-	3-	4-	5-	3-	4-	5-
	4th »	1			2			3			4			5					
Max permitted residential density⁽¹⁾		1,500			1,500			1,500			1,500			1500					

[No change to remainder of Table 131.05E.]

[No change to Footnotes for Table 131.05E.]

SEC. 131.0540 Maximum Permitted Residential Density and Other Residential Regulations

(a) and (b) [No change.]

(c) Ground *Floor* Restriction. Residential use and residential parking are prohibited on the ground *floor* in the front half of the *lot*, except in the CC-3-4, CC-3-5, CC-4-4, CC-4-5, CC-5-4, CC-5-5, and CV-1-2 zones, where these uses are prohibited on the ground *floor* in the front 30 feet of the *lot* as shown in Diagram 131-05A. Within the Coastal Overlay Zone, required parking cannot occupy more than 50% of the ground floor in the CV-1-1 or CV-1-2 zones.

Section 18. That Chapter 13, Article 1, Division 6, of the San Diego Municipal Code is amended by amending sections 131.0622, 131.0630, and 131.0631, to read as follows:

SEC. 131.0622 Use Regulations Table for Industrial Zones

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

[No change to Legend for Table 131-06B.]

[The following reflects the changes to Table 131-06B. The entire Table is not shown.]

**Table 131-06B
Use Regulations Table of 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-
	3rd »	1-	2-	1-	2-	3-	1-	2-	1-
	4th »	1	1	1	1	1	1	1	1
Industrial									
Separately Regulated Industrial Uses									
<i>Hazardous Waste Research Facility</i>		C	C	C	C	C	C	C	C

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-	
	3rd »	1-	2-	1-	2-	3-	1-	2-	1-	
	4th »	1	1	1	1	1	1	1	1	
Hazardous Waste Treatment Facility	C	C	C	C	C	C	C	C	C	
Marine Related Uses Within the Coastal Overlay Zone	-	-	P	P	P	P	P	P	P	
Mining and Extractive Industries	-	C	C	C	C	C	C	C	C	
Newspaper Publishing Plants	C	P	P	P	P	P	P	P	P	
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises	-	-	P	P	P	P	P	P	P	
Very Heavy Industrial Uses	-	-	-	-	-	C	C	-	-	
Wrecking & Dismantling of Motor Vehicles	-	-	C	C	C	P	C	C	C	

[No change in Footnotes for Table 131-06B.]

SEC. 131.0630 Development Regulations of Industrial Zones

- (a) Within the industrial zones, no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations).

(b) and (c) [No change.]

SEC. 131.0631 Development Regulations Table for Industrial Zones

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

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

Development Regulations (See Section 131.0630 for Development Regulations of Industrial Zones)	Zone Designator	Zones							
	1st & 2nd »	IP-		IL-			IH-		IS-
	3rd »	1-	2-	1-	2-	3-	1-	2-	1
	4th »	1		1			1		1

[No change to remainder of Table 131.06C.]

[No change to Footnotes for Table 131.06C.]

Section 19. That Chapter 13, Article 2, Division 4, of the San Diego Municipal Code is amended by amending section 132.0402 and adding section 132.0403, to read as follows:

SEC. 132.0402 Where the Coastal Overlay Zone Applies

- (a) [No change.]
- (b) Table 132-04A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone. Coastal Development Permit procedures are provided in Chapter 12, Article 6, Division 7.

**Table 132-04A
Coastal Overlay Zone Applicability**

Type of Development Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) <i>Coastal development</i> that is categorically excluded pursuant to order of the Coastal commission or that is exempted by Section 126.0704	None	No permit required by this division
(2) Any <i>coastal development</i> within this overlay zone that is partially or completely within the Coastal Commission Permit Jurisdiction or the Deferred Certification Area	See use and development regulations of the base zone	Coastal Development Permit(s) are issued by the Coastal Commission and the City for their respective jurisdictions
(3) <i>Coastal development</i> in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table	See use and development regulations of the base zone	Coastal Development Permit/Process Two or Three

SEC. 132.0403 Supplemental Use Regulations of the Coastal Overlay Zone

- (a) If there is an existing or potential public view and the site is designated in the applicable *land use plan* as a public view to be protected,

(1) The applicant shall design and site the *coastal development* in such a manner as to preserve, enhance or restore the designated public view, and

(2) The decision maker shall condition the project to ensure that critical public views to the ocean and shoreline are maintained or enhanced.

(b) A visual corridor of not less than the *side yard setbacks* or more than 10 feet in width, and running the full depth of the *premises*, shall be preserved as a deed restriction as a condition of Coastal Development Permit approval whenever the following conditions exist:

(1) The proposed *development* is located on *premises* that lies between the shoreline and the first public roadway, as designated on Map Drawing No. C-731; and

(2) The requirement for a visual corridor is feasible and will serve to preserve, enhance or restore public views of the ocean or shoreline identified in the applicable *land use plan*.

(c) If there is an existing or potential public view between the ocean and the first public roadway, but the site is not designated in a *land use plan* as a view to be protected, it is intended that views to the ocean shall be preserved, enhanced or restored by deed restricting required *side yard setback* areas to cumulatively form functional view corridors and preventing a walled effect from authorized development.

(d) Where remodeling is proposed and existing legally established development is to be retained that precludes establishment of the desired visual access as delineated above, preservation of any existing public view on the site will be accepted, provided that the existing public view is not reduced through the proposed remodeling.

(e) *Open fencing* and landscaping may be permitted within the view corridors and visual accessways, provided such improvements do not significantly obstruct public views of the

ocean. Landscaping shall be planted and maintained to preserve public views.

Section 20. That Chapter 13, Article 2, Division 8, of the San Diego Municipal Code is amended by amending section 132.0802, to read as follows:

SEC. 132.0802 Where the Parking Impact Overlay Zone Applies

- (a) [No change.]
- (b) Table 132-08A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

**Table 132-08A
Parking Impact Overlay Zone Applicability**

Type of Development Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Any single dwelling unit development located within the campus impact area	See the parking regulations in Section 142.0520	No permit required by this division
(2) Any development located within the beach impact area and any multiple dwelling unit development located within the campus impact area	See the parking regulations in Sections 142.0520, 142.0525, 142.0530, 142.0535, 142.0540 and 142.0560.	No permit required by this division
(3) Any eating and drinking establishment that is located in the beach impact area and in the CC-5-2, CC-5-4, or CC-3-5 zones	See the parking regulations in Section 142.0530(b)	No permit required by this division

Section 21. That Chapter 13, Article 2, Division 14, of the San Diego Municipal Code is amended by amending section 132.1402, to read as follows:

SEC. 132.1402 Where the Community Plan Implementation Overlay Zone Applies

- (a) [No change.]
- [No change in Table 132-14A.]
- (b) Table 132-14B shows the location of the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

**Table 132-14B
Community Plan Implementation Overlay Zone Applicability**

Type of <i>Development Proposal</i>	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Interior building improvements that do not involve a change in use or provide additional <i>floor area</i> , or improvements that do not require a <i>construction permit</i>	None—Exempt from this division	No permit required by this division
(2) Any <i>development</i> within the boundaries shown on a map identified in Section 132.1402, where the map shows "Type A" and the proposed <i>development</i> complies with the development standards or criteria in the applicable community plan	Refer to the applicable community plan	No permit required by this division
(3) Any <i>development</i> within the boundaries shown on a map identified in Section 132.1402, where the map shows "Type A" and the proposed <i>development</i> does not comply with the <i>development</i> standards or criteria in the applicable community plan	Refer to the applicable community plan	Site Development Permit/ Process Three
(4) Any <i>development</i> within the boundaries shown on a map identified in Section 132.1402, where the map shows "Type B"	Refer to the applicable community plan	Site Development Permit/ Process Three

Section 22. That Chapter 14, Article 1, Division 2, of the San Diego Municipal Code is amended by amending section 141.0202, to read as follows:

SEC. 141.0202 Commercial Stables

Commercial stables 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 Section 141.0202(a). Commercial stables 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 Section 141.0202(b).

(a) Limited Use Regulations

- (1) [No change.]
- (2) No *structures* other than portable *structures* are permitted within a *floodway*. Within the Coastal Overlay Zone, no *structures*, including portable *structures*, are permitted within a floodway.

(b) [No change.]

Section 23. That Chapter 14, Article 1, Division 3, of the San Diego Municipal Code is amended by amending section 141.0301, to read as follows:

SEC. 141.0301 Boarder and Lodger Accommodations

Boarder and *lodger* accommodations 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.

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

(d) Off-street parking shall be provided at a rate of 1 space for each 2 boarders or lodgers.

Within the Beach Impact Area of the Parking Impact Overlay Zone, off-street parking shall be provided at a rate of 1 space for each boarder or lodger.

Section 24. That Chapter 14, Article 1, Division 4, of the San Diego Municipal Code is amended by amending sections 141.0404, 141.0405, 141.0407, and 141.0413, to read as follows:

SEC. 141.0404 Churches and Places of Religious Assembly

[No change in first paragraph.]

(a) Limited Use Regulations

(1) *Churches* and places of religious assembly are not permitted within the *MHPA* or in floodplains located in the Coastal Overlay Zone.

(2) through (4) [No change.]

(b) Conditional Use Permit Regulations

(1) *Churches* and places of religious assembly are not permitted within the *MHPA* or in floodplains located in the Coastal Overlay Zone.

(2) through (5) [No change.]

SEC. 141.0405 Communication Antennas

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

(d) Major Telecommunication Facilities

(1) Major telecommunication facilities are not permitted in the following locations:

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

(D) Within the Coastal Overlay Zone, on *premises* within the MHPA and/or containing *steep hillsides with sensitive biological resources*, or within public view corridors or view sheds identified in applicable *land use plans*.

(2) and (3) [No change.]

(e) [No change.]

SEC. 141.0407 Educational Facilities--Schools for Kindergarten to Grade 12 and Colleges/Universities

(a) Permanent *development* associated with educational facilities is not permitted in agricultural zones in the future urbanizing area or within floodplains located in the Coastal Overlay Zone.

(b) through (f) [No change.]

SEC. 141.0413 Hospitals, Intermediate Care Facilities, and Nursing Facilities

Hospitals, intermediate care facilities, and nursing facilities may be permitted with a Process Four Conditional Use Permit 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) These facilities are not permitted in agricultural zones in the future urbanizing area or within floodplains located in the Coastal Overlay Zone.

(b) through (f) [No change.]

Section 25. That Chapter 14, Article 1, Division 6, of the San Diego Municipal Code is

amended by amending sections 141.0610, 141.0614, 141.0615, 141.0617, 141.0621, 141.0623 and 141.0624, to read as follows:

SEC. 141.0610 Helicopter Landing Facilities

Helicopter landing facilities may be permitted with a Conditional Use Permit decided in accordance with Process Five 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) Helicopter landing facilities are not permitted in floodplains located in the Coastal Overlay Zone.
- (b) through (m) [No change.]

SEC. 141.0614 Nightclubs and Bars over 5,000 Square Feet in Size

Nightclubs and bars over 5,000 square feet in size may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the Beach Impact Area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio not less than one parking space for every 200 sq ft of gross floor area, including any outdoor eating or drinking areas.
- (b) through (d) [No change.]

SEC. 141.0615 Outpatient Medical Clinics

Outpatient medical clinics 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 Section 141.0615(a). Outpatient medical clinics may be permitted with a Neighborhood Use

Permit in the zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0615(b).

(a) [No change.]

(b) Neighborhood Use Permit Regulations

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

(4) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the Beach Impact Area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio not less than one parking space for every 250 sq ft of gross floor area.

SEC. 141.0617 Private Clubs, Lodges, and Fraternal Organizations

Private clubs, lodges, and fraternal organizations are associations of persons, whether incorporated or unincorporated, for the promotion of some common social, cultural, educational, religious, or recreational objective. This use does not include *churches* or any group whose primary objective is a business customarily carried on for a profit.

Private clubs, lodges, and fraternal organizations 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) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the Beach Impact Area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio not less than one parking space for every 200 sq ft of gross floor area.

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

SEC. 141.0621 Sidewalk Cafes

Sidewalk cafes may be permitted with a Neighborhood Use Permit in the zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the provisions of this section.

(a) through (n) [No change.]

(o) Within the Beach Impact Area of the Parking Impact Overlay Zone, sidewalk cafes shall not exceed 200 sq ft in area without providing parking. Required parking shall be provided at a ratio not less than one parking space for every additional 200 sq ft (or portion thereof) above the first 200 sq ft.

SEC. 141.0623 Theaters That Are Outdoor or over 5,000 Square Feet in Size

Theaters that are outdoor or over 5,000 square feet in size may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the Beach Impact Area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio not less than one parking space for every three fixed seats or one space for every 21 sq ft of gross floor area where there are no fixed seats.

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

SEC. 141.0624 Veterinary Clinics and Animal Hospitals

Veterinary clinics and hospitals 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) Veterinary clinics and hospitals are not permitted in agricultural zones in the future urbanizing area, except as an accessory use within a zoological park, or within floodplains located in the Coastal Overlay Zone.

(b) and (c) [No change.]

Section 26. That Chapter 14, Article 1, Division 9, of the San Diego Municipal Code is amended by amending section 141.0902, to read as follows:

SEC. 141.0902 Junk Yards

Junk yards may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Junk yards are not permitted in agricultural zones in the future urbanizing area or within floodplains located in the Coastal Overlay Zone.

(b) through (e) [No change.]

Section 27. That Chapter 14, Article 2, Division 3, of the San Diego Municipal Code is amended by amending section 142.0305, to read as follows:

SEC. 142.0305 When Fence Regulations Apply

(a) [No change.]

(b) Table 142-03A shows the applicable regulations and the type of permit required by this division, if any, for specific types of *fences*.

**Table 142-03A
Fence Regulations Applicability**

TYPE OF DEVELOPMENT PROPOSAL	APPLICABLE REGULATIONS	REQUIRED PERMIT TYPE/ DECISION PROCESS
Any fence with a height less than 6 feet	Sections 142.0310-142.0330, 142.0360-142.0380	No permit required by this division
Any fence with a height of 6 feet or greater	Sections 142.0310-142.0330, 142.0360-142.0380	Building Permit/Process One
Any retaining wall with a height less than 3 feet	Sections 142.0340, 142.0370, 142.0380	No permit required by this division
Any retaining wall with a height of 3 feet or greater	Sections 142.0340, 142.0370, 142.0380	Building Permit/ Process One
Any fence or retaining wall exceeding the height permitted in Section 142.0310, 142.0320, 142.0330, and 142.0340.	Section 142.0350	Neighborhood Development Permit/Process Two
<u>Any fence or retaining wall located on premises that lies between the shoreline and the first public roadway, as designated on Map Drawing No. C-731.</u>	<u>Section 142.0310-142.0380</u>	<u>Coastal Development Permit/Process Three - Appealable</u>

SEC. 142.0340 Retaining Wall Regulations in All Zones

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

(d) *Retaining Wall* Height in Required Side Yards and Required Rear Yards

(1) and (2) [No change.]

(e) and (f) [No change.]

Section 28. That Chapter 14, Article 2, Division 4, of the San Diego Municipal Code is amended by amending section 142.0412, to read as follows:

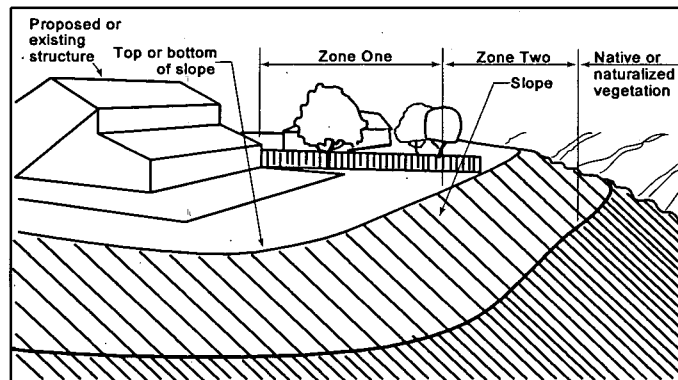
SEC. 142.0412 Brush Management

(a) Brush management is required in all base zones for the types of *development* listed below when they are adjacent to any highly flammable area of native or naturalized vegetation that is greater than 10 acres as mapped by the City of San Diego, or adjacent to any area of native or naturalized vegetation that is greater than 50 acres, as shown in Table 142-04A. However, within the Coastal Overlay Zone, brush management is required for all *coastal development* within the MHPA and/or adjacent to *steep hillsides* containing *sensitive biological resources*.

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

- (b) Brush Management Zones. Where brush management is required, a comprehensive program shall be implemented that reduces fire hazards around *structures* by providing an effective fire break between all *structures* and contiguous areas of flammable vegetation. This fire break shall consist of two distinct brush management areas called “Zone One” and “Zone Two” as shown in Diagram 142-04D.

Diagram 142-04D
Brush Management Zones



- (1) Brush management Zone One is the area adjacent to the *structure*, shall be least flammable, and shall consist of pavement and permanently irrigated ornamental planting. Brush management Zone One shall not be allowed on slopes with a gradient greater than 4:1 (4 horizontal feet to 1 vertical foot) unless the property that received *tentative map* approval before November 15, 1989. However, within the Coastal Overlay Zone *coastal development* shall be subject to the encroachment limitations set forth in Section 143.0142(a)(4) of the Environmentally Sensitive Lands Regulations.

- (2) [No change.]

(c) [Change to Table 142-04H.]

**Table 142-04H
Brush Management Zone Width Requirements**

Criteria	Property Location	
	West of Interstate 805 and El Camino Real	East of Interstate 805 and El Camino Real
Minimum Zone One Width (See Section 142.0412[d])	20 ft.	30 ft.
Additional Zone One Width (See Section 142.0412[e]) Required when <i>development</i> is adjacent to slopes greater than 4:1 gradient that are 50 feet or greater in vertical height; or adjacent to vegetation greater than 24 inches in height; or adjacent to the <i>MHPA</i>	5 ft.	5 ft.
Zone One Width Within the Coastal Overlay Zone for subdivisions containing <i>steep hillsides</i> with <i>sensitive biological resources</i>	30 ft. Min	
Minimum Zone Two Width (See Section 142.0412[f])	20 ft.	40 ft.
Additional Zone Two Width Required when Zone Two is on slopes greater than 4:1 gradient that are 50 feet or greater in vertical height, or the vegetation in Zone Two is greater than 48 inches in height. This additional width is not required for Zone Two located within the <i>MHPA</i>	10 ft.	10 ft.

- (d) [No change.]
- (e) Where additional Zone One width is required adjacent to the *MHPA* or within the Coastal Overlay Zone, any of the following modifications to development regulations of the Land Development Code or standards in the Land Development Manual are permitted to accommodate the increase in width:
 - (1) through (3) [No change.]
- (f) and (g) [No change.]
- (h) Zone Two Requirements
 - (1) through (4) [No change.]
 - (5) The following standards shall be used where Zone Two area is proposed to be planted with new plant material instead of *clearing* existing native or naturalized vegetation:
 - (A) All new plant material for Zone Two shall be native or naturalized, low-fuel, and fire-resistive. No non-native plant material may be

planted in Zone Two either inside the MHPA or in the Coastal Overlay Zone, adjacent to areas containing *sensitive biological resources*.

(B) through (D) [No change.]

(6) [No change.]

(i) through (k) [No change.]

Section 29. That Chapter 14, Article 2, Division 5, of the San Diego Municipal Code is amended by amending sections 142.0505, 142.0510, 142.0525, 142.0530, 142.0535, 142.0540, 142.0555, and 142.0560, to read as follows:

SEC. 142.0505 When Parking Regulations Apply

These regulations apply in all base zones and planned districts, with the exception of those areas specifically identified as being exempt from the regulations, whether or not permit or other approval is required.

Table 142-05A identifies the applicable regulations and the type of permit required by this division, if any, for the type of development shown.

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

Type of <i>Development Proposal</i>	Applicable Regulations	Required Permit Type/ Decision Process
<i>Shared parking</i> for specified uses.	Section 142.0545	No permit required by this division

[No change to remainder of Table 142.05A.]

SEC. 142.0510 General Parking Regulations

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

(d) Previously Conforming Premises. Enlargement or change in use, or resumption of a discontinued use, for a *premises* that is *previously conforming* for the reason that it does not provide the number of *off-street parking spaces* required by this

division shall be required to provide parking as follows:

(1) When the use is proposed to be enlarged, the additional *off-street parking spaces* required are the number required by this division for the enlargement. Within the Beach Impact Area of the Parking Impact Overlay Zone, additional parking shall be provided at two times the number required for the enlargement but not exceeding the amount required for the entire development.

(2) through (4) [No change.]

(e) and (f) [No change.]

SEC. 142.0525 Multiple Dwelling Unit Residential Uses -- Required Parking Ratios

(a) [No change.]

[No change to Table 142.05C or Footnotes.]

(b) Eligibility For *Shared Parking*. Up to 25 percent of the parking spaces required by this section may be unassigned and eligible for *shared parking* in accordance with Section 142.0545 except that at least one space shall be assigned to each dwelling unit. Within the Beach Impact Area of the Parking Impact Overlay Zone, off-*premises* parking shall not be permitted for residential uses.

(c) and (d) [No change.]

SEC. 142.0530 Nonresidential Uses -- Parking Ratios

(a) [No change to first paragraph.]

**Table 142-05D
Parking Ratios for Retail Sales, Commercial Services, and Mixed-Use Development**

Zone	Parking Spaces Required 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)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces ⁽²⁾
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area ⁽¹⁾	Maximum Permitted	Minimum Required
Commercial Zones				
CC-1-1 CC-2-1 CC-4-1 CC-5-1	2.5	2.1	6.5	0.1
CC-1-2 CC-2-2 CC-4-2 CC-5-2	2.5	2.1	6.5	0.1
CC-1-3 CC-2-3 CC-4-3 CC-5-3	5.0 ⁽³⁾	4.3	6.5	0.1
CC-3-4 CC-4-4 CC-5-4	2.5	2.1	6.5	0.1
CC-3-5	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	5.5	0.1
CC-3-5/Beach Impact Area ⁽⁵⁾	2.5	2.1	6.5	
CC-4-5	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	5.5	
CC-5-5	1.25	1.25	5.5	0.1
CN-1-1	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	5.5	0.1
CN-1-2	5.0	4.3	6.5	0.1
CN-1-3	2.5	2.1	6.5	0.1
CR-1-1 CR-1-2	5.0 ⁽³⁾	4.3	6.5	0.1
CO-1-1 CO-1-2	5.0	4.3	6.5	0.1
CV-1-1	5.0	4.3	6.5	0.1
CV-1-2	2.5	2.1	6.5	0.1
Industrial Zones				
IH-1-1 IH-2-1	5.0	4.3	6.5	0.1
IL-1-1 IL-2-1	5.0	4.3	6.5	0.1
IP-1-1 IP-2-1	5.0	4.3	6.5	0.1
IS-1-1	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	5.5	0.1
Planned Districts				
Barrio Logan: Subdistrict B	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	5.5	0.1
Barrio Logan: Except Subdistrict B	2.5	2.1	6.5	0.1
Carmel Valley	5.0	4.3	6.5	0.1
Golden Hill	1.25	1.25	5.5	0.1

Zone	Parking Spaces Required 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)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces ⁽²⁾
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area ⁽¹⁾	Maximum Permitted	Minimum Required
La Jolla	1.7	1.7	5.5	0.1
La Jolla Shores	1.0	1.0 ⁽⁶⁾	5.5	0.1
Mid-City: CN-3 and CV-3	1.25	1.25	5.5	0.1
Mid-City: Except CN-3, CV-3	2.5	2.1	6.5	0.1
Mount Hope	3.3	2.8	6.5	0.1
Mission Valley: CV	2.5	2.1	6.5	0.1
Mission Valley: Except CV	5.0	4.3	6.5	0.1
Otay Mesa	5.0	4.3	6.5	0.1
Old Town	4.0	3.4	6.5	0.1
Southeast San Diego	2.5	2.1	6.5	0.1
San Ysidro	2.5	2.1	6.5	0.1
West Lewis Street	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	5.5	0.1

Footnotes For Table 142-05D

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

(6) *Alley Access.* For properties with *alley* access, one parking space per 10 linear feet of *alley* frontage may be provided instead of the parking ratio shown in Table 142-05D. Within the Beach Impact Area of the Parking Impact Overlay Zone, application of this policy shall not result in a reduction of required on-site parking.

(b) [No change to first paragraph.]

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

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment ⁽³⁾ Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces ⁽²⁾
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area ⁽¹⁾	Maximum Permitted	Minimum Required
Commercial Zones				
CC-1-1 CC-2-1 CC-4-1 CC-5-1	2.5	2.1	25.0	0.1

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment ⁽³⁾ Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces ⁽²⁾
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area ⁽¹⁾	Maximum Permitted	Minimum Required
CC-1-2 CC-2-2 CC-4-2	2.5	2.1	25.0	0.1
CC-5-2	2.5	2.1	25.0	0.1
CC-4-2/Coastal Overlay Zone ⁽⁴⁾	5.0	4.3	25.0	0.1
CC-1-3 CC-2-3 CC-4-3 CC-5-3	15.0	12.8	25.0	0.1
CC-3-4 CC-4-4	2.5	2.1	25.0	0.1
CC-4-4/Coastal Overlay Zone ⁽⁴⁾	5.0	4.3	25.0	0.1
CC-5-4	2.5	2.1	25.0	0.1
CC-3-5	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	20.0	0.1
CC-3-5/Coastal Overlay Zone ⁽⁴⁾	5.0	4.3	25.0	0.1
CC-4-5	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	20.0	
CC-5-5	1.25	1.25	20.0	0.1
CN-1-1	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	20.0	0.1
CN-1-2	15.0	12.8	25.0	0.1
CN-1-3	2.5	2.1	25.0	0.1
CR-1-1 CR-1-2	15.0	12.8	25.0	0.1
CO-1-1 CO-1-2	15.0	12.8	25.0	0.1
CV-1-1	15.0	2.1	25.0	0.1
CV-1-2	5.0	4.3	25.0	0.1
Industrial Zones				
IH-1-1 IH-2-1	15.0	12.8	25.0	0.1
IL-1-1 IL-2-1	15.0	12.8	25.0	0.1
IP-1-1 IP-2-1	15.0	12.8	25.0	0.1
IS-1-1	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	20.0	0.1
Planned Districts				
Barrio Logan: Subdistrict B	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	20.0	0.1

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment ⁽³⁾ Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces ⁽²⁾
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area ⁽¹⁾	Maximum Permitted	Minimum Required
Barrio Logan: Except Subdistrict B	2.5	2.1	20.0	0.1
Carmel Valley	15.0	12.8	25.0	0.1
Golden Hill	1.25	1.25	20.0	0.1
La Jolla	5.0	4.3	20.0	0.1
La Jolla Shores	1.0	1.0 ⁽⁶⁾	20.0	0.1
Mid-City: CN-3 and CV-3	1.25	1.25	20.0	0.1
Mid-City: Except CN-3, CV-3	2.5	4.3	25.0	0.1
Mount Hope	3.3	2.8	25.0	0.1
Mission Valley: CV	5.0	4.3	25.0	0.1
Mission Valley: Except CV	15.0	12.8	25.0	0.1
Otay Mesa	15.0	12.8	25.0	0.1
Old Town	4.0	3.4	25.0	0.1
Southeast San Diego	5.0	4.3	25.0	0.1
San Ysidro	5.0	4.3	25.0	0.1
West Lewis Street	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	20.0	0.1

Footnotes For Table 142-05E

(1) and (2) [No change.]

(3) Eating and Drinking Establishments. The minimum parking ratios apply to eating and drinking establishments that do not have a common parking area with any other uses. There is no minimum parking requirement or maximum permitted parking for outdoor dining. Within the Coastal Overlay Zone, outdoor dining areas such as decks, patios, terraces, etc., are considered part of the establishment's *gross floor area* and included in calculating parking requirements.

(4) and (5) [No change.]

(6) *Alley Access*. For properties with *alley* access, one parking space per 10 linear feet of *alley* frontage may be provided instead of the parking ratio shown in Table 142-05E. Within the Beach Impact Area of the Parking Impact Overlay Zone, application of this policy shall not result in a reduction of required on-site parking.

(c) [No change to first paragraph.]

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

Use	Parking Spaces Required 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)				
	Required Automobile Parking Spaces				Required Bicycle Parking Spaces
	Minimum Required Outside a Transit Area	Minimum Required Within ⁽¹⁾ a Transit Area	Maximum Permitted	Carpool Minimum ⁽²⁾	Minimum
Separately regulated uses					
Private clubs, lodges, fraternal organizations (except fraternities and sororities)	1 per <i>guest room</i> , or 2.5, whichever is greater ⁽⁷⁾	85% of Minimum	N/A	N/A	2% of Auto Minimum

Footnotes For Table 142-05F

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

(4) *Alley Access.* For properties with *alley* access, one parking space per 10 linear feet of *alley* frontage may be provided instead of the parking ratio shown in Table 142-05F. Within the Beach Impact Area of the Parking Impact Overlay Zone, application of this policy shall not result in a reduction of required on-site parking.

(5) and (6) [No change to first paragraph.]

(7) In the Beach Impact Area, one parking space per guest room or 5.0, whichever is greater.

(d) through (h) [No change.]

SEC. 142.0535 Off-Premises Parking Regulations in Urbanized Communities

Required *off-street parking spaces* for uses in urbanized communities as identified in the Progress Guide and General Plan may be located off-premises, subject to the following regulations.

(a) Residential Uses. Some portion of the off-premises parking shall be within a 25-

foot horizontal distance of the *premises* on which the use requiring *off-street parking spaces* is located, and in the Coastal Overlay Zone the site of the off-premises parking shall be identified with appropriate signs. Within the Beach Impact Area of the Parking Impact Overlay Zone, off-premises parking shall not be permitted for residential uses.

- (b) Nonresidential Uses. Some portion of the off-premises parking shall be within a non-residential zone and within a 600-foot horizontal distance of the *premises* on which the use requiring *off-street parking spaces* is located, and in the Coastal Overlay Zone, the site of the off-premises parking and the site of the use shall be identified with appropriate signs within the Coastal Overlay Zone.
- (c) Control of Parking Spaces. The off-premises parking, which shall be identified with appropriate directional signs for *development* in the Coastal Overlay Zone, shall be owned or controlled by the owner of the use requiring the *off-street parking spaces*. When off-premises parking is to be provided, the owner or lessee of record of the *premises* shall furnish evidence that is satisfactory to the City Manager that they own or have a sufficient interest in the property to provide the minimum *off-street parking spaces* required by the Land Development Code. Whether *off-street parking spaces* are to be provided on property that is owned by the *applicant* or another owner, the *applicant* shall provide to the County Recorder for recordation, covenants that have been executed by the owners of the property on which the off-premises parking is proposed and the owners of the use requiring the off-street parking spaces. The covenant shall be for the benefit of the City, in a form approved by the City Attorney, to the effect that the owners will continue to maintain the parking spaces as long as the use it serves exists. The covenant shall

also recite that the title to, and right to, use the *lots* upon which the parking is to be provided will be subservient to the title to the *premises* where the *primary use* it serves is situated and shall warrant that the *lots* are not and will not be made subject to any other covenant or contract for use without prior written consent of the City. If the owners of the use should thereafter provide parking equal in area within the same distance and under the same conditions as the ownership upon another *lot* than the *premises* made subservient in a previous covenant, the City will, upon written application accompanied by the filing of a similar covenant, release the original subservient *premises* from the previous covenant. The owners shall furnish at their own expense title reports or other evidence the City may require to insure compliance with the provisions of this section.

(d) [No change.]

SEC. 142.0540 Exceptions to Parking Regulations for Nonresidential Uses

(a) Commercial Uses on Small Lots. Outside the Beach Impact Area of the Parking Impact Overlay Zone, for *lots* that are 7,000 square feet or less, that existed before [ordinance adoption date], including abutting *lots* under common ownership, the parking requirements set forth in Table 142-05G may be applied to all commercial uses at the option of the *applicant* as an alternative to the requirements set forth in Section 142.0530. The type of access listed in Table 142-05G determines the minimum number of required *off-street parking spaces*.

[No change in remainder of section.]

SEC. 142.0555 Tandem Parking Regulations

(a) [No change.]

(b) Tandem Parking for Commercial Uses. Tandem parking for commercial uses may

be approved through a Neighborhood Development Permit provided the tandem parking is limited to the following purposes:

- (1) [No change.]
- (2) Valet parking associated with restaurant use; and
- (3) [No change.]

SEC. 142.0560 Development and Design Regulations for Parking Facilities

(a) through (i) [No change.]

(j) Driveway and Access Regulations

- (1) For the uses described in Table 142-05L, the driveway width shall comply with the minimum and maximum widths shown.

**Table 142-05L
Driveway Width**

Use	Minimum Width		Maximum Width	
	One-Way	Two-Way	One-Way	Two-Way
Detached <i>single dwelling unit</i> (other than RX Zones)	12 feet		25 feet, except within the Beach Impact Area of the Parking Impact Overlay Zone, where the maximum is 12 feet	
Dwelling unit in the RX Zone	12 feet		20 feet	
<i>Multiple dwelling unit</i>	14 feet	20 feet	20 feet	25 feet, except within the Beach Impact Area, where the maximum is 20 feet
Nonresidential	14 feet	24 feet	20 feet	30 feet, except within the Beach Impact Area, where the maximum is 25 feet

(2) through (10) [No change.]

(k) [No change.]

Section 30. That Chapter 14, Article 2, Division 7, of the San Diego Municipal Code is amended by amending section 142.0740, to read as follows:

SEC. 142.0740 Outdoor Lighting Regulations

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

- (e) On properties which are adjacent to or contain *sensitive biological resources*, any exterior lighting shall be limited to low-level lights and shields to minimize the amount of light entering any identified *sensitive biological resource* areas.

SEC. 142.1290 La Jolla Commercial and Industrial Sign Control District

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

(d) On-Premises *Sign* Regulations for Subdistrict A

(1) and (2) [No change.]

(3) Freestanding *Ground Signs*

Where the face of the building sets back from the *property line* more than 20 feet, one single-faced or double-faced freestanding *ground sign* is permitted, in addition to those on the building, in accordance with the following.

(A) No part of the *sign* shall extend over public property or have a height exceeding 20 feet measured from the base at ground level to the apex of the *sign*. In the Coastal Overlay Zone, however, no part of the sign shall exceed 8 feet in height.

(B) [No change.]

(e) On-Premises *Sign* Regulations

(1) Freestanding *Ground Signs*

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

(C) Height Limit. 20 feet measured vertically from the *sign* base at ground level to the apex of the *sign*. Coastal Overlay Zone Height Limit. 8 feet measured vertically from the sign base at ground level to the apex of the sign.

(D) through (G) [No change.]

(2) and (3) [No change.]

(4) Identification *Signs*

(A) One single-faced or double-faced freestanding *sign* located adjacent to each entrance or exit driveway to a parking *lot* is permitted.

Such *signs* shall not exceed 12 square feet in area or a height of 12 feet measured from the base at ground level to the apex of the *sign*, except that in the Coastal Overlay Zone, the height of the sign shall not exceed 8 feet.

(B) [No change.]

(5) and (6) [No change.]

Section 31. That Chapter 14, Article 3, Division 1, of the San Diego Municipal Code is amended by amending sections 143.0101, 143.0110, 143.0111, 143.0112, 143.0115, 143.0126, 143.0130, 143.0141, 143.0142, 143.0143, 143.0144, 143.0145, 143.0150, 143.0151, 143.0152, and 143.0155, to read as follows:

SEC. 143.0101 Purpose of Environmentally Sensitive Lands Regulations

The purpose of these regulations is to protect, preserve and, where damaged restore, the *environmentally sensitive lands* of San Diego and the viability of the species supported by those lands. These regulations are intended to assure that *development*, including, but not limited to *coastal development* in the Coastal Overlay Zone, occurs in a manner that

protects the overall quality of the resources and the natural and topographic character of the area, encourages a sensitive form of *development*, retains biodiversity and interconnected habitats, maximizes physical and visual public access to and along the shoreline, and reduces hazards due to *flooding* in specific areas while minimizing the need for construction of flood control facilities. These regulations are intended to protect the public health, safety, and welfare while employing regulations that are consistent with sound resource conservation principles and the rights of private property owners.

It is further intended for the Development Regulations for Environmentally Sensitive Lands and accompanying Biology, Steep Hillside, and Coastal Bluffs and Beaches Guidelines to serve as standards for the determination of impacts and mitigation under the California Environmental Quality Act and the California Coastal Act. These standards will also serve to implement the Multiple Species Conservation Program by placing priority on the preservation of biological resources within the Multiple Habitat Planning Area, as identified in the City of San Diego Subarea Plan. The habitat based level of protection which will result through implementation of the Multiple Habitat Planning Area is intended to meet the mitigation obligations of the Covered Species addressed. In certain circumstances, this level of protection may satisfy mitigation obligations for other species not covered under the Multiple Species Conservation Program but determined to be sensitive pursuant to the CEQA review process. This determination will be addressed in the environmental documentation.

SEC. 143.0110 When Environmentally Sensitive Lands Regulations Apply

This division applies to all proposed *development* when *environmentally sensitive lands* are present on the *premises*.

(a) [No change.]

- (b) Table 143-01A identifies the appropriate development regulations, the required decision process, and the permitted uses applicable to various types of *development* proposals that propose to encroach into *environmentally sensitive lands* or that do not qualify for an exemption pursuant to Section 143.0110(c).
- (1) A Neighborhood Development Permit or Site Development Permit is required for all types of *development* proposals listed, in accordance with the indicated decision process. If *coastal development* is proposed in the Coastal Overlay Zone, a Coastal Development Permit is required in accordance with Section 126.0702.
- (2) and (3) [No change.]
- (4) Any *development* proposal on a site containing *environmentally sensitive lands* may be exempt from the permit requirements of this division if no *encroachment* into the *environmentally sensitive lands* is proposed and the *development* complies with Section 143.0110(c). Within the Coastal Overlay Zone, a Coastal Development Permit is required for all *coastal development* and the regulations of this division shall apply.
- (5) [Change to Table 143.01A.]

Table 143-01A
Applicability of Environmentally Sensitive Lands Regulations

Environmentally Sensitive Lands Potentially Impacted by Project

Type of Development Proposal		Wetlands, listed non-covered species habitat ⁽¹⁾	Other Sensitive Biological Resources other than Wetlands and listed noncovered species habitat	Steep Hillides	Sensitive Coastal Bluffs and Coastal Beaches	Floodplains
1. Single dwelling units on individual lots equal to or less than 15,000 ⁽²⁾ square feet	R	143.0141(a),(b)	143.0141	143.0142 except (a) ⁵	143.0143, 143.0144	143.0145
	P	NDP/ Process Two	NDP/ Process Two	NDP/ Process Two	SDP/ Process Three	NDP/ Process Two
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
2. Single dwelling units on lots or multiple lots totaling more than 15,000 square feet	R	143.0141(a),(b)	143.0141	143.0142	143.0143, 143.0144	143.0145
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
3. Multiple dwelling unit and non-residential development and public works projects	R	143.0141(a),(b)	143.0141	143.0142	143.0143, 143.0144	143.0145
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
4. Any subdivision of a premises	R	143.0141(a),(b)	143.0141	143.0142 ⁽³⁾	143.0143, 143.0144	143.0145
	P	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four
	U	143.0130(d),(e)	--	--	143.0130 (a), (b)	143.0130 (c)
5. Project-specific land use plans	R	143.0141(a),(b), 143.0115	143.0141, 143.0115	143.0142, 143.0115	143.0143, 143.0144, 143.0115	143.0145, 143.0115
	P	SDP/Process Four/Five	SDP/ Process Four/Five	SDP/Process Four/Five	SDP/ Process Four/Five	SDP/Process Four/Five
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
6. Any development that proposes deviations from any portion of the Environmentally Sensitive Lands Regulations	R	143.0141(a),(b), 143.0150	143.0141, 143.0150	143.0142, 143.0150 ⁽⁴⁾	143.0143, 143.0144, 143.0150	143.0145, 143.0150
	P	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
7. Development other than single dwelling units on individual lots, that proposes alternative compliance for development area in steep hillsides.	R	--	--	143.0142 except (a), 143.0151	--	--
	P	--	--	SDP/ Process Three	--	--
	U	--	--	--	--	--

Legend to Table 143-01A	
R	Development regulation sections (in addition to Section 143.0140) applicable to the <i>environmentally sensitive lands</i> present.
P	Type of Permit/Decision process required. Neighborhood Development Permit (NDP) Site Development Permit (SDP)
U	Regulations that identify permitted uses when they are different than the applicable zone due to the <i>environmentally sensitive lands</i> present.

Footnotes to Table 143-01A

- (1) and (2) [No change.]
- (3) Outside the Coastal Overlay Zone, *subdivision* of a *premises* less than 15,000 square feet (for *single dwelling unit development*) is not subject to Section 143.0142(a).
- (A) through (E) [No change.]
- (4) [No change.]
- (5) Within the Coastal Overlay Zone, *single dwelling units* on individual *lots* equal to or less than 15,000 square feet are subject to Section 143.0142(a).
- (c) A Neighborhood Development Permit or Site Development Permit is not required for the following *development* activity:
- (1) Outside of the Coastal Overlay Zone, *Ddevelopment* on a *premises* containing *environmentally sensitive lands* when the *development* will not encroach into the *environmentally sensitive lands* during or after construction, if the property owner signs an acknowledgment that further *development* on the property is not permitted unless the *development* is reviewed and approved pursuant to this division and if the *development* proposal provides for the following:
- (A) and (B) [No change.]
- (C) A 100-foot *setback* from floodplains.
- (2) *Development* that is limited to interior modifications or repairs, or any exterior repairs, alterations or maintenance that does not increase the footprint of an existing building or *accessory structure* and will not encroach into the *environmentally sensitive lands* during or after construction. For a *premises* containing a *sensitive coastal bluff*, any

addition shall observe a minimum 40-foot *setback* from the *coastal bluff edge*.

- (3) Outside the Coastal Overlay Zone, minor improvements to existing *structures* on *steep hillsides*, subject to all of the following applicable requirements:

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

- (4) [No change.]

- (5) Outside the Coastal Overlay Zone, city public works projects for which plans, specifications, or funding have been approved by the City Council or the City Manager before July 1, 1991.

- (6) Outside the Coastal Overlay Zone, restoration projects where the sole purpose is enhancement or restoration of native habitats.

- (7) [No change.]

SEC. 143.0111 Limited Exceptions from Environmentally Sensitive Lands Regulations

The following *development* activities require a Neighborhood Development Permit or Site Development Permit in accordance with Table 143-01A, but the applicable development regulations are modified as indicated:

- (a) Outside the *MHPA* and the Coastal Overlay Zone, mining and extractive industries may exceed the maximum allowable *steep hillside* development area described in Section 143.0142(a). Both inside and outside the *MHPA*, a Conditional Use Permit is required in accordance with Section 141.1001 and restoration of the on-site landform to a natural-appearing condition is required.
- (b) Brush management activity is exempt from all *steep hillside* development regulations in Section 143.0142 if the brush management is the minimum necessary to comply with City fire codes and no *grading* occurs in the brush management area. Within the Coastal Overlay Zone, all brush management within 30 feet of a primary *structure*

shall be subject to the steep hillside regulations for development within the Coastal Overlay Zone pursuant to Section 143.0142(a)(4).

- (c) Erosion control measures are exempt from the *steep hillside* development area regulations in Section 143.0142(a) if they are determined to be the only feasible means of erosion control necessary to protect the existing primary *structures* or *public improvements*.
- (d) Outside the Coastal Overlay Zone, City linear utility projects are exempt from the development area regulations of the OR-1-2 zone in Section 131.0250(b) and the development area regulations for *steep hillsides* in Section 143.0142(a) and for *sensitive biological resources* in Section 143.0141(d).
- (e) through (h) [No change.]

SEC. 143.0112 Requirement to Submit Required Documentation and Obtain Permit Prior to Development on Environmentally Sensitive Lands

It is unlawful to begin *development* on a *premises* that contains *environmentally sensitive lands* without submitting required documentation and obtaining the applicable *development permit* or an exemption as required pursuant to this division. If unlawful *development* occurs on property containing *environmentally sensitive lands* and an enforcement action has been commenced by the City pursuant to Section 143.0160, no *development permit* application may be processed until the enforcement action has been concluded.

SEC. 143.0115 Procedures and Regulations for Project-Specific Land Use Plans

- (a) Project-specific *land use plans*, including specific plans, precise plans, privately initiated *land use plan* amendments, and future urbanizing area subarea plans, proposed for sites where *environmentally sensitive lands* are present, are subject to the

regulations in this section to ensure adequate analysis of the constraints and opportunities of the planning area relative to *environmentally sensitive lands*. The analysis of *environmentally sensitive lands* for project-specific *land use plans* will be conducted in accordance with either Section 143.0115(b) or (c) based on whether or not a Site Development Permit is processed concurrently with the project-specific *land use plan*. Within the Coastal Overlay Zone, a project specific land use plan is subject to the *Local Coastal Program* amendment process.

- (b) Where a Site Development Permit is requested concurrently with the processing of a project-specific *land use plan*, the proposed *development* is subject to the following regulations. However, where a Coastal Development Permit is required, the project must conform to the *Local Coastal Program*, as certified by the Coastal Commission.
- (1) through (7) [No change.]
- (8) Any *coastal development* requiring a Coastal Development Permit must conform to the regulations in the certified *Local Coastal Program*. In case of conflict with the provisions of Section 143.0115(b)(1)-(7), the coastal development regulations apply.
- (c) Where a Site Development Permit is not requested concurrently with the processing of a project-specific *land use plan*, the proposed plan and subsequent Site Development Permits and/or Coastal Development Permits are subject to the following regulations.
- (1) through (7) [No change.]
- (8) Any *coastal development* requiring a Coastal Development Permit must conform to the regulations in the certified *Local Coastal Program*. In case of conflict with the provisions of Section 143.0115(c)(1)-(7), the coastal development regulations apply.

SEC. 143.0126 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) and (b) [No change.]
- (c) Within the Coastal Overlay Zone, a Coastal Development Permit is required for any emergency *coastal development* in accordance with Section 126.0718.

SEC. 143.0130 Uses Allowed Within Environmentally Sensitive Lands

Allowed uses within *environmentally sensitive lands* are those allowed in the applicable zone, except where limited by this section.

- (a) *Sensitive Coastal Bluff Areas*. Permitted uses and activities in *sensitive coastal bluff* areas, as indicated on Map Drawing No. C-713, are limited to the following:
 - (1) through (6) [No change.]
 - (7) *Open fences* and walls for public safety, provided they do not interfere with existing or designated public or visual access ways;
 - (8) through (11) [No change.]
 - (12) Bluff repair and erosion control measures, when necessary to protect existing primary *structures* and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.
- (b) *Coastal Beach Areas*. Permitted uses and activities in *coastal beach* areas, as identified on Map Drawing No. C-713, are limited to the following:
 - (1) through (4) [No change.]

- (5) Shoreline protective works when necessary to prevent bluff and beach erosion and to protect coastal dependent uses, public beach roadways, or existing primary *structures* in danger from wave action and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply;
 - (6) Public stairways, ramps, and other physical access *structures*, as proposed within an applicable land use plan; and
 - (7) [No change.]
- (c) *Floodways*. [No change.]
- (d) Wetlands in the Coastal Overlay Zone. Uses permitted in wetlands shall be limited to the following:
- (1) Aquaculture, wetlands-related scientific research and wetlands-related educational uses;
 - (2) Wetland restoration projects where the primary purpose is restoration of the habitat;
 - (3) Incidental public service projects, where it has been demonstrated that there is no feasible less environmentally damaging location or alternative, and where mitigation measures have been provided to minimize adverse environmental effects.
- (e) Wetland Buffer Areas in the Coastal Overlay Zone. Permitted uses in wetland buffer areas shall be limited to the following:
- (1) Public Access paths;
 - (2) Fences;
 - (3) Restoration and enhancement activities; and
 - (4) Other improvements necessary to protect wetlands.

SEC. 143.0141 Development Regulations for Sensitive Biological Resources

Development that proposes *encroachment* into *sensitive biological resources* or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Biology Guidelines in the Land Development Manual.

- (a) State and federal law precludes adverse impacts to *wetlands* or listed non-covered species habitat. The *applicant* shall confer with the U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service and/or California Department of Fish and Game before any public hearing for the *development* proposal. The applicant shall solicit input from the Resource Agencies on impact avoidance, minimization, mitigation and buffer requirements, including the need for upland transitional habitat. The applicant shall, to the maximum extent feasible, incorporate the Resource Agencies' recommendations prior to the first public hearing. *Grading or construction permits* shall not be issued for any project that impacts *wetlands* or Listed non-covered species habitat until all necessary federal and state permits have been obtained.
- (b) Outside and inside the *MHPA*, impacts to *wetlands*, including vernal pools in naturally occurring complexes, shall be avoided. A *wetland buffer* shall be maintained around all *wetlands* as appropriate to protect the functions and values of the *wetland*. In the Coastal Overlay Zone the applicant shall provide a minimum 100-foot buffer, unless a lesser or greater buffer is warranted as determined through the process described in 143.0141(a). Mitigation for impacts associated with a deviation shall achieve the goal of no-net-loss and retain in-kind functions and values.
- (c) through (h) [No change.]
- (i) All *development* occurring in *sensitive biological resources* is subject to a site-specific impact analysis conducted by the City Manager, in accordance with the

Biology Guidelines in the Land Development Manual. The impact analysis shall evaluate impacts to *sensitive biological resources* and CEQA sensitive species. The analysis shall determine the corresponding mitigation, where appropriate, and the requirements for protection and management. Mitigation may include any of the following, as appropriate to the nature and extent of the impact.

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

(j) and (k) [No change.]

SEC. 143.0142 Development Regulations for Steep Hillides

Development that proposes *encroachment* into *steep hillides* or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Steep Hillside Guidelines in the Land Development Manual.

(a) Allowable Development Area

- (1) Inside of the *MHPA*, the allowable development area is determined in accordance with the regulations set forth in the OR-1-2 zone, pursuant to Section 131.0250(b). However, within the Coastal Overlay Zone, *coastal development* is permitted only if in conformance with Section 143.0142(a)(4) and the certified *Local Coastal Program*.
- (2) Outside of the *MHPA*, the allowable development area includes all portions of the *premises* without *steep hillides*. *Steep hillides* shall be preserved in their natural state, except that *development* is permitted in *steep hillides* if necessary to achieve a maximum development area of 25 percent of the premises. However, within the Coastal Overlay Zone, *coastal development* on *steep hillides* shall be minimized to the maximum extent possible and permitted only when in conformance with Section 143.0142(a)(4).

(3) Outside of the *MHPA* and outside the Coastal Overlay Zone, up to an additional 15 percent development area is permitted only as follows and as long as the total development area does not exceed 40 percent of the *premises*, pursuant to the Steep Hillside Guidelines in the Land Development Manual:

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

(4) Within the Coastal Overlay Zone, *steep hillsides* shall be preserved in their natural state and *coastal development* on *steep hillsides* containing *sensitive biological resources* or mapped as Viewshed or Geologic Hazard on Map C-720 shall avoid encroachment into such *steep hillsides* to the maximum extent possible.

(A) When encroachment onto such *steep hillsides* is unavoidable, encroachment shall be minimized; except that encroachment is permitted in such *steep hillsides* to provide for a development area of up to a maximum of 25% of the *premises* on *premises* containing less than 91% of such *steep hillsides*. On *premises* containing 91% or greater of such steep hillsides, the maximum allowable development area is 20% of the *premises*; however, an additional 5% encroachment into such *steep hillsides* may be permitted if necessary to allow an economically viable use, pursuant to the Steep Hillside Guidelines.

(B) For the purposes of this section the development area shall include Zone 1 brush management pursuant to the Landscape Regulations in Chapter 14, Article 2, Division 4.

(C) Up to an additional 15% of encroachment onto such *steep hillsides* is permitted for the following:

(1) Major public roads and collector streets identified in the Circulation

Element of an applicable *land use plan*;

(2) Public utility systems;

(3) In the North City Local Coastal Program Land Use Plan areas only:

Local public streets or private roads and driveways which are necessary for access to the more developable portions of a site containing slopes of less than twenty-five (25%) grade, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or in part, shall be made by the City Manager based upon an analysis of the project site.

(D) For the purposes of Section 143.0142, encroachment shall be defined as any area of twenty-five percent (25%) or greater slope in which the natural landform is altered by grading, is rendered incapable of supporting vegetation due to the displacement required for the building, accessory structures, or paving, or is cleared of vegetation (including Zone 1 brush management).

(E) In the approval of any Coastal Development Permit for a *subdivision*, and any other division of land, including lot splits, no encroachment into *steep hillsides* containing *sensitive biological resources*, or mapped as Viewshed or Geologic Hazard on Map C-720 shall be permitted, and the decision maker shall require a minimum 30 foot setback from Zone 1 brush management for *coastal development* from such *steep hillsides*.

(b) through (f) [No change.]

(g) Erosion Control Measures

- (1) Outside the Coastal Overlay Zone, erosion control measures are not subject to the 25 percent development area regulations in Section 143.0142(a), but are subject to the landscape regulations in Chapter 14, Article 2, Division 4 and the Steep Hillside Guidelines in the Land Development Manual. Within the Coastal Overlay Zone, erosion control measures are subject to Section 142.0142(a)(4).
- (2) Air-placed concrete, including gunite or shotcrete, *retaining walls*, *buttress fills*, and other similar erosion control measures may be allowed only if determined to be the only feasible means of erosion control to protect the existing primary *structures or public improvements*.

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

- (h) All development on *steep hillsides* located in La Jolla or La Jolla Shores Community Plan areas, shall, in addition to meeting all other requirements of this section, be found consistent with the Hillside Development Guidelines set forth in the La Jolla - La Jolla Shores *Local Coastal Program land use plan*.

SEC. 143.0143 Development Regulations for Sensitive Coastal Bluffs

Coastal development on premises containing sensitive coastal bluffs, as identified on Map Drawing No. C-713, filed in the office of the City Clerk under Document No. 00-17062 or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Coastal Bluffs and Beaches Guidelines in the Land Development Manual.

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

- (e) Before approval of any *development permit*, the *applicant* shall execute and record in favor of the City a hold harmless and/or indemnification agreement for the approved *development*, as necessary and appropriate.

(f) All *development* including buildings, *accessory structures*, and any additions to existing *structures* shall be set back at least 40 feet from the *coastal bluff edge*, except as follows:

(1) The City Manager may permit *structures* to be located between 25 and 40 feet from the bluff edge where the evidence contained in a geology report indicates that the site is stable enough to support the *development* at the proposed distance from the *coastal bluff edge* and the project can be designed so that it will not be subject to or contribute to significant geologic instability throughout the anticipated life span of the *primary structures*, and no shoreline protection is required. Reductions from the 40-foot setback shall be approved only if the geology report concludes the *structure* will not be subject to significant geologic instability, and not require construction of shoreline protection measures throughout the economic life span of the *structure*. In addition, the applicants shall accept a deed restriction to waive all rights to protective devices associated with the subject property. The geology report shall contain:

- (A) An analysis of bluff retreat and coastal stability for the project site, according to accepted professional standards;
- (B) An analysis of the potential effects on bluff stability of rising sea levels, using latest scientific information;
- (C) An analysis of the potential effects of past and projected El Nino events on bluff stability;
- (D) An analysis of whether this section of coastline is under a process of retreat.

(2) *Accessory structures* and landscape features customary and incidental to residential uses shall not be closer than 5 feet to the *coastal bluff edge* provided,

however, that these shall be located at *grade*. *Accessory structures* and features may be landscaping, walkways, unenclosed patios, open shade *structures*, decks that are less than 3 feet above grade, lighting standards, *fences* and walls, seating benches, *signs*, or similar *structures* and features, excluding garages, carports, buildings, pools, spas, and upper *floor* decks with load-bearing support *structures*.

- (3) *Open fences* may be permitted closer than 5 feet to the *coastal bluff edge* only if necessary to provide for public safety and to protect resource areas accessible from public right-of-ways or on public parkland.
 - (4) Essential public drainage facilities and public walkways leading to permitted beach access facilities may be installed within the 5-foot *coastal bluff edge setback* provided they are designed to minimize impacts to the *coastal bluff face* and *coastal beach* areas.
- (g) *Coastal bluff* repair and erosion control measures may occur on the bluff face only if they comply with the following:
- (1) *Coastal bluff* repair and erosion control measures may be allowed on the *coastal bluff face* only if determined to be the only feasible means of erosion control and when necessary, to protect the existing primary *structures* or to protect *public improvements* that cannot feasibly be relocated.
 - (2) [No change.]
 - (3) The *applicant* shall submit a *geotechnical report* that documents the need for an erosion control measure to the City Manager. The *geotechnical report* shall identify the type and design of the erosion control measure necessary for protection of the existing primary *structures*, based upon site-specific conditions

and analysis of alternatives. The report must be accepted as adequate by the City Manager before any erosion control measures can be approved.

(4) and (5) [No change.]

(h) Essential public facilities including drainage facilities, stairways, ramps, and other physical beach access facilities may be permitted on a coastal bluff face if identified in an approved *land use plan* or if located in an area historically used by the public.

These facilities shall be designed to minimize impacts to the bluff face and beach area.

(i) [No change.]

(j) Public views shall be preserved pursuant to Section 132.0403.

(k) A vertical public access easement of not less than 10 feet in width, and running the full depth of the *premises* shall be offered, as a public easement as a condition of Coastal Development Permit approval, for *dedication* whenever all of the following conditions exist:

(1) The proposed *development* is located on *premises* that lies between the shoreline and the first public roadway paralleling the sea, as defined within the California Coastal Commission Regulations.

(2) [No change.]

(3) Impacts caused by the proposed *development*, including, but not limited to, direct encroachment into an accessway identified in the applicable *land use plan*, justify the requirement for a vertical accessway.

SEC. 143.0144 Development Regulations for Coastal Beaches

The following development regulations apply to *development* proposed on a *premises* containing a *coastal beach*, as identified on Map Drawing No. C-713, filed in the office of the City Clerk under Document No. 00-17062, and *coastal development* is subject to the

following regulations and the Coastal Bluffs and Beaches Guidelines in the Land Development Manual.

(a) and (b) [No change.]

(c) Public views shall be preserved pursuant to Section 132.0403.

(d) A vertical public access easement of not less than 10 feet in width, and running the full depth of the *premises*, shall be offered for *dedication* as a public easement as a condition of Coastal Development Permit approval whenever both of the following conditions exist:

(1) [No change.]

(2) Impacts caused by the proposed *development*, including, but not limited to, direct encroachment into an accessway identified in the applicable land use plan, justify the requirement for a vertical accessway.

(e) An easement for public access and passive recreational uses located along the shoreline paralleling the water's edge shall be offered for *dedication* as a public easement as a condition of *development permit* approval. The easement shall have a minimum width of 25 feet measured from the toe of an existing *bluff*, the first line of terrestrial vegetation where there is no *coastal bluff*, or an existing or proposed seawall or other protective device seaward to the mean high tide line whenever both of the following conditions exist:

(1) [No change.]

(2) The proposed *development* will fix the location of the back of the beach, encroach onto the shoreline or cause other impacts which justify the requirement for the easement.

(f) For applications involving a shoreline protective work, the *applicant* shall submit a

geotechnical report that documents the need for the erosion control measure to the City Manager. If the geotechnical report documents an existing primary *structure* is in danger from erosion, the geotechnical report shall identify the type and design of the protective device necessary to protect the existing primary *structure*, and other feasible alternatives to reduce the risk and address site-specific hazardous conditions. The report must be accepted as adequate by the City Manager before any erosion control measures can be approved.

- (g) Air-placed concrete, including gunite or shotcrete, retaining walls, seawalls, fills or other similar erosion control measures shall be permitted only when necessary to protect an existing primary *structure* and when determined to be the least environmentally damaging feasible alternative pursuant to the California Environmental Quality Act. Mitigation for impacts to local shoreline sand supply shall be required.
- (h) Any approved shoreline protective device shall be designed and implemented in accordance with generally accepted engineering standards and specifications and shall also incorporate existing and adjacent landform characteristics including color coating, texturing, landscape, and topographical features.
- (i) Where erosion control measures are proposed to encroach upon or affect any portion of property owned by The City of San Diego or other public agency, or on lands subject to the public trust, the *applicant* shall provide written permission from the City Manager or public property owner before approval of any *development permit*. Documentation of this approval shall be recorded with the conditions of *development permit* approval. When an erosion control device encroaches directly on or otherwise affects State tidelands or publicly-owned property, the property owner shall be

required to compensate for the use of public property and to mitigate the impacts of the protective device on the public beach.

- (j) Mitigation for impacts on State tidelands or public beach may include, but not be limited to, a mitigation fee to be used for beach and sand replenishment within the littoral cell of the project. The fee shall be roughly proportional to the value of the beach area lost as a result of the protective device and shall be deposited in the City of San Diego Beach Sand Mitigation Fund held by the San Diego Association of Governments.

SEC. 143.0145 Development Regulations for Floodplains

[No change to first paragraph.]

(a) *Floodways*

(1) and (2) [No change.]

(3) *Channelization* or other substantial alteration of rivers or streams shall be limited to that necessary for the following:

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

(C) Projects where the primary function is the improvement of fish and wildlife habitat.

(4) through (6) [No change.]

(7) Within the Coastal Overlay Zone, no *structure* or portion thereof shall be erected, constructed, converted, established, altered or enlarged, or no landform alteration *grading*, placement or removal of vegetation, except that related to a historic and ongoing agricultural operation, or land division shall be permitted, provided:

(A) Parking lots, new roadways and roadway expansions shall be allowed only

where indicated on an adopted *Local Coastal Program land use plan*.

(B) Floodway encroachments for utility and transportation crossings shall be offset by improvements or modifications to enable the passage of the one hundred (100) year frequency flood, in accordance with the FEMA standards and regulations provided in Section 143.0145(c).

(b) *Floodplain Fringe*. The applicable development regulations are those in the underlying zone, subject to the following supplemental regulations:

(1) Within the *floodplain fringe* of a *100-year floodplain*, permanent *structures* and *fill* for permanent *structures*, roads, and other *development* are allowed only if the following conditions are met:

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

(C) *Grading* and *filling* are limited to the minimum amount necessary to accommodate the proposed *development*, harm to the environmental values of the floodplain is minimized including peak flow storage capacity, and *wetlands* hydrology is maintained;

(D) [No change.]

(E) There will be no significant adverse water quality impacts to downstream wetlands, lagoons or other *sensitive biological resources*, and the *development* is in compliance with the requirements and regulations of the National Pollution Discharge Elimination System, as implemented by the City of San Diego.

(F) The design of the *development* incorporates the findings and recommendations of both a site specific and coastal watershed hydrologic study.

(2) [No change.]

(c) [No change.]

SEC. 143.0150 Deviations from Environmentally Sensitive Lands Regulations

Plans submitted in accordance with this section shall, to the maximum extent feasible, comply with the regulations of this division. If a proposed *development* does not comply with all applicable development regulations of this division and a deviation is requested as indicated in Table 143-01A, the Planning Commission may approve, conditionally approve, or deny the proposed Site Development Permit in accordance with Process Four, subject to the following:

(a) and (b) [No change.]

(c) Within the Coastal Overlay Zone, deviations from the Environmentally Sensitive

Lands Regulations may be granted only if the decision maker makes the *findings* in Section 126.0708.

SEC. 143.0151 Alternative Compliance for Steep Hillside Development Area Regulations

Proposed *developments* that do not comply with the development area regulations of Section 143.0142(a) and do not result in conflicts with other regulations may be considered as alternative compliance as indicated in Table 143-01A, pursuant to the regulations in this section. The Planning Commission may approve, conditionally approve, or deny the proposed Site Development Permit with alternative compliance in accordance with Process Four, subject to the following:

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

(e) Alternative compliance shall not be considered for lands that are within the Coastal Overlay Zone.

SEC. 143.0152 Covenants of Easements Pursuant to Environmentally Sensitive Lands Regulations

As authorized by California Government Code Section 65871, the owner of any *premises* affected by issuance of a permit under this division as described in Section 143.0140(a), shall execute a covenant of easement unless the owner dedicates the remainder portion of the property in fee to the City. The covenant of easement shall be recorded against title to the affected *premises* and executed in favor of the City.

(a) and (b) [No change.]

(c) In the Coastal Overlay Zone, the covenant of easement shall be required as a condition of approval at the *tentative map* stage of *coastal development* rather than at subsequent stages to the extent possible.

SEC. 143.0155 Administrative Guidelines for Environmentally Sensitive Lands Regulations

The City Manager is authorized to promulgate and publish Steep Hillside Guidelines, Biology Guidelines, Coastal Bluffs and Beaches 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 Neighborhood Development Permits, Site Development Permits and Coastal Development Permits issued pursuant to this division. Any revisions to these guidelines will require review and approval of the Coastal Commission as an amendment to the City's certified *Local Coastal Program*.

Section 32. That Chapter 14, Article 3, Division 2, of the San Diego Municipal Code is amended by amending sections 143.0212, 143.0214, 143.0220, 143.0225, 143.0250, and 143.0260, to read as follows:

SEC. 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.

(b) [No change.]

(c) The City Manager shall determine the need for a site-specific survey within 10 *business days* of application for a *construction permit* or within 30 calendar days of application for a *development permit*. A site-specific survey shall be required when the City Manager determines that a *historical resource* may exist on the parcel. If the City Manager determines that a site-specific survey is not required within the specified time period, a permit in accordance with Section 143.0210 shall not be required.

(d) [No change.]

SEC. 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) through (c) [No change.]

- (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.

SEC. 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) [No change.]
- (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) through (i) [No change.]
- (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.

SEC. 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) through (e) [No change.]

SEC. 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) through (g) [No change.]

SEC. 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.

(b) and (c) [No change.]

Section 33. That Chapter 14, Article 3, Division 4, of the San Diego Municipal Code is amended by amending sections 143.0440 and 143.0450, to read as follows:

SEC. 143.0440 Supplemental Planned Development Permit Regulations for Residential Rural Cluster Development in the AR and OR Zones

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, the following regulations apply to all residential Planned Development Permits for rural cluster *developments* in the AR and OR zones:

(a) *Density*

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

(4) Within the future urbanizing area and outside the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0440(c)(4) may be used in the

calculation of total permitted residential *density*.

(b) [No change.]

(c) Open Space Requirement

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

(4) Recreational facilities shall be designed to serve only the occupants and guests of the *development*. However, within the future urbanizing area and outside the Coastal Overlay Zone, golf courses open to the public and their customary incidental, supportive facilities (excluding lodging facilities) need not be restricted provided that a permanent and irrevocable open space easement is established that covers the area of the golf course. A golf course open to the public means a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or that offers memberships to the public.

(5) Within the future urbanizing area and outside the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0440(c)(4) may be used in the calculation of total required open space.

SEC. 143.0450 Supplemental Planned Development Permit Regulations for Residential Rural Cluster Development with Increased Density

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, the following regulations apply to all residential rural cluster *developments* requesting increased *density* that are located in the AR-1-1 and OR-1-2 zones within the future urbanizing area. Approval of a proposed *development* in accordance with this section shall require the *findings* in Section 126.0604(b) to be made.

(a) *Density*

(1) and (2) [No change.]

- (3) Except within the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0450(c)(6) may be used in the calculation of total permitted residential *density*.
- (b) [No change.]
- (c) Open Space Requirements
- (1) through (5) [No change.]
- (6) Recreational facilities shall be designed to serve only the occupants and guests of the planned *development*. However, within the future urbanizing area and outside the Coastal Overlay Zone, golf courses open to the public and their customary incidental, supportive facilities (excluding lodging facilities) need not be restricted provided that a permanent and irrevocable open space easement is established that covers the area of the golf course. A golf course open to the public shall mean a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or that offers memberships to the public.
- (7) Except within the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0450(c)(6) may be used in the calculation of total required open space.
- (d) [No change.]
- (e) Subarea Plan Requirement in the North City Future Urbanizing Area
- (1) [No change.]
- (2) Except within the Coastal Overlay Zone, Section 143.0450(e)(1) shall not apply to any project for which an application was *deemed complete* on or before December 10, 1990, and which includes a golf course that is open to the public provided, however, that any such project shall fully participate in the Public Facilities Financing Plan, Interim Fees, and the *school* Facilities Master Plan, and that a development agreement shall be executed for the project.

Section 34. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 35. That City departments as instructed not to issue any permit for development inconsistent with the provisions of the Land Development Code unless application for such permit was submitted and deemed complete by the City Manager prior to the date the Land Development Code becomes effective.

Section 36. That the Land Development Code as approved by Ordinance No. O-18451 and as revised by this ordinance shall take effect and be in force on January 1, 2000, provided that on or before November 5, 1999, the California Coastal Commission has effectively certified The City of San Diego Local Coastal Program Amendment, including the revised Steep Hillside Guidelines submitted pursuant to Resolution No.

R- 291737 (R-99-1165). If the Coastal Commission effectively certifies the Local Coastal Program Amendment and revised Steep Hillside Guidelines after November 5, 1999, the Land Development Code shall be in force and become effective on the sixtieth day after the date of effective certification of both.

APPROVED: CASEY GWINN, City Attorney

By Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

PD:cdk

05/13/99

07/19/99 COR. COPY

Or.Dept:Plan.&Dev.Rev.

O-99-116

Form=o&t.frm

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Underline

(O-99-116)(COR. COPY)

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 1, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 111.0101 AND 111.0104; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 1, BY AMENDING SECTION 112.0103; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 3, BY AMENDING SECTIONS 112.0301, 112.0302, AND 112.0306; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 5, BY AMENDING SECTION 112.0503; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1, BY AMENDING SECTION 113.0103; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2, BY AMENDING SECTIONS 113.0228 AND 113.0273; AMENDING CHAPTER 12, ARTICLE 1, DIVISION 1, BY AMENDING SECTION 121.0101; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 1, BY AMENDING SECTIONS 126.0105, 126.0111, 126.0112, AND 126.0113; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5, BY AMENDING SECTION 126.0503; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7, BY AMENDING SECTIONS 126.0702, 126.0704, 126.0707, 126.0708, 126.0710, 126.0717, 126.0718, 126.0722, BY RENUMBERING 126.0722 TO 126.0723; AND BY ADDING 126.0724; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 8, BY AMENDING SECTION 126.0805; AMENDING CHAPTER 12, ARTICLE 7, DIVISION 1, BY AMENDING SECTIONS 127.0106 AND 127.0107; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1, BY AMENDING SECTIONS 131.0112 AND 131.0140; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2, BY AMENDING SECTIONS 131.0222, 131.0230, 131.0231, AND 131.0250; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3, BY AMENDING SECTIONS 131.0303, 131.0322, 131.0323, 131.0330 AND 131.0331; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4, BY AMENDING SECTIONS 131.0403, 131.0420, 131.0430, 131.0431, AND 131.0461; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5, BY AMENDING SECTIONS 131.0522, 131.0530, 131.0531 AND 131.0540; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6, BY AMENDING SECTIONS 131.0622, 131.0630, AND 131.0631; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 4, BY AMENDING SECTION 132.0402, AND ADDING SECTION 132.0403; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 8, BY AMENDING SECTION 132.0802; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14, BY AMENDING SECTION 132.1402; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 2, BY AMENDING SECTION 141.0202; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3, BY AMENDING SECTION 141.0301;

AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4, BY AMENDING SECTIONS 141.0404, 141.0405, 141.0407, AND 141.0413; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6, BY AMENDING SECTIONS 141.0610, 141.0614, 141.0615, 141.0617, 141.0621, 141.0623 and 141.0624; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 9, BY AMENDING SECTION 141.0902; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 3, BY AMENDING SECTIONS 142.0305 AND 142.0340; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4, BY AMENDING SECTION 142.0412; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5, BY AMENDING SECTIONS 142.0505, 142.0510, 142.0525, 142.0530, 142.0535, 142.0540, 142.0555, AND 142.0560; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 7, BY AMENDING SECTION 142.0740; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12, BY AMENDING SECTION 142.1290; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1, BY AMENDING SECTIONS 143.0101, 143.0110, 143.0111, 143.0112, 143.0115, 143.0126, 143.0130, 143.0141, 143.0142, 143.0143, 143.0144, 143.0145, 143.0150, 143.0151, 143.0152, AND 143.0155; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 2, BY AMENDING SECTIONS 143.0212, 143.0214, 143.0220, 143.0225, 143.0250, AND 143.0260; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 4, BY AMENDING SECTIONS 143.0440 AND 143.0450, ALL RELATING TO THE LAND DEVELOPMENT CODE.

SEC. 111.0101 Title

(a) and (b) [No change.]

(c) Chapter X, Article 3 of the Municipal Code contains regulations pertaining to Planned

Districts as adopted by the City and shall constitute a part of the Land Development Code.

SEC. 111.0104 Retention of Existing Ordinances, Rules, or Regulations

Where the Land Development Code imposes a greater restriction upon *development* than is imposed or required by other ordinances, rules, or regulations the provisions of the Land Development Code ~~control~~ supersede those other ordinances, rules, or regulations unless otherwise specifically stated.

SEC. 112.0103 Consolidation of Processing

When an *applicant* applies for more than one permit, map, or other approval for a single *development*, the applications shall be consolidated for processing and shall be reviewed by a single decision maker. The decision maker shall act on the level of authority for that *development*

as set forth in Section 111.0105. The *findings* required for approval of each permit shall be considered individually, consistent with Section 126.0105.

SEC. 112.0301 Types of Notice

(a) [No change.]

(b) Notice of Future Decision. A Notice of Future Decision shall be provided for an application for a permit or other matter acted upon in accordance with Process Two.

(1) Content. The Notice of Future Decision shall include the following information:

(A) through (F) [No change.]

(G) An explanation that the decision to approve, conditionally approve, or deny the proposed *development* will be made by City staff, without a public hearing, and that the *decision date* will not be less than 11 *business days* after the date of mailing the Notice of Future Decision to allow for sufficient time for public comment.

(H) and (I) [No change.]

(2) [No change.]

(c) Notice of Public Hearing. A Notice of Public Hearing shall be provided before a decision is made on an application for a permit, map, or other matter acted upon in accordance with Process Three, Process Four, or Process Five, or on an appeal of a Process Two, Process Three, or Process Four decision.

(1) Content. The Notice of Public Hearing shall include the following information:

(A) through (G) [No change.]

(H) A brief description of the general procedures concerning the conduct of hearing and local actions and t The procedure and requirements for filing an appeal. For Process Three or Process Four public hearings, the definition of an *interested person* for purposes of appeal.

(1) [No change.]

(2) [No change.]

SEC. 112.0302 Notice by Mail

- (a) General Provisions. When the Land Development Code requires a Notice of Application, Notice of Future Decision, Notice of Public Hearing, or other mailed notice, the notice shall be postage prepaid and addressed to the persons identified in Section 112.0302(b). Notice by mail shall be considered complete at the time of deposit in the United States Mail. ~~Notice by hand delivery may be substituted for notice by mail at the discretion of the City.~~
- (b) Persons Entitled to Notice. Except as provided in Section 112.0302(c), the Notice of Application, Notice of Future Decision, and Notice of Public Hearing shall be mailed to the following:
- (1) [No change.]
- (2) All ~~tenant~~ addresses located within 300 feet of the boundary of the real property that is the subject of the application, including each address within a condominium or apartment complex;
- (c) Alternative to Mailed Notice. If the number of tenants and owners to whom notice would be mailed in accordance with Section 112.0302(b) is greater than 1,000, notice may be given by placing a display advertisement of at least one-eighth page in a newspaper of general daily circulation within the City in lieu of mailing, unless the noticing is required for a Coastal Development Permit.
- (d) Notice Address
- (1) and (2) [No change.]

- (3) A notice mailed to a tenant address shall be addressed "~~Resident~~" "Tenant".

SEC. 112.0306 Notice for Coastal Development Permits

All notices for a Coastal Development Permit shall include a statement that the *development* is within the Coastal Overlay Zone, the date of filing of the application and the number assigned to the application. When a Coastal Development Permit is to be considered under Process Two or at a public hearing, the City Manager shall mail a Notice of Future Decision or Notice of Public Hearing to the California Coastal Commission and all persons requesting notice on Coastal Development Permits. This notice shall be provided in addition to the other notices required by this division. Notices for appealable Coastal Development Permits shall include provisions for appeals to the California Coastal Commission.

SEC. 112.0503 Process Two

[No change in first paragraph.]

(a) [No change.]

(b) Decision Process. The designated staff person may approve, conditionally approve, or deny the application without a public hearing. The decision shall be made no less than 11 *business days* after the date on which the Notice of Future Decision is mailed to allow for sufficient time for public comment. This 11 *business days* minimum time frame for a staff decision will be extended by a period not to exceed an additional 20 *business days* to allow time for a recommendation by a recognized community planning group, if requested by the group's chair, or the chair's designee. Notification of the decision shall be given to the *applicant* and to those persons who request notification in accordance with this section, no later than 2 *business days* after the *decision date*.

SEC. 113.0103 Definitions [Only those listed are amended.]

Appealable area means the area, as defined by California Public Resources Code Section 30603,

within the coastal zone that constitutes the appeal jurisdiction of the Coastal Commission. This area includes lands between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; or within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff. The *appealable area* is shown on Map Drawing No. C-730, on file in the office of the City Clerk as Document No. 00-17067-1; however, this map may be updated as appropriate and may not include all lands involving post-LCP certification appeal jurisdiction.

Channelization means artificial *flood* control works designed and constructed to contain all of a specified *flood* event; however, within the Coastal Overlay Zone *channelization* also means the filling or substantial alteration of the floodplain.

Coastal bluff means an escarpment or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, or folding, or excavation of the land mass that has a vertical relief of 10 feet or more and is in the coastal zone.

Coastal bluff edge means the ~~seaward-most~~ termination of the top of a *coastal bluff* where the downward gradient of the land surface begins to increase more or less continuously until it reaches the general gradient of the *coastal bluff face*. See Section 113.0219 for additional information on determining the *coastal bluff edge*.

Coastal development means "development" as defined in the California Coastal Act of 1976, Section 30106 in the Coastal Overlay Zone, which states "development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with

Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes and kelp harvesting. As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Fill means any soil, excavated or dredged material, riprap, rock, concrete, construction debris, pilings, sand, or other material or substance that is added to any location on a *premises*.

Local Coastal Program has the same meaning as stated in the California Coastal Act of 1976, Section 30108.6, which states: "Local Coastal Program means a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resource areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level."

Open fence means a *fence* that has at least 35 percent of the vertical surface area of each 6-foot section open to light. Within the Coastal Overlay Zone, open fence means a fence designed to permit public views that has at least 75 percent of its surface area open to light.

Temporary event means an activity or use of limited duration that involves the placement of non-permanent structures and/or involves exclusive use of sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use. For purposes of this definition, limited duration means a period of time which does not exceed a two week period on a continual basis, or does not exceed a consecutive four month period on an intermittent basis.

SEC. 113.0228 Determining Existing Grade

- (a) *Existing grade* is the ground elevation of the surface of a *premises* that has never been *graded* or, for a *premises* that has been *graded*, outside the Coastal Overlay Zone, the ground elevation that existed on March 4, 1972. Within the Coastal Overlay Zone, existing grade on premises that has been graded shall be determined pursuant to Section 113.0228 (b) and (c). This is illustrated in Diagram 113-02F.

[No change to Diagram 113-02F]

(b) and (c) [No change.]

[No change to Diagram 113-02G.]

SEC. 113.0273 Measuring Visibility Area

[No change in first paragraph.]

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

- (d) Where the required front and street side yards measure less than 25 feet when combined, that measurement or 15 feet, whichever is greater, establishes the *visibility area* at the street intersection.

SEC. 121.0101 Purpose of City Review

[No change in first paragraph.]

The Land Development Code provides procedures to review *land use plans*, zoning actions, maps, and permit applications. Map and permit reviews are divided into two major categories: development review and construction review. A proposed map or permit may require either type

or both types of review as specified. Development review is the review of conceptual or schematic plans. Development review is required when conditions must be applied to a map or permit or when adjustments or exceptions from regulations are proposed ~~street~~. Construction review is review of final or construction plans for compliance with regulations of the Land Development Code.

SEC. 126.0105 Findings for Development Permit Approval

An application for a *development permit* may be approved only if the decision maker determines that the *development*, as proposed or as conditioned, meets all *findings* for all required ~~that~~ permits as provided in Chapter 12, Article 6, Divisions 2 through 68. If the decision maker determines that any of the findings are not met, the application shall be denied. The decision maker shall record the decision in writing and shall specify the evidence or statements presented that support the *findings*.

SEC. 126.0111 Extension of Time of a Development Permit

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

(e) *Findings* for Approval. An extension of time, except for a Coastal Development Permit, may be approved without new conditions if the decision maker makes both of the following *findings*:

(1) and (2) [No change.]

(f) *Findings* for Conditional Approval. An extension of time, except for a Coastal Development

Permit, may be approved with new conditions if the decision maker makes one of the following *findings*:

(1) and (2) [No change.]

(g) Findings for Approval for Extension of Time for a Coastal Development Permit. An extension of time for a Coastal Development Permit may be approved only if the decision maker makes all of the following findings:

(1) The project as originally approved would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health and safety;

(2) There are no changed circumstances which would affect the project's consistency with the Local Coastal Program; and

(3) No new condition is required to comply with state or federal law.

(gh) Denial of the Extension of Time. The decision maker shall deny the extension of time if the project, even as conditioned, would place the residents of the proposed *development* or the immediate community in a condition dangerous to their health or safety, or would not comply with state or federal law.

SEC. 126.0112 Minor Modifications to a Development Permit

A proposed minor modification to an approved *development permit* may be submitted to the City Manager to determine if the revision is in *substantial conformance* with the approved permit. If the revision is determined to be in *substantial conformance* with the approved permit, the revision shall not require an amendment to the *development permit*. Within the Coastal Overlay Zone, any *substantial conformance* determination shall be reached through a Process Two review.

SEC. 126.0113 Amendments to a Development Permit

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

- (e) Within the Coastal Overlay Zone, a proposed change in use which will result in a change in intensity of use requires an amendment or a new Coastal Development Permit.

SEC. 126.0503 Decision Processes for Site Development Permits

(a) Process Three

A decision on an application for a Site Development Permit for the types of *development* listed in Section 126.0502(a), (b) and (c) shall be made in accordance with Process Three.

The decision may be appealed to the Planning Commission in accordance with Section 112.0506.

(b) Process Four

(1) A decision on an application for a Site Development Permit for the types of *development* listed in Section 126.0502(~~b~~d) shall be made in accordance with Process Four.

(2) [No change.]

(c) Process Five

A decision on an application for a Site Development Permit for the types of *development* listed in 126.0502(~~ee~~) shall be made in accordance with Process Five.

SEC. 126.0702 When a Coastal Development Permit Is Required

(a) [No change.]

(b) Permits Issued by the Coastal Commission. A Coastal Development Permit or exemption requirements for all ~~proposed~~ *coastal development* on a project site located ~~partially or~~ completely within the Coastal Commission Permit Jurisdiction or in the Deferred Certification Area must be obtained from the Coastal Commission. The Coastal Commission Permit Jurisdiction and the Deferred Certification Area are shown on Map No. C-730.1 on file in the ~~Development Services~~ Planning and Development Review Department, the San Diego office of the Coastal Commission, and in the office of the City Clerk as Document No.

00-17067-1.

- (c) Permits Issued by the City and the Coastal Commission. A Coastal Development Permit or exemption issued by the City and the Coastal Commission are required for all *coastal development* on a *premises* located partially within the Coastal Commission permit jurisdiction. A Coastal Development Permit from each agency is required for the portion of the project within the agency's jurisdiction.

SEC. 126.0704 Exemptions from a Coastal Development Permit

The following *coastal development* is exempt from the requirement to obtain a Coastal Development Permit.

- (a) Improvements to existing *structures* are exempt, except if the improvements involve any of the following:

(1) Improvements to any *structure* located on a beach, *wetland*, stream, or seaward of the mean high tide line, where the *structure* or proposed improvements would encroach within 50 feet of a *coastal bluff edge*.

(2) Improvements to any *structure* that would result in an increase of 10 percent or more of interior *floor* area or an additional improvement of 10 percent or less where an improvement to the structure had previously been exempted; an increase in building height by more than 10 percent where the *structure* is located between the sea and first public roadway paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line where there is no beach, whichever is the greater distance.

The first public roadway is shown on Map No. C-730.1 filed in the office of the County Recorder as Document No. 00-17069.

(3) Improvements that result in an intensification of use. For purposes of this Section 126.0704, intensification of use means a change in the use of a *lot* or *premises* which,

based upon the provisions of the applicable zone, requires more off-street parking than the most recent legal use on the property. did any legal use of the lot within the 12 months immediately preceding the date of application for a construction permit.

- (4) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland or sand dune, or within 100 feet of the edge of a coastal bluff.
 - (5) The demolition or removal of 50% or more of the exterior walls of the existing structure.
 - (6) The expansion or construction of water wells or septic systems.
 - (7) Any significant non-attached structures such as garages, fences, shoreline protective works or docks on property located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance.
 - (8) Any improvement to a structure where the Coastal Development Permit issued for the original structure indicated that any future improvements would require a *development permit*.
- (b) Repair or maintenance activities are exempt except if the repairs or maintenance involve any of the following:
- (1) Repair or maintenance of a seawall, revetment, bluff *retaining wall*, breakwater, groin, culvert, outfall, or similar shoreline work that involves: substantial alteration to the foundation of the protective work structure; including pilings and other surface or sub-surface structures; the placement, whether temporary or permanent, of riprap, artificial berms of sand or other beach materials, or any other forms of solid materials on a beach or in coastal waters, streams, wetlands, estuaries or on a shoreline protective work wall, unless destroyed by a natural disaster; the replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; the placement,

whether temporary or permanent, of mechanized construction equipment on any sand area, *coastal bluff*, or within 20 feet of coastal waters or streams, except that the use of such equipment solely for routine beach and park maintenance shall not require a Coastal Development Permit.

- (2) Any repair or maintenance to facilities or *structures* or any work located within a *wetland*, any sandy beach area, within 50 feet of a *coastal bluff edge* or *wetland*, or within 20 feet of any coastal waters or streams that include: the placement or removal, whether temporary or permanent, of riprap, rocks, sand or other beach materials or any other forms of solid materials or the presence, whether temporary or permanent, of mechanized equipment or construction materials. ~~except that *public utility* repair and maintenance, as provided under Section 126.0704(c), below, shall not require a Coastal Development Permit.~~

- (c) Any coastal development that has been categorically excluded pursuant to Categorical Exclusion Order No. _____. (Editor's note: a number will be inserted if and when a Categorical Exclusion Order is issued by the California Coastal Commission.)

- (d) A temporary event which does not meet all of the following criteria:

- (1) The event is held between Memorial Day weekend and Labor Day; and,
- (2) The event will occupy all or a portion of a sandy beach or public parking area; and
- (3) The event involves a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

However, a temporary event which does not meet all of the criteria in Sections 126.0704(d)(1)-(3) may require a Coastal Development Permit if the City Manager determines the event has the potential to adversely affect public access to the shoreline and/or environmentally sensitive lands, and the event involves any of the following circumstances:

- (4) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive lands;
- (5) The event is scheduled between Memorial Day weekend and Labor Day and would restrict or close to the public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;
- (6) The event has historically required a Coastal Development Permit to address and monitor associated impacts to coastal resources.

(ee) *Public utility* installation of new or increased service to *development* approved or exempted in the Municipal Code, and *public utility* repair or maintenance as exempted under the Coastal Commission's Interpretive Guidelines on Exclusions from Permit Requirements filed with the City Clerk as Document No. OO-17067-2.

(fd) Any action necessary to abate a *public nuisance* as provided under California Public Resources Code Section 30005(b).

(ge) Agricultural *grading* on land that has been cultivated within the previous 10 years.

(hf) The replacement of any *structure* destroyed by a disaster, except a public works facility. The replacement *structure* shall comply with the applicable zone, shall be for the same use as the destroyed *structure*, shall not exceed the *floor area ratio*, height, or bulk of the destroyed *structure* by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed *structure*.

SEC. 126.0707 Decision Process for a Coastal Development Permit

(a) and (b) [No change.]

(b c) Conditions may be imposed by the decision maker when approving a Coastal Development Permit to carry out the purpose and the requirements of this division. The conditions may include a provision for public access, open space, or conservation

easements or the relocation or redesign of proposed site improvements. In any subdivision or other land division, such conditions shall be imposed at the time of the subdivision or other land division, rather than through subsequent development permits.

When conditions pertaining to public access, open space, or conservation easements are imposed, the City Manager shall notify the Executive Director of the Coastal Commission as set forth in Section 126.0719.

- (d) When more than one permit, map or other approval is required for a single development, the applications shall be consolidated and the action of the decision maker shall be considered one consolidated action. In the Coastal Overlay Zone, the findings for each approval shall be consolidated and shall constitute the findings of the Coastal Development Permit. For decisions involving coastal development within the appealable area, the entire consolidated decision is appealable to the Coastal Commission.
- (e) Any coastal development involving a subdivision pursuant to the Subdivision Map Act and any other division of land requires a Coastal Development Permit. The land division shall be processed as part of the Coastal Development Permit in accordance with the Subdivision Regulations (Chapter 14, Article 4) and Subdivision Procedures (Chapter 12, Article 5). Any tentative map, lot line adjustment, merger, public right-of-way vacation or public easement abandonment may be approved or conditionally approved only if the decision maker makes the findings pursuant to Section 126.0708.

SEC. 126.0708 Findings for Coastal Development Permit Approval

An application for a Coastal Development Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

- (a) The proposed *coastal development* will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a *Local*

Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the nor will it significantly obstruct identified views to and along the ocean and other scenic coastal areas from public vantage points as identified in a Local Coastal Program land use plan;

- (b) The proposed *coastal development* will not adversely affect sensitive coastal resource areas environmentally sensitive lands; and
- (c) The proposed *coastal development* ~~will conform with the Local Coastal Program~~ is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.
- (d) For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.
- (e) Supplemental Findings - Environmentally Sensitive Lands Within the Coastal Overlay Zone
When a deviation is requested from the Environmentally Sensitive Lands Regulations because the applicant contends that application of the regulations would result in denial of all economically viable use, the Coastal Development Permit shall include a determination of economically viable use.

A Coastal Development Permit, or a Site Development Permit in the Coastal Overlay Zone, 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 126.0708(a), (b), (c)

and (d) and the supplemental findings in Section 126.0504 (b):

The decision maker shall hold a public hearing on any application on a Coastal Development Permit that includes a deviation from the Environmentally Sensitive Lands Regulations in the Coastal Overlay Zone. Such hearing shall address the economically viable use determination. Prior to approving a Coastal Development Permit for development within the Coastal Overlay Zone that requires a deviation from the Environmentally Sensitive Lands Regulations, the decision maker shall make all of the following findings:

- (1) Based on the economic information provided by the applicant, as well as any other relevant evidence, each use provided for in the Environmentally Sensitive Lands Regulations would not provide any economically viable use of the applicant's property; and
- (2) Application of the Environmentally Sensitive Lands Regulations would interfere with the applicant's reasonable investment-backed expectations; and
- (3) The use proposed by the applicant is consistent with the applicable zoning; and
- (4) The use and project design, siting, and size are the minimum necessary to provide the applicant with an economically viable use of the premises; and
- (5) The project is the least environmentally damaging alternative and is consistent with all provisions of the certified *Local Coastal Program* with the exception of the provision for which the deviation is requested.

The findings adopted by the decision making authority shall identify the evidence supporting the findings.

SEC. 126.0710 Appeals to the Coastal Commission

- (a) [No change.]
- (b) A Coastal Development Permit that has been approved or denied for a major public works

project or a major energy facility as these are defined by California Public Resources Code Sections 30114 and 30107, respectively, and Section 13012, California Code of Regulations, Title 14, Division 5.5, may be appealed to the Coastal Commission if the *development* authorized by the permit is located anywhere within the Coastal Overlay Zone.

~~(e)~~ A Coastal Development Permit within the *appealable area* that has been denied may be appealed to the Coastal Commission only if the permit is for a major public works project or a major energy facility or if the decision maker approves all other required *development permits* or maps but does not make the findings for the Coastal Development Permit.

~~(d)~~(c) Exhaustion of City Appeal. A decision on a Coastal Development Permit may be appealed to the Coastal Commission only after all appeal remedies of the City have been exhausted, except that exhaustion of all local appeals shall not be required if any of the following occur: an appellant is required to appeal to more local appellate bodies than have been certified as appellate bodies for Coastal Development Permits; an appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision; an appellant was denied the right of local appeal because local notice and hearing procedures for the development were inadequate or an appeal fee is required for the filing or processing of appeals.

~~(e)~~(d) Coastal Commission Responsibility

(1) If the Coastal Commission determines that a substantial issue exists in an appeal of a City Coastal Development Permit, the Coastal Development Permit *coastal development* authorized by that permit becomes the responsibility of the Coastal Commission. All future responsibility pertaining to the *coastal development* authorized by that Coastal Development Permit lies with the Coastal Commission, including any future amendment to, extension to, or enforcement of the conditions of approval of the permit.

(2) [No change.]

SEC. 126.0717 Permits Issued by the Coastal Commission

Any person who has a valid Coastal Development Permit issued by the Coastal Commission is not required to obtain a Coastal Development Permit for that same *coastal development* from the City. The Coastal Commission is exclusively responsible for the issuance of an amendment to a Coastal Development Permit that has been approved by the Coastal Commission, regardless of the jurisdictional boundaries governing applications for Coastal Development Permits. The City may not grant a Coastal Development Permit for the same *coastal development* on a site that has a previously approved Coastal Development Permit issued by the Coastal Commission unless the previously approved permit has expired or been forfeited to the Coastal Commission. Following a decision on a Coastal Development Permit, no applicant or the applicant's successor in interest may reapply for a Coastal Development Permit for substantially the same *development* for a period of six months from the date of the prior final decision.

SEC. 126.0718 Procedures for Emergency Coastal Development Permits

(a) [No change.]

(b) Application. When a coastal emergency exists, an *applicant* may use the procedures of this section instead of the standard application and decision procedures for a Coastal Development Permit. However, all emergency Coastal Development Permits shall authorize only the minimum necessary to stabilize the emergency. In addition, emergency development requires the subsequent processing of a standard Coastal Development Permit application for any work authorized on an emergency basis by these procedures. The *applicant* may apply for an emergency Coastal Development Permit in person, by letter to the City Manager, or by telephone.

(c) Contents of Application. The application shall include the following information:

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

(4) The remedial, protective, or preventive work required to deal with the coastal emergency; ~~and~~

(5) The circumstances during the coastal emergency that justify the course of action taken or to be taken, including the probable consequences of failing to take emergency action; and

(6) Identification of options for addressing the coastal emergency, including the least environmentally damaging alternative.

(d) and (e) [No change.]

(f) *Findings.* An emergency Coastal Development Permit may be approved or conditionally approved only if the City Manager makes the following *findings*:

(1) A coastal emergency exists that requires action more quickly than would be permitted by the normal procedures for acquiring a Coastal Development Permit and the *development can and will be completed within 30 days unless otherwise specified in the permit*;

(2) and (3) [No change.]

(g) [No change.]

(h) Notice. The City Manager shall provide public notice of the emergency work, with the extent and type of notice determined by the nature and time constraints of the coastal emergency.

Notice of the issuance of an emergency Coastal Development Permit shall always be provided to the Coastal Commission.

SEC. 126.0722 Beach Sand Mitigation Fee

(a) An applicant for a Coastal Development Permit for a *coastal development* proposal involving a bluff or shoreline protective device may be required, as a condition of development approval, to pay a fee to the City of San Diego Beach Sand Mitigation Fund held at the San

Diego Association of Governments to be used for beach replenishment and/or public access improvements within the City of San Diego.

- (b) The fee shall be to mitigate impacts to local shoreline sand supply and/or to compensate for direct encroachment by the protective device onto State tidelands or public beach. The amount of the fee shall be roughly proportional to the value of the beach area and sand supply lost as a result of the approved protective device. The information necessary to quantify potential impacts and to calculate a mitigation fee, as discussed within the Beach and Bluff Guidelines in the Land Development Manual, shall be included with the permit application.

SEC. ~~126.0722~~126.0723 Violations of a Coastal Development Permit

It is unlawful for any person to maintain, use, or undertake coastal development on develop any lot or premises without a Coastal Development Permit if such a permit is required for the use or development or to maintain, use, or develop any premises contrary to the requirements or conditions of an existing Coastal 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.

SEC. 126.0724 Revocation of Coastal Development Permits

The provisions of this section shall govern proceedings for revocation of a Coastal Development Permit. The revocation of a Coastal Development Permit issued by the City shall be considered and acted upon in accordance with Sections 121.0313, 121.0314, 121.0315 and 121.0316 of this code. However, the Coastal Development Permit may be revoked if the Hearing Officer makes any of the findings stated in Section 121.0314 or the following:

- (a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a Coastal Development Permit application, where the decision maker finds that accurate and

complete information would have caused the decision maker to require additional or different conditions on a Coastal Development Permit or deny an application; or

- (b) Failure to comply with the notice provisions of Section 112.0306 where the views of the person(s) not notified were not otherwise made known to the decision maker and could have caused the decision maker to require additional or different conditions on the Coastal Development Permit or to deny the application.

SEC. 126.0805 Findings for Variance Approval

The decision maker may approve or conditionally approve an application for a variance only if the decision maker makes the following *findings*:

- (a) through (c) [No change.]
- (d) The granting of the variance will not adversely affect the applicable *land use plan*. If the variance is being sought in conjunction with any proposed *coastal development*, the required finding shall specify that granting of the variance conforms with, and is adequate to carry out, the provisions of the certified *land use plan*.

SEC. 127.0106 Expansion or Enlargement of Previously Conforming Structures

- (a) through (c) [No change.]
- (d) Within the coastal Overlay Zone, if the proposal involves the demolition or removal of 50% or more of the exterior walls of an existing structure, the previously conforming rights are not retained for the new structure.

SEC. 127.0107 Change in Use of a Previously Conforming Use

- (a) A change in use from a *previously conforming* use to another use within the same use category of the Use Regulations Tables of Chapter 13, Article 1, outside the Coastal Overlay Zone, is considered a change of use of equal intensity and retains the *previously conforming* rights for the new use. A change of use from a *previously conforming* use to a use in

another use category or to a separately regulated use category of the Use Regulations Tables of Chapter 13, Article 1, is not allowed.

(b) Within the Coastal Overlay Zone, if a change in use from a previously conforming use to another use within the same use category of the Use Regulation Tables of Chapter 13, Article 1 involves any intensification of use, the previously conforming rights are not retained for the new use.

(bc) A change in the number of business licenses issued for the same use within the same square footage is not considered an intensification of use.

SEC. 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) and (2) [No change.]

(3) Residential Use Category

This category includes uses that provide living accommodations for one or more persons.

The residential subcategories are:

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

(C) *Multiple Dwelling Units* -- Dwelling units where more than one dwelling unit is located on a single lot. ~~Multiple dwelling units do not include uses allowed in single dwelling unit zones.~~

(D) [No change.]

(4) and (5) [No change.]

(6) Commercial Services Use Category

[No change in first paragraph.]

(A) through (J) [No change.]

(K) Visitor Accommodations -- Uses that provide lodging, or a combination of lodging, food, and entertainment, primarily to visitors and tourists. (Outside the Coastal Overlay Zone, includes single room occupancy hotels.)

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

SEC. 131.0140 Use of Yards and Landscaped Areas in All Base Zones

The following regulations are related to other development regulations that are addressed in the Development Regulations Tables in each of the base zones and are applicable to all base zones. Except as specified by the applicable zone, *yards* and landscaped areas may be used only for the following items and purposes:

- (a) Living Landscape Material.
- (ab) Incidental passage and use by occupants.
- (bc) ~~Living landscape materials, or other~~ landscape elements, constructed and installed to complement living landscape material, and not exceeding a height of 3 feet within front and street side yards.
- (ed) *Fences* and walls as permitted in Chapter 14, Article 2, Division 3 (Fence Regulations).
- (de) Directional and other notification *signs* as permitted in Chapter 14, Article 2, Division 12 (Sign Regulations).
- (ef) Walkways and paved driveways consistent with zone standards and applicable parking and landscape regulations.
- (fg) Items that the City Manager may determine to be necessary to accommodate a temporary period of construction, site modification, or equipment change, when there is

evidence of frequent and diligent physical effort to complete work.

- (gh) Parking in accordance with Section 142.0510.
- (hi) Storage of items when *screened* in accordance with Chapter 14, Article 2, Division 11 (Outdoor Storage and Display Regulations).

SEC. 131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

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

[The following reflects the changes to Table 131-02B. The entire Table is not shown.]

Legend for Table 131-02B

Symbol in Table 131-02B	Description of Symbol
P	Use or use category is permitted. Regulations pertaining to a specific use may be referenced.
L	Use is permitted with limitations, which may include location limitations or the requirement for a use or <i>development permit</i> . Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
N	Neighborhood Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
C	Conditional Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
-	Use or use category is not permitted.

**Table 131-02B
Use Regulations Table of Open Space Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd »	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹²⁾ -
	3rd »	1-	2-	1-	1-		1-
	4th »	1	1	1	1	2	1
Retail Sales							
Swap Meets & Other Larger Outdoor Retail Facilities	-	-	-	-	-	-	C ⁽⁷⁾
Commercial Services							
Separately Regulated Commercial Services Uses							
Camping Parks	C	C	-	-	-	-	C ⁽⁷⁾
Fairgrounds	-	-	-	-	-	-	C ⁽⁷⁾
Golf Courses, Driving Ranges, and Pitch & Putt Courses	C	C	-	-	C ⁽⁹⁾	-	C ⁽¹¹⁾

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd »	OP-		OC-	OR ⁽¹⁾		OF ⁽¹²⁾
	3rd »	1-	2-	1-	1-		1-
	4th »	1	1	1	1	2	1
Helicopter Landing Facilities		-	-	-	-	-	C ⁽¹¹⁾
Industrial							
Mining and Extractive Industries		-	-	-	C ⁽⁸⁾	C ⁽⁷⁾	

Footnotes for Table 131-02B

(1) through (6) [No change.]

(7) No *structures*, except portable *structures*, are permitted within a *floodway*.

(8) through (10) [No change.]

(11) No fill or permanent structures shall be authorized for such development in the Coastal Overlay Zone.

(12) Within the Coastal Overlay Zone, no structures are permitted within a floodway.

SEC. 131.0230 Development Regulations of Open Space Zones

- (a) Within the open space zones no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations).

SEC. 131.0231 Development Regulations Table for Open Space Zones

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

Table 131-02C

Development Regulations of Open Space Zones

Development Regulations (See Section 131.0230 for Development Regulations of Open Space Zones)	Zone Designator	Zones				
	1st & 2nd »	OP-	OC-	OR-		OF ⁽¹⁾ -
3rd »	1-	2-	1-	1-	1-	
4th »	1	1	1	2	1	

[No change in remainder of Table 131-02C.]

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

SEC. 131.0250 Allowable Development Area in OR Zones

(a) Within the OR-1-1 zone up to 25 percent of the *premises* may be developed subject to the following:

(1) and (2) [No change.]

(3) Within the Coastal Overlay Zone, only uses identified in Section 143.0130 (d) and (e) shall be permitted within wetlands subject to the provisions of Section 143.0141 (a) and (b).

(4) Within the Coastal Overlay Zone, coastal development on premises with steep hillsides containing sensitive biological resources, or mapped as Viewshed or Geologic hazard on Map C-720, is subject to the encroachment limitations set forth in Section 143.0142(a).

(b) A *premises* within the OR-1-2 zone, and within or partially within the *MHPA* is subject to the following regulations:

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

(10) Within the Coastal Overlay Zone, only uses identified in Section 143.0130 (d) and (e) shall be permitted within wetlands subject to the provisions of Section

143.0141 (a) and (b).

- (11) Within the Coastal Overlay Zone, coastal development on premises with steep hillsides containing sensitive biological resources, or mapped as Viewshed or Geologic hazard on Map C-720, is subject to the encroachment limitations set forth in Section 143.0142(a).

SEC. 131.0303 Purpose of the AR (Agricultural--Residential) Zones

- (a) The purpose of the AR zones is to accommodate a wide range of agricultural uses while also permitting the *development of single dwelling unit* homes at a very low *density*. The agricultural uses are limited to those of low intensity to minimize the potential conflicts with residential uses. This zone is applied to lands that are in agricultural use or that are undeveloped and not appropriate for more intense zoning. Residential *development* opportunities are permitted with a Planned Development Permit at various densities that will preserve land for open space or future *development* at urban intensities when and where appropriate.
- (b) [No change.]

SEC. 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.]

[The following reflects the changes to Table 131-03B. The entire Table is not shown.]

**Table 131-03B
Use Regulations Table of 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 »	3rd »	AG		AR	
			1-	2	1-	2
	4th »	1	2	1	2	
Commercial Services						
Child Care Facilities:						
Child Care Centers	-					C ⁽⁹⁾
Large Family Day Care Homes	-					L ⁽⁹⁾
Recycling Facilities:						
Large Collection Facility			N			N ⁽⁹⁾
Industrial						
Hazardous Waste Research Facility	-					C ⁽⁹⁾
Hazardous Waste Treatment Facility	-					C ⁽⁹⁾

Footnotes for Table 131-03B

(1) through (8) [No change.]

(9) This use is not allowed within the Coastal Overlay Zone.

SEC. 131.0323 Additional Use Regulations of Agricultural Zones

The uses in this section are permitted within the agricultural zones as indicated subject to the regulations listed.

(a) [No change.]

(b) Horticulture nurseries are permitted subject to the following:

(1) Only plants are permitted to be sold on the *premises*. The sale of nonplant items requires a Conditional Use Permit for a plant nursery in accordance with Section 141.05043;

(2) and (3) [No change.]

SEC. 131.0330 Development Regulations of Agricultural Zones

(a) Within the agricultural zones, no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations).

(b) and (c) [No change.]

SEC. 131.0331 Development Regulations Table for Agricultural Zones

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

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

Development Regulations (See Section 131.0330 for Development Regulations of Agricultural Zones)	Zone Designator	Zones			
	1st & 2nd »	AG		AR	
	3rd »	1-	1-	1-	1-
	4th »	1	2	1	2
Min Side Setback (ft) ⁽⁶⁾ (See Section 131.0343)		20	20	20	20
Min Rear Setback (ft)		25	25	25	25
		30	30	30	30
Max Lot Coverage (%) ⁽⁶⁷⁾		10	20	10	20
Min Floor Area ⁽⁷⁶⁾		applies	applies	applies	applies

[No change to remainder of Table 131.03C.]

Footnotes for Table 131-03C

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

~~(6) See Section 131.0343.~~

(76) Each dwelling unit shall have a *gross floor area* of at least 650 square feet, not including the garage.

(87) *Structures* that are used to provide shade areas for growing plants, such as green houses and agricultural shade *structures*, are not included for determining *lot coverage*.

SEC. 131.0403 Purpose of the RS (Residential--Single Unit) Zones

- (a) [No change.]
- (b) The RS zones are differentiated based on the minimum *lot* size and whether the *premises* is located in an urbanized community or a planned or future urbanizing community, as follows:
 - (1) [No change.]
 - (2) Planned or Future Urbanizing Communities

[No change to remainder of section.]

SEC. 131.0420 Use Regulations of Residential Zones

The regulations of Section 131.0422 apply in the residential zones unless otherwise specifically provided by footnotes indicated in Table 131-04B. The uses permitted in any zone may be further limited if *environmentally sensitive lands* are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

- (a) through (d) [No change.]
- (e) For any use ~~that~~ cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

SEC. 131.0430 Development Regulations of Residential Zones

- (a) Within the residential zones, no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations).

(b) and (c) [No change.]

SEC. 131.0431 Development Regulations Table of Residential Zones

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

(a) RE Zones

**Table 131-04C
Development Regulations of 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	

[No change to remainder of Table 131-04C.]

(b) RS Zones

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

Development Regulations (See Section 131.0430 for Development Regulations of Residential Zones)	Zone Designator	Zones						
	1st & 2nd »	RS-						
3rd »	1-	1-	1-	1-	1-	1-	1-	
4th »	1	2	3	4	5	6	7	

[No change to remainder of Table 131-04D.]

[No change to Footnotes for Table 131-04D.]

(c) RX Zones

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

Development Regulations (See Section 131.0430 for Development Regulations of Residential Zones)	Zone designator	Zones	
	1st & 2nd »	RX-	
3rd »	1-	1-	
4th »	1	2	

[No change to remainder of Table 131-04E.]

[No change to Footnotes for Table 131-04E.]

(d) RT Zones

**Table 131-04F
Development Regulations of 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-
	4th »	1	2	3	4

[No change to remainder of Table 131-04F.]

(e) RM Zones

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

Development Regulations (See Section 131.0430 for Development Regulations of Residential Zones)	Zone Designator	Zones					
	1st & 2nd »	RM-					
	3rd »	1-	1-	1-	2-	2-	2-
	4th »	1	2	3	4	5	6

[No change to remainder of Table 131-04G.]

Footnotes for Table 131-04G

- (1) [No change.]
- (2) An exception to the maximum permitted *density* may be permitted in accordance with Chapter 14, Article 3, Division 57 (Affordable Housing Density Bonus).
- (3) through (36) [No change.]

SEC. 131.0461 Architectural Projections and Encroachments in Residential Zones

(a) The following are permitted *architectural projections* and *encroachments* into required *yards* for RS and RX zones and the RM-1-1, RM-1-2, and RM-1-3 zones. These projections and *encroachments* are not permitted in the required *front and street-side yards* within view corridors that are designated by *land use plans* in the

Coastal Overlay Zone and may not be located in a required *visibility area* or a required turning radius or vehicle back-up area except where development regulations may allow.

(1) through (10) [No change.]

(b) [No change.]

(c) In the RM-2-4, RM-2-5, RM-2-6, RM-3-7, RM-3-8, RM-3-9, RM-4-10, RM-4-11, and RM-5-12 zones, architectural *encroachments* listed in Section 131.0461(a) are permitted with the following limitations. No permitted projection or *encroachment* may be located in required yards within view corridors that are designated by land use plans in the Coastal Overlay Zone or in a required *visibility area* or a required turning radius or vehicle back-up area except where development regulations may allow.

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

SEC. 131.0522 Use Regulations Table of Commercial Zones

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

[No change to Legend for Table 131-05B.]

[The following reflects the changes to Table 131-05B. The entire Table is not shown.]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones									
	1st & 2nd ▶	3rd ▶	CN ⁽¹⁾ -			CR-		CO-		CV-		CP-
			1-	1-	2-	1-	1-	1-	1-			
			1	2	3	1	1	1	2	1	2	1
Residential												
Separately Regulated Residential Uses												
Boarder & Lodger Accommodations			L ⁽²⁾	L	-	L	L ⁽²⁾	-				
Fraternities, Sororities and Student Dormitories			C ⁽²⁾	C	-	C	C ⁽²⁾	-				
Housing for Senior Citizens			C ⁽²⁾	C	-	C	C ⁽²⁾	-				

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones									
	1st & 2nd >		CN ⁽¹⁾ -			CR-		CO-		CV-		CP-
	3rd >		1-			1-	2-	1-		1-		1-
	4th >		1	2	3	1	1	1	2	1	2	1
Residential Care Facilities:												
6 or Fewer Persons	P ⁽²⁾		P	-		P		P ⁽²⁾		-		
7 or More Persons	C ⁽²⁾		C	-		C		C ⁽²⁾		-		
Transitional Housing:												
6 or Fewer Persons	P ⁽²⁾		P	-		P		P ⁽²⁾		-		
7 or More Persons	C ⁽²⁾		C	-		C		C ⁽²⁾		-		
Institutional												
Separately Regulated Institutional Uses												
Airports	-		C	C		C		C ⁽¹⁰⁾		-		
Cemeteries, Mausoleums, Crematories	-		C	C		C		C ⁽¹⁰⁾		-		
Churches & Places of Religious Assembly	C ⁽¹⁰⁾		C	C		C		C ⁽¹⁰⁾		-		
Communication Antennas:												
Major Telecommunication Facility	C ⁽¹⁰⁾		C	C		C		C ⁽¹⁰⁾		C		
Correctional Placement Centers	-		C	C		C		C ⁽¹⁰⁾		-		
Educational Facilities:												
Kindergarten through Grade 12	C ⁽¹⁰⁾		C	C		C		C ⁽¹⁰⁾		-		
Colleges / Universities	-		C	C		C		C ⁽¹⁰⁾		-		
Energy Generation & Distribution Facilities	C ⁽¹⁰⁾		P	C		P		P ⁽¹⁰⁾		-		
Historical Buildings Used for Purposes Not Otherwise Allowed	C ⁽¹⁰⁾		C	C		C		C ⁽¹⁰⁾		-		
Homeless Facilities:												
Congregate Meal Facilities	C ⁽¹⁰⁾		C	-		C		C ⁽¹⁰⁾		-		
Emergency Shelters	C ⁽¹⁰⁾		C	-		C		C ⁽¹⁰⁾		-		
Homeless Day Centers	C ⁽¹⁰⁾		C	-		C		C ⁽¹⁰⁾		-		
Hospitals, Intermediate Care Facilities & Nursing Facilities	-		P	P		C		P ⁽¹⁰⁾		-		
Major Transmission, Relay, or Communication Switching Stations	-		C	C		C		C ⁽¹⁰⁾		-		
Social Service Institutions	-		C	C		C		C ⁽¹⁰⁾		-		
Retail Sales												
Wearing Apparel & Accessories	P		P	P		-		P		-		
Swap Meets & Other Large Outdoor Retail Facilities	-		C	C		-		C ⁽¹⁰⁾		-		
Commercial Services												
Boarding Kennels	-		C	C		C		C ⁽¹⁰⁾		-		
Child Care Facilities:												
Child Care Centers	L		L	-		L		L ⁽¹⁰⁾		-		
Large Family Day Care Homes	L		L	-		L		L ⁽¹⁰⁾		-		
Small Family Day Care Homes	P		P	-		P		P		-		
Helicopter Landing Facilities	-		C	C		C		C ⁽¹⁰⁾		-		

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones									
	1st & 2nd >		CN ⁽¹⁾ -			CR-		CO-		CV-		CP-
	3rd >		1-			1-	2-	1-		1-		1-
	4th >		1	2	3	1	1	1	2	1	2	1
Instructional Studios			P	P	P	C		C ⁽²⁾		-		
Outpatient Medical Clinics			N	N	N	N		N ⁽¹⁰⁾		-		
Recycling Facilities:												
Large Collection Facility			N	N	N	N		N ⁽¹⁰⁾		-		
Small Collection Facility			L	L	L	L		L ⁽¹⁰⁾		-		
Medical, Dental, & Health Practitioner			P	P	P	P		P ⁽¹⁰⁾		-		
Sex Offender Treatment & Counseling			L	L	L	L		L ⁽¹⁰⁾		-		
Newspaper Publishing Plants			-	C	C	C		C ⁽¹⁰⁾		-		

(1) [No change.]

(2) Residential use and residential parking are permitted only as part of a mixed-use (commercial/residential) project. Non-owner occupants must reside on the *premises* for a minimum of 7 consecutive calendar days. Within the Coastal Overlay Zone, residential uses and instructional studios are not permitted on the ground floor.

(3) through (9) [No change.]

(10) This use is not allowed within the Coastal Overlay Zone.

SEC. 131.0530 Development Regulations of Commercial Zones

(a) Within the commercial zones, no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations).

(b) and (c) [No change.]

SEC. 131.0531 Development Regulations Tables of Commercial Zones

The following development regulations apply in each of the commercial zones as shown in Tables 131-05C, 131-05D, and 131-05E.

(a) CN Zones

**Table 131-05C
Development Regulations of CN Zones**

Development Regulations (See Section 131.0530 for Development Regulations of Commercial Zones)	Zone designator		Zones		
	1st & 2nd »		CN-		
	3rd »		1-	1-	1-
	4th »		1	2	3
Max permitted residential density⁽¹⁾ (sf per du)			3,000	1,500	1,500

[No change to remainder of Table 131.05C.]

[No change to Footnotes for Table 131.05C.]

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

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

Development Regulations (See Section 131.0530 for Development Regulations of Commercial Zones)	Zone Designator		Zones				
	1st & 2nd »		CR-	CO-	CV-	CP-	
	3rd »	1- 2-	1-		1-	1-	
	4th »	1	1	2	1	2	1
Max permitted residential density⁽¹⁾ (sf per du)		1,500	1,000	1,500	1,500	1,500	-

[No change to remainder of Table 131.05D.]

[No change to Footnotes for Table 131.05D.]

(c) CC Zones

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

Development Regulations (See Section 131.0530 for Development Regulations of Commercial Zones)	Zone Designator	Zones																	
	1st & 2nd »	CC-																	
	3rd »	1-	2-	4-	5-	1-	2-	4-	5-	1-	2-	4-	5-	3-	4-	5-	3-	4-	5-
	4th »	1			2			3			4			5					
Max permitted residential density ⁽¹⁾ (sf per du)		1,500			1,500			1,500			1,500			1500					

[No change to remainder of Table 131.05E.]

[No change to Footnotes for Table 131.05E.]

SEC. 131.0540 Maximum Permitted Residential Density and Other Residential Regulations

(a) and (b) [No change.]

(c) Ground *Floor* Restriction. Residential use and residential parking are prohibited on the ground *floor* in the front half of the *lot*, except in the CC-3-4, CC-3-5, CC-4-4, CC-4-5, CC-5-4, CC-5-5, and CV-1-2 zones, where these uses are prohibited on the ground *floor* in the front 30 feet of the *lot* as shown in Diagram 131-05A. Within the Coastal Overlay Zone, required parking cannot occupy more than 50% of the ground floor in the CV-1-1 or CV-1-2 zones.

SEC. 131.0622 Use Regulations Table for Industrial Zones

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

[No change to Legend for Table 131-06B.]

[The following reflects the changes to Table 131-06B. The entire Table is not shown.]

**Table 131-06B
Use Regulations Table of 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-	
	3rd »	1-	2-	1-	2-	3-	1-	2-	1-	
	4th »	1	1	1	1	1	1	1	1	
Industrial										
Separately Regulated Industrial Uses										
Hazardous Waste Research Facility		C	C	C	C	C	C	C	C	C
Hazardous Waste Treatment Facility		C	C	C	C	C	C	C	C	C
Marine Related Uses Within the Coastal Overlay Zone		-	-	P	P	P	P	P	P	P
Mining and Extractive Industries		-	C	C	C	C	C	C	C	C
Newspaper Publishing Plants		C	P	P	P	P	P	P	P	P
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises		-	-	P	P	P	P	P	P	P
Very Heavy Industrial Uses		-	-	-	-	-	C	C	-	-
Wrecking & Dismantling of Motor Vehicles		-	-	C	C	C	P	C	C	C

[No change in Footnotes for Table 131-06B.]

SEC. 131.0630 Development Regulations of Industrial Zones

(a) Within the industrial zones, no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations).

(b) and (c) [No change.]

SEC. 131.0631 Development Regulations Table for Industrial Zones

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

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

Development Regulations (See Section 131.0630 for Development Regulations of Industrial Zones)	Zone Designator	Zones							
	1st & 2nd »	IP-		IL-			IH-		IS-
	3rd »	1-	2-	1-	2-	3-	1-	2-	1
	4th »	1		1			1		1

[No change to remainder of Table 131.06C.]

[No change to Footnotes for Table 131.06C.]

SEC. 132.0402 Where the Coastal Overlay Zone Applies

(a) [No change.]

(b) Table 132-04A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone. Coastal Development Permit procedures are provided in Chapter 12, Article 6, Division 7.

**Table 132-04A
Coastal Overlay Zone Applicability**

Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) <i>Coastal development</i> that is categorically excluded pursuant to order of the Coastal commission or that is exempted by Section 126.0704	None	No permit required by this division
(2) Any <i>coastal development</i> within this overlay zone that is partially or completely within the Coastal Commission Permit Jurisdiction or the Deferred Certification Area	See use and development regulations of the base zone	Coastal Development Permit(s) are issued by the Coastal Commission <u>and the City</u> for their respective jurisdictions
(3) <i>Coastal development</i> in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table	See use and development regulations of the base zone	Coastal Development Permit/Process Two or Three

SEC. 132.0403 Supplemental Use Regulations of the Coastal Overlay Zone

(a) If there is an existing or potential public view and the site is designated in the

applicable *land use plan* as a public view to be protected.

(1) The applicant shall design and site the *coastal development* in such a manner as to preserve, enhance or restore the designated public view, and

(2) The decision maker shall condition the project to ensure that critical public views to the ocean and shoreline are maintained or enhanced.

(b) A visual corridor of not less than the side *yard setbacks* or more than 10 feet in width, and running the full depth of the *premises*, shall be preserved as a deed restriction as a condition of Coastal Development Permit approval whenever the following conditions exist:

(1) The proposed *development* is located on *premises* that lies between the shoreline and the first public roadway, as designated on Map Drawing No. C-731; and

(2) The requirement for a visual corridor is feasible and will serve to preserve, enhance or restore public views of the ocean or shoreline identified in the applicable *land use plan*.

(c) If there is an existing or potential public view between the ocean and the first public roadway, but the site is not designated in a *land use plan* as a view to be protected, it is intended that views to the ocean shall be preserved, enhanced or restored by deed restricting required side *yard setback* areas to cumulatively form functional view corridors and preventing a walled effect from authorized development.

(d) Where remodeling is proposed and existing legally established development is to be retained that precludes establishment of the desired visual access as delineated above, preservation of any existing public view on the site will be accepted, provided that the existing public view is not reduced through the proposed remodeling.

(e) *Open fencing* and landscaping may be permitted within the view corridors and visual

accessways, provided such improvements do not significantly obstruct public views of the ocean. Landscaping shall be planted and maintained to preserve public views.

SEC. 132.0802 Where the Parking Impact Overlay Zone Applies

- (a) [No change.]
- (b) Table 132-08A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

**Table 132-08A
Parking Impact Overlay Zone Applicability**

Type of Development Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Any single dwelling unit development located within the campus impact area	See the parking regulations in Section 142.0520	No permit required by this division
(2) Any <u>development located within the beach impact area and any multiple dwelling unit development</u> located within the beach impact area or campus impact area	See the parking regulations in Sections <u>142.0520, 142.0525, 142.0530, 142.0535, 142.0540 and 142.0560.</u>	No permit required by this division
(3) Any eating and drinking establishment that is located in the coastal beach impact area and in the CC-5-2, CC-5-4, or CC-3-5 zones	See the parking regulations in Section 142.0530(b)	No permit required by this division

SEC. 132.1402 Where the Community Plan Implementation Overlay Zone Applies

- (a) [No change.]
- [No change in Table 132-14A.]
- (b) Table 132-14B shows the location of the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

**Table 132-14B
Community Plan Implementation Overlay Zone Applicability**

Type of Development Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Interior building improvements that do not involve a change in use or provide additional <i>floor</i> area, or improvements that do not require a <i>construction permit</i>	None--Exempt from this division	No permit required by this division
(2) Any <i>development</i> within the boundaries shown on a map identified in Section 132.1402, where the map shows "Type A" <u>and the proposed development complies with the development standards or criteria in the applicable community plan</u>	Refer to the applicable community plan	No permit required by this division
(3) Any <i>development</i> within the boundaries shown on a map identified in Section 132.1402, where the map shows "Type A" and the proposed <i>development</i> does not comply with the <i>development</i> standards or criteria in the applicable community plan	Refer to the applicable community plan	Site Development Permit/ Process Three
(4) Any <i>development</i> within the boundaries shown on a map identified in Section 132.1402, where the map shows "Type B"	Refer to the applicable community plan	Site Development Permit/ Process Three

SEC. 141.0202 Commercial Stables

Commercial stables 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 Section 141.0202(a). Commercial stables 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 Section 141.0202(b).

(a) Limited Use Regulations

(1) [No change.]

(2) No *structures* other than portable *structures* are permitted within a floodway. Within the Coastal Overlay Zone, no *structures*, including portable *structures*, are permitted within a floodway.

(b) [No change.]

SEC. 141.0301 Boarder and Lodger Accommodations

Boarder and lodger accommodations 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.

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

(d) Off-street parking shall be provided at a rate of 1 space for each 2 boarders or lodgers. Within the Beach Impact Area of the Parking Impact Overlay Zone, off-street parking shall be provided at a rate of 1 space for each boarder or lodger.

SEC. 141.0404 Churches and Places of Religious Assembly

[No change in first paragraph.]

(a) Limited Use Regulations

(1) *Churches* and places of religious assembly are not permitted within the *MHPA* or in floodplains located in ~~agriculturally zoned areas of the~~ Coastal Overlay Zone.

(2) through (4) [No change.]

(b) Conditional Use Permit Regulations

(1) *Churches* and places of religious assembly are not permitted within the *MHPA* or in floodplains located in ~~agriculturally zoned areas of the~~ Coastal Overlay Zone.

(2) through (5) [No change.]

SEC. 141.0405 Communication Antennas

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

(d) Major Telecommunication Facilities

(1) Major telecommunication facilities are not permitted in the following

locations:

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

(D) Within the Coastal Overlay Zone, on premises within the MHPA and/or containing steep hillsides with sensitive biological resources, or within public view corridors or view sheds identified in applicable land use plans.

(2) and (3) [No change.]

(e) [No change.]

SEC. 141.0407 Educational Facilities--Schools for Kindergarten to Grade 12 and Colleges/Universities

(a) Permanent *development* associated with educational facilities is not permitted in agricultural zones in the future urbanizing area or within floodplains located in ~~agriculturally zoned areas~~ of the Coastal Overlay Zone.

(b) through (f) [No change.]

SEC. 141.0413 Hospitals, Intermediate Care Facilities, and Nursing Facilities

Hospitals, intermediate care facilities, and nursing facilities may be permitted with a Process Four Conditional Use Permit 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) These facilities are not permitted in agricultural zones in the future urbanizing area or within floodplains located in ~~agriculturally zoned areas~~ of the Coastal Overlay Zone.

(b) through (f) [No change.]

SEC. 141.0610 Helicopter Landing Facilities

Helicopter landing facilities may be permitted with a Conditional Use Permit decided in

accordance with Process Five 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) Helicopter landing facilities are not permitted in floodplains located in ~~agriculturally zoned areas~~ of the Coastal Overlay Zone.

(b) through (m) [No change.]

SEC. 141.0614 Nightclubs and Bars over 5,000 Square Feet in Size

Nightclubs and bars over 5,000 square feet in size may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the Beach Impact Area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio not less than one parking space for every 200 sq ft of gross floor area, including any outdoor eating or drinking areas.

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

SEC. 141.0615 Outpatient Medical Clinics

Outpatient medical clinics 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 Section 141.0615(a). Outpatient medical clinics may be permitted with a Neighborhood Use Permit in the zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0615(b).

(a) [No change.]

(b) Neighborhood Use Permit Regulations

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

(4) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the Beach Impact Area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio not less than one parking space for every 250 sq ft of gross floor area.

SEC. 141.0617 Private Clubs, Lodges, and Fraternal Organizations

Private clubs, lodges, and fraternal organizations are associations of persons, whether incorporated or unincorporated, for the promotion of some common social, cultural, educational, religious, or recreational objective. This use does not include *churches* or any group whose primary objective is a business customarily carried on for a profit.

Private clubs, lodges, and fraternal organizations 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) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the Beach Impact Area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio not less than one parking space for every 200 sq ft of gross floor area.

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

SEC. 141.0621 Sidewalk Cafes

Sidewalk cafes may be permitted with a Neighborhood Use Permit in the zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the provisions of this section.

(a) through (n) [No change.]

(o) Within the Beach Impact Area of the Parking Impact Overlay Zone, sidewalk cafes shall not exceed 200 sq ft in area without providing parking. Required parking shall be provided at a ratio not less than one parking space for every additional 200 sq ft (or portion thereof) above the first 200 sq ft.

SEC. 141.0623 Theaters That Are Outdoor or over 5,000 Square Feet in Size

Theaters that are outdoor or over 5,000 square feet in size may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the Beach Impact Area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio not less than one parking space for every three fixed seats or one space for every 21 sq ft of gross floor area where there are no fixed seats.

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

SEC. 141.0624 Veterinary Clinics and Animal Hospitals

Veterinary clinics and hospitals 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) Veterinary clinics and hospitals are not permitted in agricultural zones in the future urbanizing area, except as an accessory use within a zoological park, or within floodplains located in ~~agriculturally zoned areas~~ of the Coastal Overlay

Zone.

(b) and (c) [No change.]

SEC. 141.0902 Junk Yards

Junk yards may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Junk yards are not permitted in agricultural zones in the future urbanizing area or within floodplains located in ~~agriculturally zoned areas~~ of the Coastal Overlay Zone.

(b) through (e) [No change.]

SEC. 142.0305 When Fence Regulations Apply

(a) [No change.]

(b) Table 142-03A shows the applicable regulations and the type of permit required by this division, if any, for specific types of *fences*.

**Table 142-03A
Fence Regulations Applicability**

TYPE OF DEVELOPMENT PROPOSAL	APPLICABLE REGULATIONS	REQUIRED PERMIT TYPE/ DECISION PROCESS
Any <i>fence</i> with a height less than 6 feet	Sections 142.0310-142.0330, 142.0360-142.0380	No permit required by this division
Any <i>fence</i> with a height of 6 feet or greater.	Sections 142.0310-142.0330, 142.0360-142.0380	Building Permit/Process One
Any <i>retaining wall</i> with a height less than 3 feet	Sections 142.0340, 142.0370, 142.0380	No permit required by this division
Any <i>retaining wall</i> with a height of 3 feet or greater	Sections 142.0340, 142.0370, 142.0380	Building Permit/ Process One
Any <i>fence</i> or <i>retaining wall</i> exceeding the height permitted in Section 142.0310, 142.0320, 142.0330, and 142.0340.	Section 142.0350	Neighborhood Development Permit/Process Two
<u>Any <i>fence</i> or <i>retaining wall</i> located on premises that lies between the shoreline and the first public roadway, as designated on Map Drawing No. C-731.</u>	<u>Section 142.0310-142.0380</u>	<u>Coastal Development Permit/Process Three - Appealable</u>

SEC. 142.0340 Retaining Wall Regulations in All Zones

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

(d) *Retaining Wall* Height in Required ~~Front-Side~~ *Yards* and Required ~~Street-Side~~ *Rear Yards*

(1) and (2) [No change.]

(e) and (f) [No change.]

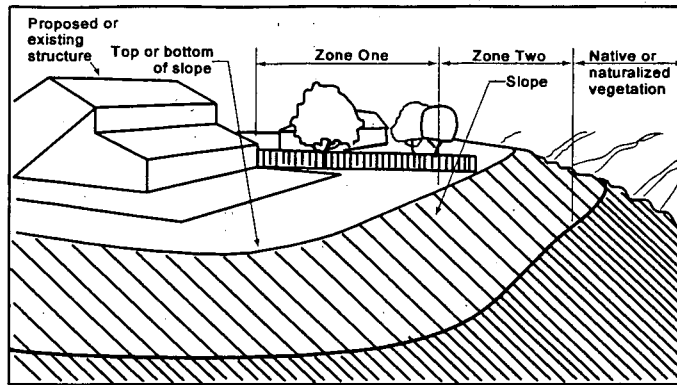
SEC. 142.0412 Brush Management

(a) Brush management is required in all base zones for the types of *development* listed below when they are adjacent to any highly flammable area of native or naturalized vegetation that is greater than 10 acres as mapped by the City of San Diego, or adjacent to any area of native or naturalized vegetation that is greater than 50 acres, as shown in Table 142-04A. However, within the Coastal Overlay Zone, brush management is required for all *coastal development* within the MHPA and/or adjacent to *steep hillsides* containing *sensitive biological resources*.

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

(b) Brush Management Zones. Where brush management is required, a comprehensive program shall be implemented that reduces fire hazards around *structures* by providing an effective fire break between all *structures* and contiguous areas of flammable vegetation. This fire break shall consist of two distinct brush management areas called “Zone One” and “Zone Two” as shown in Diagram 142-04D.

**Diagram 142-04D
Brush Management Zones**



- (1) Brush management Zone One is the area adjacent to the *structure*, shall be least flammable, and shall consist of pavement and permanently irrigated ornamental planting. Brush management Zone One shall not be allowed on slopes with a gradient greater than 4:1 (4 horizontal feet to 1 vertical foot) unless the property that received *tentative map* approval before November 15, 1989. However, within the Coastal Overlay Zone coastal development shall be subject to the encroachment limitations set forth in Section 143.0142(a)(4) of the Environmentally Sensitive Lands Regulations.

(2) [No change.]

(c) [Change to Table 142-04H.]

**Table 142-04H
Brush Management Zone Width Requirements**

Criteria	Property Location	
	West of Interstate 805 and El Camino Real	East of Interstate 805 and El Camino Real
Minimum Zone One Width (See Section 142.0412[d])	20 ft.	30 ft.
Additional Zone One Width (See Section 142.0412[e]) Required when <i>development</i> is adjacent to slopes greater than 4:1 gradient that are 50 feet or greater in vertical height; or adjacent to vegetation greater than 24 inches in height; or adjacent to the <i>MHPA</i>	5 ft.	5 ft.
<u>Zone One Width Within the Coastal Overlay Zone for subdivisions containing steep hillsides with sensitive biological resources</u>	<u>30 ft. Min</u>	
Minimum Zone Two Width (See Section 142.0412[f])	20 ft.	40 ft.
Additional Zone Two Width Required when Zone Two is on slopes greater than 4:1 gradient that are 50 feet or greater in vertical height, or the vegetation in Zone Two is greater than 48 inches in height. This additional width is not required for Zone Two located within the <i>MHPA</i>	10 ft.	10 ft.

(d) [No change.]

(e) Where additional Zone One width is required adjacent to the *MHPA* or within the Coastal Overlay Zone, any of the following modifications to development regulations of the Land Development Code or standards in the Land Development Manual are permitted to accommodate the increase in width:

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

(f) and (g) [No change.]

(h) Zone Two Requirements

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

(5) The following standards shall be used where Zone Two area is proposed to be planted with new plant material instead of *clearing* existing native or naturalized vegetation:

(A) All new plant material for Zone Two shall be native or naturalized, low-fuel, and fire-resistive. ~~Inside the MHPA nNo~~

non-native plant material may be planted in Zone Two either inside the MHPA or in the Coastal Overlay Zone, adjacent to areas containing sensitive biological resources.

(B) through (D) [No change.]

(6) [No change.]

(i) through (k) [No change.]

SEC. 142.0505 When Parking Regulations Apply

These regulations apply in all base zones and planned districts, with the exception of those areas specifically identified as being exempt from the regulations, whether or not permit or other approval is required.

Table 142-05A identifies the applicable regulations and the type of permit required by this division, if any, for the type of development shown.

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

Type of Development Proposal	Applicable Regulations	Required Permit Type/ Decision Process
<u>Shared parking for specified uses</u>	Section 142.0545	No permit required by this division

[No change to remainder of Table 142.05A.]

SEC. 142.0510 General Parking Regulations

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

(d) Previously Conforming Premises. Enlargement or change in use, or resumption of a discontinued use, for a *premises* that is *previously conforming* for the reason that it does not provide the number of *off-street parking spaces* required by this division shall be required to provide parking as follows:

(1) When the use is proposed to be enlarged, the additional *off-street parking*

spaces required are the number required by this division for the enlargement. Within the Beach Impact Area of the Parking Impact Overlay Zone, additional parking shall be provided at two times the number required for the enlargement but not exceeding the amount required for the entire development.

(2) through (4) [No change.]

(e) and (f) [No change.]

SEC. 142.0525 Multiple Dwelling Unit Residential Uses -- Required Parking Ratios

(a) [No change.]

[No change to Table 142.05C or Footnotes.]

(b) Eligibility For *Shared Parking*. Up to 25 percent of the parking spaces required by this section may be unassigned and eligible for *shared parking* in accordance with Section 142.0545 except that at least one space shall be assigned to each dwelling unit. Within the Beach Impact Area of the Parking Impact Overlay Zone, off-*premises* parking shall not be permitted for residential uses.

(c) and (d) [No change.]

SEC. 142.0530 Nonresidential Uses -- Parking Ratios

(a) [No change to first paragraph.]

**Table 142-05D
Parking Ratios for Retail Sales, Commercial Services, and Mixed-Use Development**

Zone	Parking Spaces Required 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)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces ⁽²⁾
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area ⁽¹⁾	Maximum Permitted	Minimum Required
Commercial Zones				
CC-1-1 CC-2-1 CC-4-1 CC-5-1	2.5	2.1	6.5	0.1
CC-1-2 CC-2-2 CC-4-2 CC-5-2	2.5	2.1	6.5	0.1
CC-1-3 CC-2-3 CC-4-3 CC-5-3	5.0 ⁽³⁾	4.3	6.5	0.1
CC-3-4 CC-4-4 CC-5-4	2.5	2.1	6.5	0.1
CC-3-5	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	5.5	0.1
CC-3-5/Beach Impact Area ⁽⁵⁾	2.5	2.1	6.5	
CC-4-5	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	5.5	
CC-5-5	1.25	1.25	5.5	0.1
CN-1-1	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	5.5	0.1
CN-1-2	5.0	4.3	6.5	0.1
CN-1-3	2.5	2.1	6.5	0.1
CR-1-1 CR-1-2	5.0 ⁽³⁾	4.3	6.5	0.1
CO-1-1 CO-1-2	5.0	4.3	6.5	0.1
CV-1-1	5.0	4.3	6.5	0.1
CV-1-2	2.5	2.1	6.5	0.1
Industrial Zones				
IH-1-1 IH-2-1	5.0	4.3	6.5	0.1
IL-1-1 IL-2-1	5.0	4.3	6.5	0.1
IP-1-1 IP-2-1	5.0	4.3	6.5	0.1
IS-1-1	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	5.5	0.1
Planned Districts				
Barrio Logan: Subdistrict B	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	5.5	0.1

Zone	Parking Spaces Required 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)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces ⁽²⁾
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area ⁽¹⁾	Maximum Permitted	Minimum Required
Barrio Logan: Except Subdistrict B	2.5	2.1	6.5	0.1
Carmel Valley	5.0	4.3	6.5	0.1
Golden Hill	1.25	1.25	5.5	0.1
La Jolla	1.7	1.7	5.5	0.1
La Jolla Shores	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	5.5	0.1
Mid-City: CN-3 and CV-3	1.25	1.25	5.5	0.1
Mid-City: Except CN-3, CV-3	2.5	2.1	6.5	0.1
Mount Hope	3.3	2.8	6.5	0.1
Mission Valley: CV	2.5	2.1	6.5	0.1
Mission Valley: Except CV	5.0	4.3	6.5	0.1
Otay Mesa	5.0	4.3	6.5	0.1
Old Town	4.0	3.4	6.5	0.1
Southeast San Diego	2.5	2.1	6.5	0.1
San Ysidro	2.5	2.1	6.5	0.1
West Lewis Street	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	5.5	0.1

Footnotes For Table 142-05D

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

(6) *Alley Access.* For properties with *alley* access, one parking space per 10 linear feet of *alley* frontage may be provided instead of the parking ratio shown in Table 142-05D. Within the Beach Impact Area of the Parking Impact Overlay Zone, application of this policy shall not result in a reduction of required on-site parking.

(b) [No change to first paragraph.]

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

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment ⁽³⁾ Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces ⁽²⁾
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area ⁽¹⁾	Maximum Permitted	Minimum Required
Commercial Zones				
CC-1-1 CC-2-1 CC-4-1 CC-5-1	2.5	2.1	25.0	0.1
CC-1-2 CC-2-2 CC-4-2	2.5	2.1	25.0	0.1
CC-5-2	2.5	2.1	25.0	0.1
CC-4-2/Coastal Overlay Zone ⁽⁴⁾	5.0	4.3	25.0	0.1
CC-1-3 CC-2-3 CC-4-3 CC-5-3	15.0	12.8	25.0	0.1
CC-3-4 CC-4-4	2.5	2.1	25.0	0.1
CC-4-4/Coastal Overlay Zone ⁽⁴⁾	5.0	4.3	25.0	0.1
CC-5-4	2.5	2.1	25.0	0.1
CC-3-5	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	20.0	0.1
CC-3-5/Coastal Overlay Zone ⁽⁴⁾	5.0	4.3	25.0	0.1
CC-4-5	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	20.0	
CC-5-5	1.25	1.25	20.0	0.1
CN-1-1	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	20.0	0.1
CN-1-2	15.0	12.8	25.0	0.1
CN-1-3	2.5	2.1	25.0	0.1
CR-1-1 CR-1-2	15.0	12.8	25.0	0.1
CO-1-1 CO-1-2	15.0	12.8	25.0	0.1
CV-1-1	15.0	2.1	25.0	0.1
CV-1-2	5.0	4.3	25.0	0.1
Industrial Zones				

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment ⁽³⁾ Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces ⁽²⁾
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area ⁽¹⁾	Maximum Permitted	Minimum Required
IH-1-1 IH-2-1	15.0	12.8	25.0	0.1
IL-1-1 IL-2-1	15.0	12.8	25.0	0.1
IP-1-1 IP-2-1	15.0	12.8	25.0	0.1
IS-1-1	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	20.0	0.1
Planned Districts				
Barrio Logan: Subdistrict B	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	20.0	0.1
Barrio Logan: Except Subdistrict B	2.5	2.1	20.0	0.1
Carmel Valley	15.0	12.8	25.0	0.1
Golden Hill	1.25	1.25	20.0	0.1
La Jolla	5.0	4.3	20.0	0.1
La Jolla Shores	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	20.0	0.1
Mid-City: CN-3 and CV-3	1.25	1.25	20.0	0.1
Mid-City: Except CN-3, CV-3	2.5	4.3	25.0	0.1
Mount Hope	3.3	2.8	25.0	0.1
Mission Valley: CV	5.0	4.3	25.0	0.1
Mission Valley: Except CV	15.0	12.8	25.0	0.1
Otay Mesa	15.0	12.8	25.0	0.1
Old Town	4.0	3.4	25.0	0.1
Southeast San Diego	5.0	4.3	25.0	0.1
San Ysidro	5.0	4.3	25.0	0.1
West Lewis Street	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	20.0	0.1

Footnotes For Table 142-05E

(1) and (2) [No change.]

(3) Eating and Drinking Establishments. The minimum parking ratios apply to eating and drinking establishments that do not have a common parking area with any other uses. There is no minimum parking requirement or maximum permitted parking for outdoor dining. Within the Coastal Overlay Zone, outdoor dining areas such as decks, patios, terraces, etc., are considered part of the establishment's gross floor area and included

in calculating parking requirements.

(4) and (5) [No change.]

(6) *Alley Access.* For properties with *alley* access, one parking space per 10 linear feet of *alley* frontage may be provided instead of the parking ratio shown in Table 142-05E. Within the Beach Impact Area of the Parking Impact Overlay Zone, application of this policy shall not result in a reduction of required on-site parking.

(c) [No change to first paragraph.]

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

Use	Parking Spaces Required 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)				
	Required Automobile Parking Spaces				Required Bicycle Parking Spaces ⁽³⁾
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area ⁽¹⁾	Maximum Permitted	Carpool Minimum ⁽²⁾	Minimum
Separately regulated uses					
Private clubs, lodges, fraternal organizations (except fraternities and sororities)	1 per <i>guest room</i> , or 2.5, whichever is greater ⁽⁷⁾	85% of Minimum	N/A	N/A	2% of Auto Minimum

Footnotes For Table 142-05F

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

(4) *Alley Access.* For properties with *alley* access, one parking space per 10 linear feet of *alley* frontage may be provided instead of the parking ratio shown in Table 142-05F. Within the Beach Impact Area of the Parking Impact Overlay Zone, application of this policy shall not result in a reduction of required on-site parking.

(5) and (6) [No change to first paragraph.]

(7) In the Beach Impact Area, one parking space per guest room or 5.0, whichever is greater.

(d) through (h) [No change.]

SEC. 142.0535 Off-Premises Parking Regulations in Urbanized Communities

Required *off-street parking spaces* for uses in urbanized communities as identified in the Progress Guide and General Plan may be located off-premises, subject to the following regulations.

- (a) Residential Uses. Some portion of the off-premises parking shall be within a 25-foot horizontal distance of the *premises* on which the use requiring *off-street parking spaces* is located, and in the Coastal Overlay Zone the site of the off-premises parking shall be identified with appropriate signs. Within the Beach Impact Area of the Parking Impact Overlay Zone, off-premises parking shall not be permitted for residential uses.
- (b) Nonresidential Uses. Some portion of the off-premises parking shall be within a non-residential zone and within a 600-foot horizontal distance of the *premises* on which the use requiring *off-street parking spaces* is located, and in the Coastal Overlay Zone, the site of the off-premises parking and the site of the use shall be identified with appropriate signs within the Coastal Overlay Zone.
- (c) Control of Parking Spaces. The off-premises parking, which shall be identified with appropriate directional signs for development in the Coastal Overlay Zone, shall be owned or controlled by the owner of the use requiring the *off-street parking spaces*. When off-premises parking is to be provided, the owner or lessee of record of the *premises* shall furnish evidence that is satisfactory to the City Manager that they own or have a sufficient interest in the property to provide the minimum *off-street parking spaces* required by the Land

Development Code. Whether *off-street parking spaces* are to be provided on property that is owned by the *applicant* or another owner, the *applicant* shall provide to the County Recorder for recordation, a covenant that has been executed by the owners of the property on which the off-premises parking is proposed and the owners of the use requiring the off-street parking spaces. The covenant shall be for the benefit of the City, in a form approved by the City Attorney, to the effect that the owners will continue to maintain the parking spaces as long as the use it serves exists. The covenant shall also recite that the title to, and right to, use the *lots* upon which the parking is to be provided will be subservient to the title to the *premises* where the *primary use* it serves is situated and shall warrant that the *lots* are not and will not be made subject to any other covenant or contract for use without prior written consent of the City. If the owners of the use should thereafter provide parking equal in area within the same distance and under the same conditions as the ownership upon another *lot* than the *premises* made subservient in a previous covenant, the City will, upon written application accompanied by the filing of a similar covenant, release the original subservient *premises* from the previous covenant. The owners shall furnish at their own expense title reports or other evidence the City may require to insure compliance with the provisions of this section.

(d) [No change.]

SEC. 142.0540 Exceptions to Parking Regulations for Nonresidential Uses

(a) Commercial Uses on Small Lots. Outside the Beach Impact Area of the Parking Impact Overlay Zone. For *lots* that are 7,000 square feet or less, that existed

before [ordinance adoption date], including abutting *lots* under common ownership, the parking requirements set forth in Table 142-05G may be applied to all commercial uses at the option of the *applicant* as an alternative to the requirements set forth in Section 142.0530. The type of access listed in Table 142-05G determines the minimum number of required *off-street parking spaces*.

[No change in remainder of section.]

SEC. 142.0555 Tandem Parking Regulations

(a) [No change.]

(b) Tandem Parking for Commercial Uses. Tandem parking for commercial uses may be approved through a Neighborhood Development Permit provided the tandem parking is limited to the following purposes:

(1) [No change.]

(2) Valet parking associated with restaurant use; and

(3) [No change.]

SEC. 142.0560 Development and Design Regulations for Parking Facilities

(a) through (i) [No change.]

(j) Driveway and Access Regulations

(1) For the uses described in Table 142-05L, the driveway width shall comply with the minimum and maximum widths shown.

**Table 142-05L
Driveway Width**

Use	Minimum Width		Maximum Width	
	One-Way	Two-Way	One-Way	Two-Way
Detached <i>single dwelling unit</i> (other than RX Zones)	12 feet		25 feet, <u>except within the Beach Impact Area of the Parking Impact Overlay Zone, where the maximum is 12 feet</u>	
Dwelling unit in the RX Zone	12 feet		20 feet	
<i>Multiple dwelling unit</i>	14 feet	20 feet	20 feet	25 feet, <u>except within the Beach Impact Area, where the maximum is 20 feet</u>
Nonresidential	14 feet	24 feet	20 feet	30 feet, <u>except within the Beach Impact Area, where the maximum is 25 feet</u>

(2) through (10) [No change.]

(k) [No change.]

SEC. 142.0740 Outdoor Lighting Regulations

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

(e) On properties which are adjacent to or contain *sensitive biological resources*, any exterior lighting shall be limited to low-level lights and shields to minimize the amount of light entering any identified *sensitive biological resource areas*.

SEC. 142.1290 La Jolla Commercial and Industrial Sign Control District

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

(d) On-Premises *Sign* Regulations for Subdistrict A

(1) and (2) [No change.]

(3) Freestanding *Ground Signs*

Where the face of the building sets back from the *property line* more than 20 feet, one single-faced or double-faced freestanding *ground sign* is permitted, in addition to those on the building, in accordance with the following.

(A) No part of the *sign* shall extend over public property or have a height exceeding 20 feet measured from the base at ground level to the apex of the *sign*. In the Coastal Overlay Zone, however, no part of the sign shall exceed 8 feet in height.

(B) [No change.]

(e) On-Premises *Sign Regulations*

(1) Freestanding *Ground Signs*

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

(C) Height Limit. 20 feet measured vertically from the *sign* base at ground level to the apex of the *sign*. Coastal Overlay Zone Height Limit. 8 feet measured vertically from the sign base at ground level to the apex of the sign.

(D) through (G) [No change.]

(2) and (3) [No change.]

(4) Identification *Signs*

(A) One single-faced or double-faced freestanding *sign* located adjacent to each entrance or exit driveway to a parking *lot* is permitted. Such *signs* shall not exceed 12 square feet in area or a

height of 12 feet measured from the base at ground level to the apex of the *sign*, except that in the Coastal Overlay Zone, the height of the sign shall not exceed 8 feet.

(B) [No change.]

(5) and (6) [No change.]

SEC. 143.0101 Purpose of Environmentally Sensitive Lands Regulations

The purpose of these regulations is to protect, preserve and, where damaged restore, the *environmentally sensitive lands* of San Diego and the viability of the species supported by those lands. These regulations are intended to assure that *development, including, but not limited to coastal development in the Coastal Overlay Zone,* occurs in a manner that protects the overall quality of the resources and the natural and topographic character of the area, encourages a sensitive form of *development*, retains biodiversity and interconnected habitats, maximizes physical and visual public access to and along the shoreline, and reduces hazards due to *flooding* in specific areas while minimizing the need for construction of flood control facilities. These regulations are intended to protect the public health, safety, and welfare while employing regulations that are consistent with sound resource conservation principles and the rights of private property owners.

It is further intended for the Development Regulations for Environmentally Sensitive Lands Biological Resources and accompanying Biology, Steep Hillside, and Coastal Bluffs and Beaches Guidelines to serve as standards for the determination of impacts and mitigation under the California Environmental Quality Act and the California Coastal Act. These standards will also serve to implement the Multiple Species

Conservation Program by placing priority on the preservation of biological resources within the Multiple Habitat Planning Area, as identified in the City of San Diego Subarea Plan. The habitat based level of protection which will result through implementation of the Multiple Habitat Planning Area is intended to meet the mitigation obligations of the Covered Species addressed. In certain circumstances, this level of protection may satisfy mitigation obligations for other species not covered under the Multiple Species Conservation Program but determined to be sensitive pursuant to the CEQA review process. This determination will be addressed in the environmental documentation.

SEC. 143.0110 When Environmentally Sensitive Lands Regulations Apply

This division applies to all proposed *development* when *environmentally sensitive lands* are present on the *premises*.

(a) [No change.]

(b) Table 143-01A identifies the appropriate development regulations, the required decision process, and the permitted uses applicable to various types of *development* proposals that propose to encroach into *environmentally sensitive lands* or that do not qualify for an exemption pursuant to Section 143.0110(c).

(1) A Neighborhood Development Permit or Site Development Permit is required for all types of *development* proposals listed, in accordance with the indicated decision process. If coastal development is proposed in the Coastal Overlay Zone, a Coastal Development Permit is required in accordance with Section 126.0702.

(2) and (3) [No change.]

(4) Any *development* proposal on a site containing *environmentally sensitive lands* may be exempt from the permit requirements of this division if no *encroachment* into the *environmentally sensitive lands* is proposed and the *development* complies with Section 143.0110(c)(4). Within the Coastal Overlay Zone, a Coastal Development Permit is required for all *coastal development* and the regulations of this division shall apply.

(5) [Change to Table 143.01A.]

**Table 143-01A
Applicability of Environmentally Sensitive Lands Regulations**

<i>Environmentally Sensitive Lands Potentially Impacted by Project</i>						
Type of Development Proposal		Wetlands, listed non-covered species habitat ⁽¹⁾	Other Sensitive Biological Resources other than Wetlands and listed noncovered species habitat	Steep Hillides	Sensitive Coastal Bluffs and Coastal Beaches	Floodplains
1. Single dwelling units on individual lots equal to or less than 15,000 square feet ⁽²⁾	R	143.0141(a),(b)	143.0141	143.0142 except (a) ²	143.0143, 143.0144	143.0145
	P	NDP/ Process Two	NDP/ Process Two	NDP/ Process Two	SDP/ Process Three	NDP/ Process Two
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
2. Single dwelling units on lots or multiple lots totaling more than 15,000 square feet	R	143.0141(a),(b)	143.0141	143.0142	143.0143, 143.0144	143.0145
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
3. Multiple dwelling unit and non-residential development and public works projects	R	143.0141(a),(b)	143.0141	143.0142	143.0143, 143.0144	143.0145
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
4. Any subdivision of a premises	R	143.0141(a),(b)	143.0141	143.0142 ⁽³⁾	143.0143, 143.0144	143.0145
	P	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four
	U	143.0130(d),(e)	--	--	143.0130 (a), (b)	143.0130 (c)

Environmentally Sensitive Lands Potentially Impacted by Project						
Type of Development Proposal		Wetlands, listed non-covered species habitat⁽¹⁾	Other Sensitive Biological Resources other than Wetlands and listed noncovered species habitat	Steep Hillides	Sensitive Coastal Bluffs and Coastal Beaches	Floodplains
5. Project-specific land use plans	R	143.0141(a),(b), 143.0115	143.0141, 143.0115	143.0142, 143.0115	143.0143, 143.0144, 143.0115	143.0145, 143.0115
	P	SDP/Process Four/Five	SDP/Process Four/Five	SDP/Process Four/Five	SDP/Process Four/Five	SDP/Process Four/Five
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
6. Any development that proposes deviations from any portion of the Environmentally Sensitive Lands Regulations	R	143.0141(a),(b), 143.0150	143.0141, 143.0150	143.0142, 143.0150 ⁽⁴⁾	143.0143, 143.0144, 143.0150	143.0145, 143.0150
	P	SDP/Process Four	SDP/Process Four	SDP/Process Four	SDP/Process Four	SDP/Process Four
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
7. Development other than single dwelling units on individual lots, that proposes alternative compliance for development area in steep hillides.	R	--	--	143.0142 except (a), 143.0151	--	--
	P	--	--	SDP/Process Three	--	--
	U	--	--	--	--	--

Legend to Table 143-01A

R	Development regulation sections (in addition to Section 143.0140) applicable to the <i>environmentally sensitive lands</i> present.
P	Type of Permit/Decision process required. Neighborhood Development Permit (NDP) Site Development Permit (SDP)
U	Regulations that identify permitted uses when they are different than the applicable zone due to the <i>environmentally sensitive lands</i> present.

Footnotes to Table 143-01A

(1) and (2) [No change.]

(3) Outside the Coastal Overlay Zone, sSubdivision of a premises less than 15,000 square feet (for single dwelling unit development) is not subject to Section 143.0142(a).

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

(4) [No change.]

(5) Within the Coastal Overlay Zone, single dwelling units on individual lots equal to or less than 15,000 square feet are subject to Section 143.0142(a).

(c) A Neighborhood Development Permit or Site Development Permit is not required for the following *development* activity:

(1) Outside of the Coastal Overlay Zone, Ddevelopment on a premises containing *environmentally sensitive lands* when the *development* will not encroach into the *environmentally sensitive lands* during or after construction, if the property owner signs an acknowledgment that further *development* on the property is not permitted unless the *development* is reviewed and approved pursuant to this division and if the *development* proposal provides for the following:

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

(C) ~~A 100-foot setback from coastal beaches;~~

~~(D) A 100-foot setback from bluff edge of sensitive coastal bluff;~~

~~(E) A 100-foot setback from floodplains.~~

(2) *Development* that is limited to interior modifications or repairs, or any exterior repairs, alterations or maintenance that does not increase the footprint of an existing building or *accessory structure* and will not encroach into the *environmentally sensitive lands* during or after construction. For a *premises* containing a *sensitive coastal bluff*, any addition ~~above the first floor~~ shall observe a minimum 40-foot *setback* from the *coastal bluff edge*.

(3) Outside the Coastal Overlay Zone, mMinor improvements to existing structures on steep hillsides, subject to all of the following applicable requirements:

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

(4) [No change.]

(5) Outside the Coastal Overlay Zone, cCity public works projects for which plans, specifications, or funding have been approved by the City Council or the City

Manager before July 1, 1991.

- (6) Outside the Coastal Overlay Zone, Restoration projects where the sole purpose is enhancement or restoration of native habitats.
- (7) [No change.]

SEC. 143.0111 Limited Exceptions from Environmentally Sensitive Lands Regulations

The following *development* activities require a Neighborhood Development Permit or Site Development Permit in accordance with Table 143-01A, but the applicable development regulations are modified as indicated:

- (a) Outside the *MHPA* and the Coastal Overlay Zone, mining and extractive industries may exceed the maximum allowable *steep hillside* development area described in Section 143.0142(a). Both inside and outside the *MHPA*, a Conditional Use Permit is required in accordance with Section 141.1001 and restoration of the on-site landform to a natural-appearing condition is required.
- (b) Brush management activity is exempt from all *steep hillside* development regulations in Section 143.0142 if the brush management is the minimum necessary to comply with City fire codes and no *grading* occurs in the brush management area. Within the Coastal Overlay Zone, all brush management within 30 feet of a primary structure shall be subject to the Steep Hillside Regulations for development within the Coastal Overlay Zone pursuant to Section 143.0142(a)(4).
- (c) Erosion control measures are exempt from the *steep hillside* development area regulations in Section 143.0142(a) if they are determined to be the only feasible means of erosion control necessary to protect the existing ~~principal~~primary structures or public improvements.

(d) Outside the Coastal Overlay Zone, City linear utility projects are exempt from the development area regulations of the OR-1-2 zone in Section 131.0250(b) and the development area regulations for *steep hillsides* in Section 143.0142(a) and for *sensitive biological resources* in Section 143.0141(d).

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

SEC. 143.0112 Requirement to Submit Required Documentation and Obtain Permit Prior to Development on Environmentally Sensitive Lands

It is unlawful to begin *development* on a *premises* that contains *environmentally sensitive lands* without submitting required documentation and obtaining a ~~Neighborhood~~ the applicable development permit, a Site Development Permit, or an exemption as required pursuant to this division. If unlawful *development* occurs on property containing *environmentally sensitive lands* and an enforcement action has been commenced by the City pursuant to Section 143.0160, no ~~Neighborhood development permit, or Site Development Permit~~ application may be processed until the enforcement action has been concluded.

SEC. 143.0115 Procedures and Regulations for Project-Specific Land Use Plans

(a) Project-specific *land use plans*, including specific plans, precise plans, privately initiated *land use plan* amendments, and future urbanizing area subarea plans, proposed for sites where *environmentally sensitive lands* are present, are subject to the regulations in this section to ensure adequate analysis of the constraints and opportunities of the planning area relative to *environmentally sensitive lands*. The analysis of *environmentally sensitive lands* for project-specific *land use plans* will be conducted in accordance with either Section 143.0115(b) or (c) based on whether or not a Site Development Permit is processed concurrently with the project-specific

land use plan. Within the Coastal Overlay Zone, a project specific land use plan is subject to the Local Coastal Program amendment process.

(b) Where a Site Development Permit is requested concurrently with the processing of a project-specific *land use plan*, the proposed *development* is subject to the following regulations. However, where a Coastal Development Permit is required, the project must conform to the Local Coastal Program, as certified by the Coastal Commission.

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

(8) Any coastal development requiring a Coastal Development Permit must conform to the regulations in the certified Local Coastal Program. In case of conflict with the provisions of Section 143.0115(b)(1)-(7), the coastal development regulations apply.

(c) Where a Site Development Permit is not requested concurrently with the processing of a project-specific *land use plan*, the proposed plan and subsequent Site Development Permits and/or Coastal Development Permits are subject to the following regulations.

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

(8) Any coastal development requiring a Coastal Development Permit must conform to the regulations in the certified Local Coastal Program. In case of conflict with the provisions of Section 143.0115(c)(1)-(7), the coastal development regulations apply.

SEC. 143.0126 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) and (b) [No change.]

(c) Within the Coastal Overlay Zone, a Coastal Development Permit is required for any emergency coastal development in accordance with Section 126.0718.

SEC. 143.0130 Uses Allowed Within Environmentally Sensitive Lands

Allowed uses within *environmentally sensitive lands* are those allowed in the applicable zone, except where limited by this section.

(a) *Sensitive Coastal Bluff Areas*. Permitted uses and activities in *sensitive coastal bluff* areas, as indicated on Map Drawing No. C-713, are limited to the following:

(1) through (6) [No change.]

(7) Open fences and walls for public safety, provided they do not interfere with existing or designated public or visual access ways;

(8) through (11) [No change.]

(12) Bluff repair and erosion control measures, when necessary to protect existing primary structures and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

(b) *Coastal Beach Areas*. Permitted uses and activities in *coastal beach* areas, as identified on Map Drawing No. C-713, are limited to the following:

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

(5) Shoreline protective works when necessary to prevent bluff and beach erosion ~~or where necessary~~ and to protect coastal dependent uses, public beach

roadways, or existing ~~principal~~primary *structures* in danger from wave and wind action and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply;

(6) Public ~~s~~Stairways, ramps, and other physical access *structures*, as proposed within an applicable land use plan; and

(7) [No change.]

(c) *Floodways*. [No change.]

(d) Wetlands in the Coastal Overlay Zone. Uses permitted in wetlands shall be limited to the following:

(1) Aquaculture, wetlands-related scientific research and wetlands-related educational uses;

(2) Wetland restoration projects where the primary purpose is restoration of the habitat;

(3) Incidental public service projects, where it has been demonstrated that there is no feasible less environmentally damaging location or alternative, and where mitigation measures have been provided to minimize adverse environmental effects.

(e) Wetland Buffer Areas in the Coastal Overlay Zone. Permitted uses in wetland buffer areas shall be limited to the following:

(1) Public Access paths;

(2) Fences;

(3) Restoration and enhancement activities; and

(4) Other improvements necessary to protect wetlands.

SEC. 143.0141 Development Regulations for Sensitive Biological Resources

Development that proposes *encroachment* into *sensitive biological resources* or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Biology Guidelines in the Land Development Manual.

- (a) State and federal law precludes adverse impacts to *wetlands* or listed non-covered species habitat. The *applicant* shall confer with the U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service and/or California Department of Fish and Game before any public hearing for the *development* proposal. The applicant shall solicit input from the Resource Agencies on impact avoidance, minimization, mitigation and buffer requirements, including the need for upland transitional habitat. The applicant shall, to the maximum extent feasible, incorporate the Resource Agencies' recommendations prior to the first public hearing. *Grading or construction permits* shall not be issued for any project that adversely impacts *wetlands* or Listed non-covered species habitat until all necessary federal and state permits have been obtained.
- (b) Outside and inside the *MHPA*, impacts to *wetlands*, including vernal pools in naturally occurring complexes, shall be avoided. A *wetland buffer* shall be maintained around all *wetlands* ~~when necessary and~~ as appropriate to protect the functions and values of the *wetland*. In the Coastal Overlay Zone the applicant shall provide a minimum 100-foot buffer, unless a lesser or greater buffer is warranted as determined through the process described in 143.0141(a). Mitigation for impacts associated with a deviation shall achieve the goal of no-net-loss and retain in-kind functions and values.

(c) through (h) [No change.]

(i) All *development* occurring in *sensitive biological resources* ~~both inside and outside~~ the MHPA is subject to a site-specific impact analysis conducted by the City Manager, in accordance with the Biology Guidelines in the Land Development Manual. The impact analysis shall evaluate impacts to *sensitive biological resources* and CEQA sensitive species. The analysis shall determine the corresponding mitigation, where appropriate, and the requirements for protection and management. Mitigation may include any of the following, as appropriate to the nature and extent of the impact.

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

(j) and (k) [No change.]

SEC. 143.0142 Development Regulations for Steep Hillides

Development that proposes *encroachment into steep hillides* or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Steep Hillside Guidelines in the Land Development Manual.

(a) Allowable Development Area

- (1) Inside of the *MHPA*, the allowable development area is determined in accordance with the regulations set forth in the OR-1-2 zone, pursuant to Section 131.0250(b). However, within the Coastal Overlay Zone, coastal development is permitted only if in conformance with Section 143.0142(a)(4) and the certified local coastal program.
- (2) Outside of the *MHPA*, the allowable development area includes all portions of the *premises* without *steep hillides*. *Steep hillides* shall be preserved in their

natural state, except that *development* is permitted in *steep hillsides* if necessary to achieve a maximum development area of 25 percent of the premises.

However, within the Coastal Overlay Zone, coastal development on steep hillsides shall be minimized to the maximum extent possible and permitted only when in conformance with Section 143.0142(a)(4).

- (3) Outside of the MHPA and outside the Coastal Overlay Zone, up to an additional 15 percent development area is permitted only as follows and as long as the total development area does not exceed 40 percent of the premises, pursuant to the Steep Hillside Guidelines in the Land Development Manual:

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

- (4) Within the Coastal Overlay Zone, steep hillsides shall be preserved in their natural state and coastal development on steep hillsides containing sensitive biological resources or mapped as Viewshed or Geologic Hazard on Map C-720 shall avoid encroachment into such steep hillsides to the maximum extent possible.

(A) When encroachment onto such steep hillsides is unavoidable,

encroachment shall be minimized; except that encroachment is permitted

in such steep hillsides to provide for a development area of up to a

maximum of 25% of the premises on premises containing less than 91% of

such steep hillsides. On premises containing 91% or greater of such steep

hillsides, the maximum allowable development area is 20% of the

premises; however, an additional 5% encroachment into such steep

hillsides may be permitted if necessary to allow an economically viable

use, pursuant to the Steep Hillside Guidelines.

(B) For the purposes of this section the development area shall include Zone 1 brush management pursuant to the Landscape Regulations in Chapter 14, Article 2, Division 4.

(C) Up to an additional 15% of encroachment onto such steep hillsides is permitted for the following:

(1) Major public roads and collector streets identified in the Circulation Element of an applicable land use plan;

(2) Public utility systems;

(3) In the North City Local Coastal Program Land Use Plan areas only: Local public streets or private roads and driveways which are necessary for access to the more developable portions of a site containing slopes of less than twenty-five (25%) grade, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or in part, shall be made by the City Manager based upon an analysis of the project site.

(D) For the purposes of Section 143.0142, encroachment shall be defined as any area of twenty-five percent (25%) or greater slope in which the natural landform is altered by grading, is rendered incapable of supporting vegetation due to the displacement required for the building, accessory structures, or paving, or is cleared of vegetation (including Zone 1 brush management).

(E) In the approval of any Coastal Development Permit for a *subdivision*, and any other division of land, including lot splits, no encroachment into *steep hillsides* containing *sensitive biological resources*, or mapped as Viewshed or Geologic Hazard on Map C-720 shall be permitted, and the decision maker shall require a minimum 30 foot setback from Zone 1 brush management for *coastal development* from such *steep hillsides*.

(b) through (f) [No change.]

(g) Erosion Control Measures

(1) Outside the Coastal Overlay Zone, eErosion control measures are not subject to the 25 percent development area regulations in Section 143.0142(a), but are subject to the landscape regulations in Chapter 14, Article 2, Division 4 and the Steep Hillside Guidelines in the Land Development Manual. Within the Coastal Overlay Zone, erosion control measures are subject to Section 142.0142(a)(4).

(2) Air-placed concrete, including gunite or shotcrete, *retaining walls*, buttress *fills*, and other similar erosion control measures may be allowed only if determined to be the only feasible means of erosion control to protect the existing ~~principal~~primary *structures* or *public improvements*.

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

(h) All development on *steep hillsides* located in La Jolla or La Jolla Shores Community Plan areas, shall, in addition to meeting all other requirements of this section, be found consistent with the Hillside Development Guidelines set forth in the La Jolla - La Jolla Shores *Local Coastal Program land use plan*.

SEC. 143.0143 Development Regulations for Sensitive Coastal Bluffs

Coastal development that proposes to encroach into on premises containing sensitive coastal bluffs, as identified on Map Drawing No. C-713, filed in the office of the City Clerk under Document No. 00-17062 or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Coastal Bluffs and Beaches Guidelines in the Land Development Manual.

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

(e) Before approval of any *Site development permit*, the *applicant* shall execute and record in favor of the City a hold harmless and/or indemnification agreement for the approved *development*, as necessary and appropriate.

(f) All *development* including buildings, *accessory structures*, and any additions to existing *structures* shall be set back at least 40 feet from the *coastal bluff edge*, except as follows:

- (1) The City Manager may permit *structures* to be located between 25 and 40 feet from the bluff edge where the evidence contained in a geology report indicates that the site is stable enough to support the *development* at the proposed distance from the *coastal bluff edge* and the project can be designed so that it will not be subject to or contribute to significant geologic instability throughout the anticipated life span of the principal primary structures, and no shoreline protection is required. Reductions from the 40-foot setback shall be approved only if the geology report concludes the structure will not be subject to significant geologic instability, and not require construction of shoreline protection measures throughout the economic life span of the structure. In addition, the applicants shall accept a deed restriction to waive all rights to

protective devices associated with the subject property. The geology report shall contain:

(A) An analysis of bluff retreat and coastal stability for the project site, according to accepted professional standards;

(B) An analysis of the potential effects on bluff stability of rising sea levels, using latest scientific information;

(C) An analysis of the potential effects of past and projected El Nino events on bluff stability;

(D) An analysis of whether this section of coastline is under a process of retreat.

(2) *Accessory structures* and landscape features customary and incidental to residential uses shall not be closer than 5 feet to ~~observe a minimum 5-foot distance from~~ the *coastal bluff edge* provided, however, that these shall be located at *grade*. *Accessory structures* and features may be landscaping, walkways, unenclosed patios, open shade *structures*, decks that are less than 3 feet above grade, lighting standards, *fences* and walls, seating benches, *signs*, or similar *structures* and features, excluding garages, carports, buildings, pools, spas, and upper *floor* decks with load-bearing support *structures*.

(3) ~~Fences within the required distance from the coastal bluff edge shall be open fences. Fences located at the side property lines may extend to the coastal bluff edge, provided that within 5 feet of the coastal bluff edge, the fence is no more than 5 feet high and is an open fence. Other~~ Open fences may be permitted at the closer than 5 feet to the coastal bluff edge only if necessary to provide for

public safety and to protect resource areas accessible from public right-of-ways or on public parkland.

(4) Essential public drainage facilities and public walkways leading to permitted beach access facilities may be installed within the 5-foot coastal bluff edge setback provided they are designed to minimize impacts to the *coastal bluff face* and *coastal beach* areas.

(g) *Coastal bluff* repair and erosion control measures may occur on the bluff face only if they comply with the following:

(1) *Coastal bluff* repair and erosion control measures may be allowed on the *coastal bluff face* only if determined to be the only feasible means of erosion control and when necessary, to protect the existing ~~principal~~ primary structures or to protect public improvements that cannot feasibly be relocated.

(2) [No change.]

(3) The *applicant* shall submit a *geotechnical report* that documents the need for an erosion control measure to the City Manager. The *geotechnical report* shall identify the type and design of the erosion control measure necessary for protection of the existing ~~principal~~primary structures, based upon site-specific conditions and analysis of alternatives. The report must be accepted as adequate by the City Manager before any erosion control measures can be approved.

(4) and (5) [No change.]

(h) Essential public facilities including drainage facilities, ~~and public~~ stairways, ramps, and other physical beach access facilities may be permitted on a coastal bluff face if

identified in an approved *land use plan* or if located in an area historically used by the public. These facilities shall be designed to minimize impacts to the bluff face and beach area.

- (i) [No change.]
- (j) Public views ~~A visual corridor of not less than 10 feet in width, and running the full depth of the premises,~~ shall be preserved pursuant to Section 132.0403, as a condition of Neighborhood Development Permit or Site Development Permit approval whenever both of the following conditions exist:

- ~~(1) The proposed development is located on a premises that lies between the shoreline and the, and~~
- ~~(2) The requirement for a visual corridor is feasible and will serve to preserve or enhance public views that are identified in the applicable land use plan.~~

~~Where remodeling is proposed and existing development is to be retained that precludes establishment of a 10-foot-wide corridor, preservation of any existing visual corridor on the site will be accepted.~~

- (k) A vertical public access easement of not less than 10 feet in width, and running the full depth of the *premises* shall be offered, as a public easement as a condition of Coastal Development Permit approval, for *dedication* whenever all of the following conditions exist:

- (1) The proposed *development* is located on *premises* that lies between the shoreline and the ~~nearest through vehicular public access route paralleling the shoreline~~ first public roadway paralleling the sea, as defined within the California Coastal Commission Regulations.

(2) [No change.]

(3) Impacts caused by the proposed *development* ~~otherwise, including, but not limited to, direct encroachment into an accessway identified in the applicable *land use plan*~~, justify the requirement for a vertical accessway.

SEC. 143.0144 Development Regulations for Coastal Beaches

The following development regulations apply to *development* proposed on a *premises* containing a *coastal beach*, as identified on Map Drawing No. C-713, filed in the office of the City Clerk under Document No. 00-17062 ~~or on a *premises* that does not qualify for an exemption pursuant to Section 143.0110(e)~~, and *coastal development* is subject to the following regulations and the Coastal Bluffs and Beaches Guidelines in the Land Development Manual.

(a) and (b) [No change.]

(c) ~~A visual corridor~~ Public views shall be preserved pursuant to Section 132.0403 ~~of not less than 10 feet in width, and running the full depth of the *premises*, shall be preserved as a condition of Development Permit approval whenever the requirement for a visual corridor is feasible and will serve to preserve or enhance public views that are identified in the applicable *land use plan*.~~

~~Where remodeling is proposed and existing *development* is to be retained that precludes establishment of a 10-foot-wide corridor, preservation of any existing visual corridor on the site will be accepted.~~

(d) A vertical public access easement of not less than 10 feet in width, and running the full depth of the *premises*, shall be offered for *dedication* as a public easement as a condition of Coastal Development Permit approval whenever both of the following

conditions exist:

- (1) [No change.]
- (2) Impacts caused by the proposed *development*, including, but not limited to, direct encroachment into an accessway identified in the applicable land use plan, justify the requirement for a vertical accessway.

(e) An easement for public access and passive recreational uses located along the shoreline paralleling the water's edge shall be offered for *dedication* as a public easement as a condition of *development permit* approval. The easement shall have a minimum width of 25 feet measured from the toe of an existing *bluff*, the first line of terrestrial vegetation where there is no *coastal bluff*, or an existing or proposed seawall or other protective device seaward to the mean high tide line whenever both of the following conditions exist:

- (1) [No change.]
- (2) The proposed *development* will fix the location of the back of the beach, encroach onto the shoreline or cause other ~~The impacts which caused by the proposed *development*~~ justify the requirement for the easement.

(f) For applications involving a shoreline protective work, the applicant shall submit a geotechnical report that documents the need for the erosion control measure to the City Manager. If the geotechnical report documents an existing primary *structure* is in danger from erosion, the geotechnical report shall identify the type and design of the protective device necessary to protect the existing primary *structure*, and other feasible alternatives to reduce the risk and address site-specific hazardous conditions. The report must be accepted as adequate by the City Manager before

any erosion control measures can be approved.

- (g) Air-placed concrete, including gunite or shotcrete, retaining walls, seawalls, fills or other similar erosion control measures shall be permitted only when necessary to protect an existing primary structure and when determined to be the least environmentally damaging feasible alternative pursuant to the California Environmental Quality Act. Mitigation for impacts to local shoreline sand supply shall be required.
- (h) Any approved shoreline protective device shall be designed and implemented in accordance with generally accepted engineering standards and specifications and shall also incorporate existing and adjacent landform characteristics including color coating, texturing, landscape, and topographical features.
- (i) Where erosion control measures are proposed to encroach upon or affect any portion of property owned by The City of San Diego or other public agency, or on lands subject to the public trust, the applicant shall provide written permission from the City Manager or public property owner before approval of any development permit. Documentation of this approval shall be recorded with the conditions of development permit approval. When an erosion control device encroaches directly on or otherwise affects State tidelands or publicly-owned property, the property owner shall be required to compensate for the use of public property and to mitigate the impacts of the protective device on the public beach.
- (j) Mitigation for impacts on State tidelands or public beach may include, but not be limited to, a mitigation fee to be used for beach and sand replenishment within the littoral cell of the project. The fee shall be roughly proportional to the value of the

beach area lost as a result of the protective device and shall be deposited in the City of San Diego Beach Sand Mitigation Fund held by the San Diego Association of Governments.

SEC. 143.0145 Development Regulations for Floodplains

[No change to first paragraph.]

(a) *Floodways*

(1) and (2) [No change.]

(3) *Channelization* or other substantial alteration of rivers or streams shall be limited to that necessary for the following:

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

(C) Projects where the primary function is the improvement of fish and wildlife habitat.

(4) through (6) [No change.]

(7) Within the Coastal Overlay Zone, no structure or portion thereof shall be erected, constructed, converted, established, altered or enlarged, or no landform alteration *grading*, placement or removal of vegetation, except that related to a historic and ongoing agricultural operation, or land division shall be permitted, provided:

(A) Parking lots, new roadways and roadway expansions shall be allowed only where indicated on an adopted *Local Coastal Program land use plan*.

(B) Floodway encroachments for utility and transportation crossings shall be offset by improvements or modifications to enable the passage of the one hundred (100) year frequency flood, in accordance with the FEMA

standards and regulations provided in Section 143.0145(c).

(b) *Floodplain Fringe*. The applicable development regulations are those in the underlying zone, subject to the following supplemental regulations:

(1) Within the *floodplain fringe* of a 100-year floodplain, permanent *structures* and *fill* for permanent *structures*, roads, and other *development* are allowed only if the following conditions are met:

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

(C) *Grading* and *filling* are ~~minimized~~ limited to the minimum amount necessary to accommodate the proposed *development*, harm to the environmental values of the floodplain is minimized including peak flow storage ~~capability~~ capacity, and *wetlands* hydrology is maintained;

(D) [No change.]

(E) There will be no significant adverse water quality impacts to downstream wetlands, lagoons or other *sensitive biological resources*, and the *development* is in compliance with the requirements and regulations of the National Pollution Discharge Elimination System, as implemented by the City of San Diego.

(F) The design of the *development* incorporates the findings and recommendations of both a site specific and coastal watershed hydrologic study.

(2) [No change.]

(c) [No change.]

SEC. 143.0150 Deviations from Environmentally Sensitive Lands Regulations

Plans submitted in accordance with this section shall, to the maximum extent feasible, comply with the regulations of this division. If a proposed *development* does not comply with all applicable the development regulations of this division and a deviation is requested as indicated in Table 143-01A, the Planning Commission may approve, conditionally approve, or deny the proposed Site Development Permit in accordance with Process Four, subject to the following:

(a) and (b) [No change.]

(c) Within the Coastal Overlay Zone, deviations from the Environmentally Sensitive Lands Regulations may be granted only if the decision maker makes the findings in Section 126.0708.

SEC. 143.0151 Alternative Compliance for Steep Hillside Development Area Regulations

Proposed *developments* that do not comply with the development area regulations of Section 143.0142(a) and do not result in conflicts with other regulations may be considered as alternative compliance as indicated in Table 143-01A, pursuant to the regulations in this section. The Planning Commission may approve, conditionally approve, or deny the proposed Site Development Permit with alternative compliance in accordance with Process Four, subject to the following:

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

(e) Alternative compliance shall not be considered for lands that are within the Coastal Overlay Zone.

SEC. 143.0152 Covenants of Easements Pursuant to Environmentally Sensitive Lands Regulations

As authorized by California Government Code Section 65871, the owner of any

premises affected by issuance of a permit under this division as described in Section 143.0140(a), shall execute a covenant of easement unless the owner dedicates the remainder portion of the property in fee to the City. The covenant of easement shall be recorded against title to the affected *premises* and executed in favor of the City.

(a) and (b) [No change.]

(c) In the Coastal Overlay Zone, the covenant of easement shall be required as a condition of approval at the tentative map stage of coastal development rather than at subsequent stages to the extent possible.

SEC. 143.0155 Administrative Guidelines for Environmentally Sensitive Lands Regulations

The City Manager is authorized to promulgate and publish Steep Hillside Guidelines, Biology Guidelines, Coastal Bluffs and Beaches 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 Neighborhood Development Permits, ~~and Site Development Permits and Coastal Development Permits~~ issued pursuant to this division. Any revisions to these guidelines will require review and approval of the Coastal Commission as an amendment to the City's certified Local Coastal Program.

SEC. 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*, ~~Neighborhood Development Permit, or Site Development 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.

(b) [No change.]

(c) The City Manager shall determine the need for a site-specific survey within 10 *business days* of application for a *construction permit* or within 30 calendar days of application for a *development permit*. A site-specific survey shall be required when the City Manager determines that a *historical resource* may exist on the parcel. If the City Manager determines that does not require a site-specific survey is not required within the specified time period, a permit in accordance with Section 143.0210 shall not be required.

(d) [No change.]

SEC. 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) through (c) [No change.]

(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.

SEC. 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) [No change.]
- (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 is a designated historical resource~~ 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) through (i) [No change.]
- (j) Outside of the Coastal Overlay Zone, Ppublic works projects for which plans, specifications, and funding have been approved by the City Council or the City Manager before July 1, 1991.

SEC. 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 143.02513 for brush management activities in Zone 2 provided that the following circumstances exist:

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

SEC. 143.0250 General Development Regulations for Historical Resources

Development that ~~proposes substantial alteration or encroachment into a designated historical resource, traditional cultural property or important archaeological site and~~ 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) through (g) [No change.]

SEC. 143.0260 Deviations from the Historical Resources Regulations

(a) If a proposed *development* ~~does not~~ cannot to the maximum extent feasible comply with this division, a deviation may be considered in accordance with decision Process Four.

(b) and (c) [No change.]

SEC. 143.0440 Supplemental Planned Development Permit Regulations for Residential Rural Cluster Development in the AR and OR Zones

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, the following regulations apply to all residential Planned Development Permits for rural cluster *developments* in the AR and OR zones:

(a) *Density*

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

(4) Within the future urbanizing area and outside the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0440(c)(~~5~~4) may be used in the calculation of total permitted residential *density*.

(b) [No change.]

(c) Open Space Requirement

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

(4) Recreational facilities shall be designed to serve only the occupants and guests of the *development*. However, within the future urbanizing area and outside the Coastal Overlay Zone, golf courses open to the public and their customary incidental, supportive facilities (excluding lodging facilities) need not be restricted provided that a permanent and irrevocable open space easement is established that covers the area of the golf course. A golf course open to the public means a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or that offers memberships to the public.

(5) Within the future urbanizing area and outside the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0440(c)(54) may be used in the calculation of total required open space.

SEC. 143.0450 Supplemental Planned Development Permit Regulations for Residential Rural Cluster Development with Increased Density

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, the following regulations apply to all residential rural cluster *developments* requesting increased *density* that are located in the AR-1-1 and OR-1-2 zones within the future urbanizing area. Approval of a proposed *development* in accordance with this section shall require the *findings* in Section 126.0604(b) to be made.

(a) *Density*

(1) and (2) [No change.]

(3) Except within the Coastal Overlay Zone, the area of a golf course meeting the

criteria of Section 143.0450(c)(76) may be used in the calculation of total permitted residential *density*.

(b) [No change.]

(c) Open Space Requirements

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

(6) Recreational facilities shall be designed to serve only the occupants and guests of the planned *development*. However, within the future urbanizing area and outside the Coastal Overlay Zone, golf courses open to the public and their customary incidental, supportive facilities (excluding lodging facilities) need not be restricted provided that a permanent and irrevocable open space easement is established that covers the area of the golf course. A golf course open to the public shall mean a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or that offers memberships to the public.

(7) Except within the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0450(c)(76) may be used in the calculation of total required open space.

(d) [No change.]

(e) Subarea Plan Requirement in the North City Future Urbanizing Area

(1) [No change.]

(2) Except within the Coastal Overlay Zone, Section 143.0450(e)(1) shall not apply to any project for which an application was *deemed complete* on or before December 10, 1990, and which includes a golf course that is open to the public provided, however, that any such project shall fully participate in the Public Facilities Financing Plan, Interim Fees, and the *school* Facilities Master

Plan, and that a development agreement shall be executed for the project.

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