

ORDINANCE NUMBER O- 18910 (NEW SERIES)

ADOPTED ON JAN 09 2001

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER VI, ARTICLE 2, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 62.0423; AMENDING CHAPTER IX, ARTICLE 1, DIVISION 8, BY REPEALING SECTION 91.8901; AMENDING CHAPTER 11, BY AMENDING ARTICLE 3, DIVISION 1, SECTION 113.0103; DIVISION 2, SECTIONS 113.0228, 113.0234 AND 113.0273; AMENDING CHAPTER 12, BY AMENDING ARTICLE 1, DIVISION 3, SECTION 121.0309; BY AMENDING ARTICLE 5, DIVISION 5, SECTIONS 125.0530, 125.0540, 125.0630, AND 125.0640; BY AMENDING ARTICLE 6, DIVISION 4, SECTION 126.0402; DIVISION 5, SECTIONS 126.0502 AND 126.0504; DIVISION 7, SECTIONS 126.0704 AND 126.0708; BY AMENDING ARTICLE 7, DIVISION 1, SECTIONS 127.0106 AND 127.0107; BY AMENDING ARTICLE 9, DIVISION 6, SECTION 129.0602; AMENDING CHAPTER 13, BY AMENDING ARTICLE 1, DIVISION 1, SECTIONS 131.0112 AND 131.0125; DIVISION 2, SECTION 131.0205; DIVISION 3, SECTIONS 131.0330 AND 131.0340; DIVISION 4, SECTIONS 131.0422 AND 131.0448; DIVISION 6, SECTIONS 131.0622 AND 131.0631; BY AMENDING ARTICLE 2, DIVISION 4, SECTIONS 132.0402, 132.0403; DIVISION 9, SECTION 132.0902; DIVISION 10, SECTION 132.1002; DIVISION 14, SECTION 132.1402; AMENDING CHAPTER 14, BY AMENDING ARTICLE 1, DIVISION 3, SECTION 141.0306; DIVISION 4, SECTION 141.0405; BY AMENDING ARTICLE 2, DIVISION 1, SECTIONS 142.0133, 142.0134 AND 142.0135; DIVISION 2, SECTION 142.0230; DIVISION 3, SECTIONS 142.0310 AND 142.0340; DIVISION 5, SECTIONS 142.0510 142.0530, AND 142.0560; DIVISION 12, SECTION 142.1210; BY AMENDING ARTICLE 3, DIVISION 1, SECTIONS 143.0110, 143.0111, 143.0130, 143.0145, AND BY ADDING SECTION 143.0146; DIVISION 4, SECTIONS 143.0402, 143.0410, AND 143.0450; BY AMENDING TABLE 143-01A IN SECTION 143.0110(b) BY RENUMBERING SECTION 143.0145(c) APPEARING WITHIN THE TABLE TO READ SECTION 143.0146; 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 XI of the San Diego Municipal Code is amended by repealing Section 62.0423.

Section 2. That Chapter IX of the San Diego Municipal Code is amended by repealing Section 91.8901.

Section 3. That Chapter 11 of the San Diego Municipal Code is amended by amending Article 3, Division 1, Section 113.0103; Division 2, Sections 113.0228, 113.0234 and 113.0273, to read as follows:

**SEC. 113.0103 Definitions**

*Abutting property* [No change.]

*Accessory building* means an *accessory structure* which is also a “building” as defined in the California Building Code.

*Accessory structure* through *Awning* [No change.]

*Base Flood* means a *flood* having a one percent chance of being equaled or exceeded in any given year (also called “100-year flood”).

*Base flood elevation* means the water surface elevation of a *base flood*.

*Basement* through *Encroachment* [No change.]

*Environmentally sensitive lands* means land containing *steep hillsides*, *sensitive biological resources*, *coastal beaches*, *sensitive coastal bluffs*, or *Special Flood Hazard Areas*.

*Excavation* through *Findings* [No change.]

*Flood* or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of *flood* waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result

of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm; or (4) by an unanticipated force of nature, such as flash *flood* or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in *flooding* as defined in this definition.

*Flood fringe* means all that land in a *Special Flood Hazard Area* not lying within a *floodway*, as shown on the *Flood Insurance Rate Maps*.

*Flood Insurance Rate Map (FIRM)* means the most current effective maps as published by the Federal Emergency Management Agency that delineates the *Special Flood Hazard Areas* and the risk premium zones applicable to the community.

*Flood Insurance Study* means the most current report published by the Federal Emergency Management Agency in conjunction with the *Flood Insurance Rate Maps (FIRM)*. The study includes such background data as the *base flood* discharges and water surface elevations that were used to prepare the *FIRMs*.

*Floodproofing* [No change.]

*Floodplain*, (See *Special Flood Hazard Area*)

*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the *base flood* without cumulatively increasing the water surface elevation more than one foot. *Floodway* also means the area within a *Special Flood Hazard Area*, as shown on the *Flood Insurance Rate Maps*.

*Floor through Off-street parking space* [No change.]

*Open fence through Side street* [No change.]

*Sign* means any identification, description, illustration, or device, illuminated or nonilluminated, that is visible from the public *right-of-way*, or is located on private property and exposed to the public, and which directs attention to a product, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise with the exception of window displays, and any emblem, painting, banner, permanent, placard, or temporary *sign* designed to advertise, identify, or convey information.

*Sign, advertising display through Solid fence* [No change.]

*Special Flood Hazard Area* means any area inundated during a *base flood* as shown on the Federal Insurance Rate Map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E (also referred to as the 100-year *floodplain*).

*Specified anatomical areas* through *Substantial conformance* [No change.]

*Substantial improvement*, for the purposes of Section 143.0146 means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which, equals or exceeds 50 percent of the *market value* of the structure before the start of construction of the improvement.

*Surface mining* through *Traditional cultural property* [No change.]

*Transit area* means (1) the area within a one-quarter-mile radius of either public *streets* as having the location, mix of densities, mix of uses, and *development* patterns that can generate sufficient bus ridership to support a frequent and consistent level of bus service (as typified by a 10- and 15-minute frequency of service); or, (2) existing and proposed trolley stops and major bus transfer centers that have been approved for *development* by the Metropolitan Transit Development Board (MTDB) with identified, available funding, as identified in Map No. C-900 on file in the office of the City Clerk as Document No.

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*Unaccepted offer of dedication* through *Yard* [No change.]

#### **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*, the ground elevation that existed on March 4, 1972. This is illustrated in Diagram 113-02F.

[No change to remainder of section.]

#### **SEC. 113.0234 Calculating Gross Floor Area**

[No change to first paragraph.]

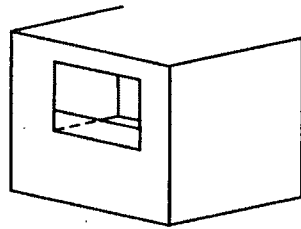
- (a) [No change.]
- (b) Additional Elements Included in *Gross Floor Area* in Residential Zones and for Residential Development in Other Zones

- (1) [No change.]
- (2) *Gross floor area* includes roofed porches, entrances, exterior balconies, and patios

when the element is recessed or partially recessed in the *structure* and surrounded or partially surrounded on three sides by the enclosed building. *Gross floor area* does not include 100 square feet of the recessed portion of the element when the fourth elevation of the element is at least 40 percent permanently open. This is illustrated in Diagram 113-020.

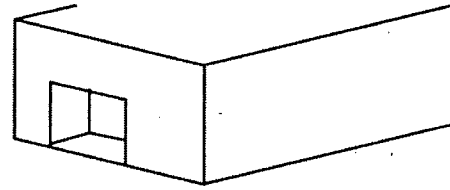
**Diagram 113-020**

**Recessed Porches and Balconies**



**BALCONY**

1 elevation at least 40% open with building area on 3 sides (100 sq. ft. of recessed portion of the element is not included in GFA.)



**PORCH**

1 elevation open with building area on 3 sides (100 sq.ft. of recessed portion of the element is not included in GFA.)

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

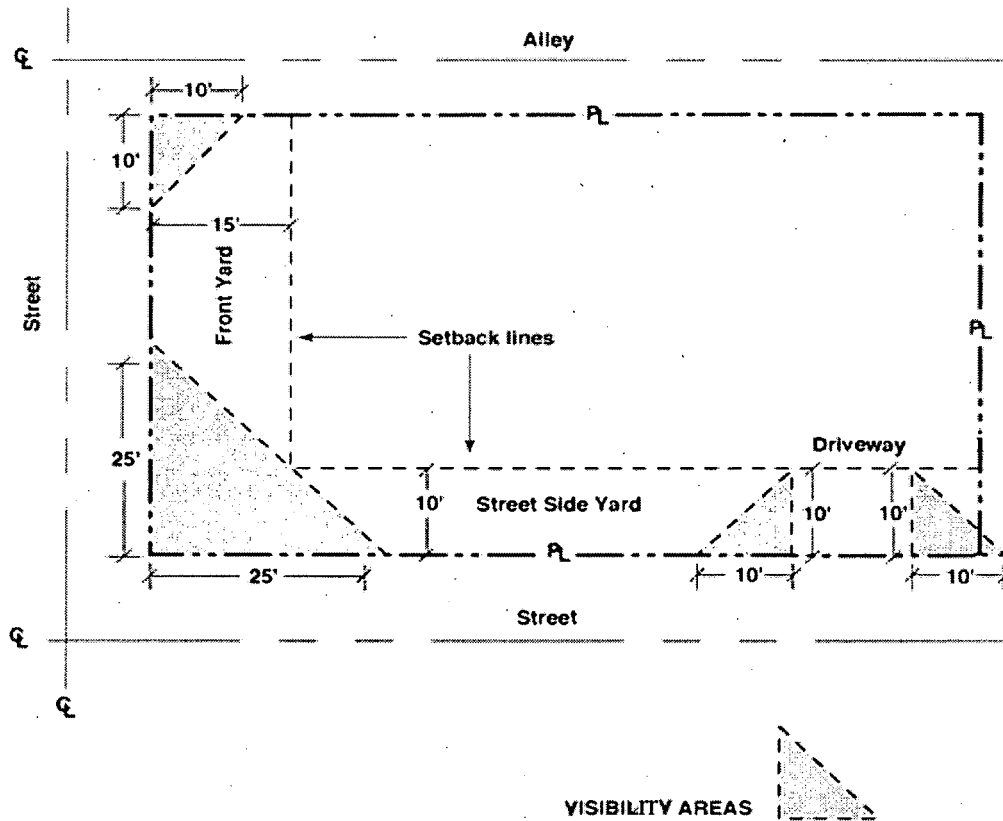
(c) and (d) [No change.]

SEC. 113.0273 Measuring Visibility Area

[No change to first paragraph.]

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

Diagram 113-02QQ  
Visibility Area



Section 4. That Chapter 12 of the San Diego Municipal Code is amended by amending Article 1, Division 3, Section 121.0309; by amending Article 5, Division 5, Sections 125.0530, 125.0540, 125.0630, AND 125.0640; by amending Article 6, Division 4, Section 126.0402; Division 5, Sections 126.0502 and 126.0504; Division 7, Sections 126.0704 and 126.0708; by amending Article 7, Division 1, Sections 127.0106 and 127.0107; and by amending Article 9, Division 6, Section 129.0602, to read as follows:

**SEC. 121.0309 Procedure for Issuing a Stop Work Order**

- (a) and (b) [No change.]
- (c) Appeal of Order. A Stop Work Order may be appealed to the City Manager. When the alleged violation involves the Building, Electrical, Plumbing, or Mechanical Regulations, the appeal shall be reviewed by the Building Official. All other appeals shall be reviewed by the Planning and Development Review Director. The decision maker will provide informal rapid access for appellants in these matters in order to minimize unnecessary disruption of construction activities.

**SEC. 125.0530 Decision Process for a Parcel Map**

- (a) A decision on *parcel maps* shall be made by the City Engineer in accordance with Process One and the *Subdivision Map Act*.
- (b) The City Engineer may accept *dedications of public rights-of-way* and easements where required on a *parcel map*.

**SEC. 125.0540 Approval Requirements for a Parcel Map**

- (a) [No change.]
- (b) Any condition imposed as part of the approval of the *tentative map* must be satisfied before the City Engineer executes the *parcel map Certificate* in accordance with the *Subdivision Map Act*, Section 66450.
- (c) The City Manager may enter into all agreements related to approval of the *parcel map*.



**SEC. 125.0630 Decision Process for a Final Map**

- (a) The City Engineer shall approve or deny a *final map* in accordance with the *Subdivision Map Act*.
- (b) Upon receipt of a *final map* for approval, the City Engineer shall notify the City Council that a *final map* approval is pending. The City Engineer shall docket the Notice of Pending Final Map Approval for the next regularly scheduled City Council meeting after the City Engineer receives the final map.
- (c) The City Clerk shall include the Notice of Pending Final Map Approval within the City Council's agenda and mail it to interested parties who request notification.
- (d) The City Engineer shall approval or disapprove the final map within 10 days of the City Council meeting that included the Notice of Pending Final Map Approval on the City Council's agenda.
- (e) The City Engineer's action to approve or disapprove the *final map* may be appealed to the City Council. The appeal must be filed with the City Clerk within 10 days of the date the City Engineer approved or disapproved the *final map*.
- (f) On appeal, the City Council may approve or disapprove the *final map* and any associated documents or agreements in accordance with the *Subdivision Map Act*.
- (g) The City Council shall periodically review the delegation of authority to

the City Engineer.

**SEC. 125.0640 Approval Requirements for a Final Map**

- (a) A *final map* may not be approved unless the *final map* and any associated documents have been prepared in accordance with the Land Development Manual, the required fees and deposits have been paid, and all other conditions of the *tentative map* and any other associated permits have been met.
- (b) The City Manager may enter into all agreements related to the approval of the *final map* in accordance the *Subdivision Map Act*. The City Manager's decision to approve or disapprove any documents or agreements may be appealed to the City Council in accordance with Section 125.0630 and the *Subdivision Map Act*.
- (c) In order to approve a *final map* for a condominium conversion, the City Engineer shall find that notice has been given in accordance with Section 125.0431.

**SEC. 126.0402 When a Neighborhood Development Permit Is Required**

- (a) [No change.]
- (b) A Neighborhood Development Permit is required for *single dwelling unit development* on an individual *lot* that is less than or equal to 15,000 square feet and contains *steep hillsides*, *Special Flood Hazard Areas*, or *sensitive biological resources* as described in Section 143.0110.
- (c) through (i) [No change.]

**SEC. 126.0502 When a Site Development Permit Is Required**

- (a) [No change in first sentence.]
  - (1) [No change.]
  - (2) *Single dwelling unit development* that involves any of the following:
    - (A) [No change.]
    - (B) *Development on lots* greater than 15,000 square feet containing *sensitive biological resources, steep hillsides,* or *Special Flood Hazard Areas* as described in Section 143.0110;
    - (C) [No change.]

[No change to remainder of section.]

**SEC. 126.0504 Findings for Site Development Permit Approval**

[No change in first sentence.]

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

- (d) **Supplemental Findings--Environmentally Sensitive Lands Deviation from Federal Emergency Management Agency Regulations**  
  
A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested from the *Special Flood Hazard Area* regulations as specified in Section 143.0150(b) may be approved or conditionally approved only if the decision maker makes the following supplemental

*findings* in addition to the *findings* in Section 126.0504(a) and the supplemental *findings* in Sections 126.0504(b) and 126.0504(c).

- (1) The City Engineer has determined that the proposed *development*, within any designated *floodway* will not result in an increase in *flood* levels during the *base flood* discharge; and
- (2) The City Engineer has determined that the deviation would not result in additional threats to public safety, extraordinary public expense, or create a *public nuisance*.

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

**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) [No change in sentence.]
  - (1) [No change.]
  - (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 or 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-731  
filed in the office of the City Clerk as Document No. 00-17069.

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

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

#### 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 all of the *findings* in Section 126.0708(a) and the supplemental *findings* in Section 126.0708(b) that are applicable to the proposed *development*.

(a) Finding for all Coastal Development Permits

- (1) 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*;
- (2) The proposed *coastal development* will not adversely affect *environmentally sensitive lands*; and
- (3) 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.

(4) 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.

(b) Supplemental *Findings* - Environmentally Sensitive Lands Within the Coastal Overlay Zone

[No change to remainder of section.]

**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) [No change.]

(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) [No change.]

**SEC. 129.0602 When a Grading Permit Is Required**

A Grading Permit is required for the following work:

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

(c) any grading within the *Special Flood Hazard Area*.

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

Section 5. That Chapter 13 of the San Diego Municipal Code is amended by amending Article 1, Division 1, Sections 131.0112 and 131.0125; Division 2, Section 131.0205; Division 3, Sections 131.0330 and 131.0340; Division 4, Sections 131.0422 and 131.0448; Division 6, Sections 131.0622 and 131.0631; by amending Article 2, Division 4, Sections 132.0402, 132.0403; Division 10, Section 132.1002; Division 14, Section 132.1402, to read as follows:

**SEC. 131.0112 Descriptions of Use Categories and Subcategories**

(a) [No change.]

(1) Open Space Use Category

[No change to first paragraph.]

(A) [No change.]

(B) Light Manufacturing -- Uses that process, fabricate, assemble, treat, or package finished parts or products without the use of explosive or petroleum materials. (This subcategory does not include the assembly of large equipment and machinery.)

(C) and (D) [No change.]

**SEC. 131.0125 Accessory Use Regulations for All Base Zones**

(a) [No change.]

- (b) [No change in first sentence.]
  - (1) [No change.]
  - (2) The use must be consistent with any use and development regulations applicable to that use in any other base zone in the same type of zone (open space, agricultural, residential, commercial, or industrial);
  - (3) through (5) [No change.]
- (c) [No change.]

**SEC. 131.0205 Purpose of the OF (Open Space--Floodplain) Zone**

The purpose of the OF zone is to control *development* within *floodplains* to protect the public health, safety, and welfare and to minimize hazards due to *flooding* in areas identified by the *FIRM* on file with the City Engineer . It is the intent of the OF zone to preserve the natural character of *floodplains* while permitting *development* that will not constitute a dangerous condition or an impediment to the flow of *flood* waters. It is also the intent to minimize the expenditure of public money for costly *flood* control projects and to protect the functions and values of the *floodplains* relating to groundwater recharge, water quality, moderation of *flood* flows, wildlife movement, and habitat.

**SEC. 131.0330 Development Regulations of Agricultural Zones**

- (a) through (c) [No change.]
- (d) For development within the Del Mar Mesa Specific Plan area the development regulations identified in the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance 18337 shall apply.



**SEC. 131.0340 Maximum Permitted Residential Density in Agricultural Zones**

(a) [No change in sentence.]

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

(4) Within the future urbanizing area, except within the Del Mar Mesa Specific Plan area, an increase in *density* of up to one dwelling unit per 4 acres of lot area may be requested through a Planned Development Permit in accordance with Process Five subject to the regulations in Section 143.0402. The remainder of the *premises* shall be left undeveloped in perpetuity. For development within the Del Mar Mesa Specific Plan area, the rural cluster option is not available, and the maximum permitted *density* is that identified in the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance 18337.

(b) [No change.]

**SEC. 131.0422 Use Regulations Table for Residential Zones**

The Uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B [No change.]

**Table 131-04B  
Use Regulations Table for Residential Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones																				
	1st & 2nd »	RE-	RS-										RX-	RT-									
		3rd »	1-	1-										1-	1-								
	4th »	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3
<b>Institutional</b>																							
Separately Regulated Institutional Uses																							

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones																				
	1st & 2nd »	RE-	RS-												RX-	RT-							
		3rd »	1-	1-												1-	1-						
	4th »	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3
Communication Antennas:																							
Minor Telecommunication Facility		N	N												N	N							
Major Telecommunication Facility		C	C												C	C							
Satellite Antennas		L	L												L	L							

[No change to remainder of Table.]

**SEC. 131.0448 Accessory Structures in Residential Zones**

- (a) Multiple *accessory buildings* are permitted on a *premises*. However the square footage of all *accessory buildings* cannot exceed 25 percent of the allowable *gross floor area* of the *premises*.
- (b) An *accessory building* in the RE, RS, and RX zones may have electrical, gas, and water/sewer connections to provide the following activities:
  - (1) Lighting, washing machines, dryers, laundry tubs, and hot water heater;
  - (2) A one-half bathroom, limited to a water closet and a lavatory sink; and
  - (3) A shower, provided the property owner signs an agreement recorded with the County Recorder and processed through the City Manager stating that the building will not be used for living or sleeping purposes.
- (c) *Accessory buildings* in RE, RS, and RX zones may encroach into required *yards* subject to the following conditions:
  - (1) Encroachment into required *yards* can only occur on *premises* with less than 10,000 square feet of area.
  - (2) *Accessory buildings*, not including attached or detached patio, shall be limited to one *story*.

- (3) The maximum permitted *structure height* of an *accessory building* is 10 feet for a flat roof and 15 feet for a pitched roof. If the *structure* contains a shed roof, the maximum *structure height* is 12 feet measured at the ridge. A building with a flat roof may have a *roof deck*, provided that all handrails and other appurtenances are limited to 42 inches in height and comply with all *setback* requirements.
- (4) All required *visibility areas*, as set forth in Section 113.0273, shall be observed.
- (5) No *accessory building* shall be used for living or sleeping purposes.
- (6) In the RE and RS zones, the cumulative area of all *accessory buildings* shall not exceed 525 square feet in *gross floor area*.
- (7) In the RX zones, the cumulative area of all *accessory buildings* shall not exceed 400 square feet in *gross floor area*.
- (8) The length of any *accessory building* dimension within the required *yards* shall not exceed 30 feet in any given *setback*.
- (9) The *accessory building* must be placed entirely within the rear 30 percent of the *lot premises* or behind the front 70 feet of the *lot premises*, whichever results in the *accessory building* being located farther from the *street*.
- (10) If the *accessory building* is used for parking and access to the *structure* is taken from the *alley*, a minimum distance of 21 feet shall be provided between the edge of the *alley* opposite the *premises* and the exterior wall of the *accessory building*.
- (11) Within the Coastal Overlay Zone, *accessory structures* are subject to the supplemental regulations in Section 132.0403.

**SEC. 131.0622 Use Regulations Table for Industrial Zones**

[No change in this section, except to Table 131-06B as indicated below.]

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

Separately Regulated Retail Sales Uses									
Agriculture Related Supplies & Equipment	-	-	-	P	P	P	P	P	P

**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 for 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
<b>Max Floor Area Ratio</b>		2.0 <sup>(7)</sup>		2.0 <sup>(7)</sup>			2.0		2.0

[No other changes to Table 131-06C.]

Footnotes for Table 131-06C

1 through 9 [No change.]

**SEC. 132.0402 Where the Coastal Overlay Zone Applies**

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

**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	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	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 and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	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 and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	Coastal Development Permit/Process Two or Three

**SEC. 132.0403 Supplemental Regulations of the Coastal Overlay Zone**

[No change to remainder of section.]

**SEC. 132.0902 Where the Tandem Parking Overlay Zone Applies**

(a) This overlay zone applies to property located within the boundaries shown on

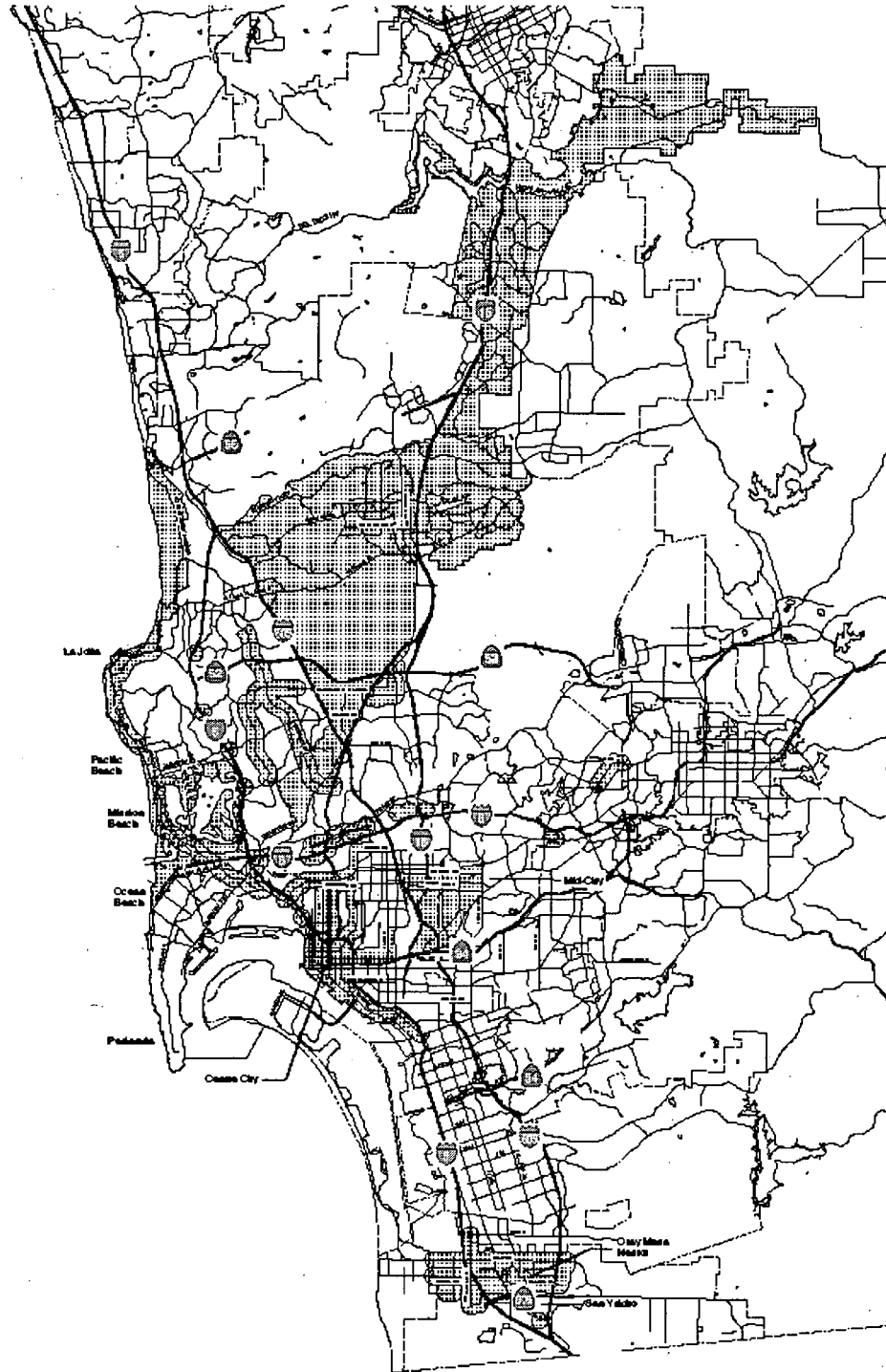
Map No. C-903, filed in the office of the City Clerk as Document No.

OO- 18911 These areas are shown generally on Diagram 132-09A.

(b) [No change to first paragraph.]

[No change to Table 132-09A.]

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**DIAGRAM 132-09A**  
**Residential Tandem Parking Overlay Zone**  
This is a reproduction of Map No. C-903 for illustration purposes only.

Ch.	Art.	Dw.
13	2	8
		2

**SEC. 132.1002 Where the Transit Area Overlay Zone Applies**

(a) This overlay zone applies to property located within the boundaries shown on Map No. C-900, filed in the office of the City Clerk as Document No.

OO- 18911-2. These areas are shown generally on Diagram 132-10A.

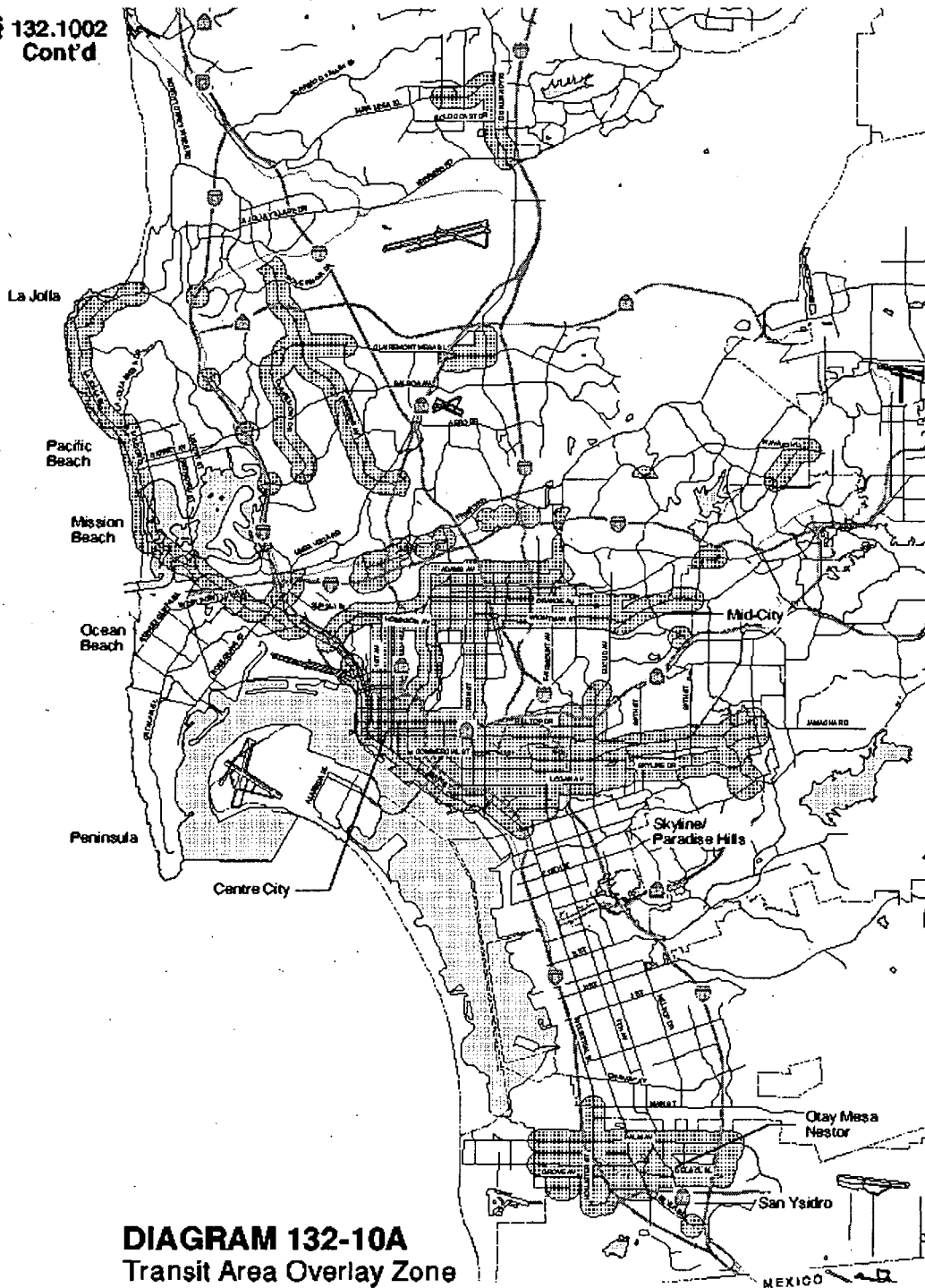
(b) [No change to first paragraph.]

[No change to Table 132-10A.]



Chapter 13: Zones

§ 132.1002  
Cont'd



**DIAGRAM 132-10A**  
Transit Area Overlay Zone  
This is a reproduction of Map No. C-900  
for illustration purposes only.

Ct.	Art.	Dw.
11	2	10
		2

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**SSEC. 132.1402 Where the Community Plan Implementation Overlay Zone Applies**

(a) [No change to first paragraph.]

**Table 132-14A**

**Community Plans with Property in the Community Plan Implementation Overlay Zone**

<b>Community Plan</b>	<b>Map Number Showing Boundaries of CPIOZ Area</b>
Clairemont Mesa (See Diagram 132-14A)	C-771.1, B-3951
Linda Vista (See Diagram 132-14C)	C-750
Midway/Pacific Highway Corridor (See Diagram 132-14D)	C-782
Navajo (See Diagram 132-14E)	C-779
Pacific Beach (See Diagram 132-14F)	B-3737.1, B-3857
Peninsula (See Diagram 132-14G)	C-744, C-781
Rancho Bernardo (See Diagram 132-14H)	C-773.1
Rancho Penasquitos (See Diagram 132-14I)	B-4024
University (See Diagram 132-14J)	C-725, C-751.2
Uptown (See Diagram 132-14K)	C-780.2

(b) [No change.]

Section 6. That Chapter 14 of the San Diego Municipal Code is amended by amending Article 1, Division 3, Section 141.0306; Division 4, Section 141.0405; by amending Article 2, Division 1, Sections 142.0133, 142.0134 and 142.0135; Division 2, Section 142.0230; Division 3, Sections 142.0310 and 142.0340; Division 5, Sections 142.0510 142.0530, and 142.0560; Division 12, Section 142.1210; by amending Article 3, Division 1, Sections 143.0110, 143.0111, 143.0130, 143.0145; Division 4, Sections 143.0402, 143.0410, and 143.0450, to read as follows:

**SEC. 141.0306 Guest Quarters**

[No change in first paragraph.]

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

- (l) Off-street parking and access for a *premises* containing a guest quarters shall be provided as follows:
  - (1) [No change.]
  - (2) Off-street parking shall be provided at a rate of 1 space for each bedroom in the guest quarters.
  - (3) Off-street parking required for guest quarters shall not be located in the area between the *street wall* and the front *property line*.
  - (4) Access to the off-street parking from an unimproved *alley* is not permitted.
- (m) [No change.]

**SEC. 141.0405 Communication Antennas**

- (a) Section 141.0405 regulates the following communication antennas. Amateur (HAM) radio facilities or temporary telecommunication facilities necessitated by natural or man-made disasters are not regulated as communication antennas. Section 141.0405 does not apply to single dish antennas smaller than 24 inches in diameter or to remote panel antennas less than 24 inches in length and in width, except when associated with another telecommunication facility.
  - (1) Minor telecommunication facilities: Antenna facilities used in wireless telephone services, paging systems, or similar services that comply with all development regulations of the underlying zone and overlay(s) and that meet the criteria in Section 141.0405(e)(1) or (2).
  - (2) Major telecommunication facilities: Antenna facilities that do not meet the criteria for minor telecommunication facilities in Section 141.0505(e)(1) or (2).
  - (3) [No change.]
- (b) General Rules For Telecommunication Facilities

All telecommunication facilities must comply with the following requirements:

- (1) All approved telecommunication facilities must comply with the Federal standards for RF radiation in accordance with the Telecommunication Act of 1996 or any subsequent amendment to the Act pertaining to RF radiation. Documentation shall be submitted to the City providing evidence that the cumulative field measurements of radiofrequency power densities for all antennas installed on the *premises* are below the Federal standards.
- (2) Except in the event of an emergency, routine maintenance and inspection of telecommunication facilities located on residentially zoned *premises*, including all of the system components, shall occur during normal business hours between 8:00 a.m. and 5:00 p.m. Monday through Friday.
- (3) Antenna facilities or associated equipment proposed for installation in the *public right-of-way* are subject to the following regulations:
  - (A) Antennas or associated equipment located in *public right-of-way* which is adjacent to a residentially zoned *premises* may be permitted with a Neighborhood Use Permit.
  - (B) Antennas and associated equipment located in the *public right-of-way* adjacent to non-residentially zoned premises are subject to review and approval by the City Manager.
  - (C) All equipment associated with antenna facilities shall be undergrounded, except for small services connection boxes or as permitted in Section 141.0405(b)(4).

(D) A construction plan must be submitted to and is subject to review and approval by the City Engineer in accordance with Chapter 6, Article 2.

(4) Antennas and associated equipment located in the *public right-of-way* may be placed above ground only if the equipment is integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, enhanced landscape architecture, or complementary siting solutions to minimize visual or pedestrian impacts. These facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three.

(c) Temporary facilities that provide services to public events and are limited to a one-time maximum duration of 90 calendar days are subject to the temporary use permit procedures in Chapter 12, Article 3, Division 4.

(d) All telecommunication facilities that are required to obtain encroachment authorization to locate on city-owned dedicated or designated parkland or open space areas shall comply with the following:

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

(e) Minor Telecommunication Facilities

Minor telecommunication facilities are permitted as a limited use or may be permitted with a Neighborhood Use Permit in the zones indicated with an "L" or an "N", respectively, in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(1) [No change.]

(2) In an effort to encourage collocation and to recognize that some telecommunication facilities are minimally visible, the following shall be considered minor telecommunication facilities:

(A) [No change.]

(B) Panel-shaped antennas that are flush-mounted to an existing *building facade* on at least one edge, extend a maximum of 18 inches from the *building facade* at any edge, do not exceed the height of the building, and are designed to blend with the color and texture of the existing building.

(C) Whip antennas if the number of antennas that are visible from the *public right-of-way* does not exceed six, if the antennas measure 4 inches or less in diameter, and if they have a mounting apparatus that is concealed from public view.

(3) Minor telecommunication facilities are not permitted in the following locations:

(A) On *premises* that are developed with residential uses in residential zones ;

(B) On vacant *premises* zoned for residential development;

(C) On *premises* that have been designated as *historical resources*;

(D) On *premises* that have been designated or mapped as containing sensitive resources;

(E) On *premises* within the *MHPA*; or

(F) On *premises* that are leased for billboard use.

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

(f) Major Telecommunication Facilities

Major telecommunication facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three, except that major telecommunication facilities

on dedicated or designated parkland and open space 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.

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

(A) On *premises* containing designated *historical resources*;

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

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

(g) Satellite Antennas

Satellite antennas are permitted as a limited use subject to Section 141.0405(g)(2), and may be permitted with a Neighborhood Use Permit subject to Section 141.0405(g)(3), or with a Conditional Use Permit decided in accordance with Process Three subject to Section 141.0405(g)(4).

(1) [No change.]

(2) Limited Use Regulations. Satellite antennas that exceed 5 feet in diameter 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) [No change.]

(B) Satellite antennas are not permitted on *premises* that have been designated as *historical resources*.

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

(H) Ground-, roof-, and pole-mounted satellite antennas shall be *screened* by fencing, buildings, or parapets that appear to be an integral part of the building, or by

landscaping so that not more than 25 percent of the antenna height is visible from the *grade* level of adjacent *premises* and adjacent *public rights-of-way*.

(3) Neighborhood Use Permit Regulations. Proposed satellite antennas that do not comply with Section 141.0405(b)(2) may be permitted with a Neighborhood Use Permit subject to the following regulations.

(A) [No change.]

(B) Satellite antennas are not permitted on *premises* or its appurtenances that have been designated as *historical resources*.

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

(F) The visual impacts of the antenna to adjacent *premises* and adjacent *public rights-of-way* shall be minimized by the positioning of the antenna on the site and the use of landscape or other *screening*.

(4) Conditional Use Permit Regulations. Except for proposed satellite antennas which are *accessory uses* in industrial zones, proposed satellite antennas that exceed 10 feet in diameter may be permitted only with a Conditional Use Permit decided in accordance with Process Three subject to the following regulations:

(A) [No change.]

(B) Satellite antennas are not permitted on *premises* that have been designated as *historical resources*.

(C) The visual impacts of the antenna to adjacent *premises* and adjacent *public rights-of-way* shall be minimized by the positioning of the antenna on the site and the use of landscaping or other *screening*.

**SEC. 142.0133 Slope Gradient**

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



(d) Where extraordinary conditions exist to the extent that compliance with the standards of this section would be infeasible, the City Engineer may authorize slopes steeper than those specified in Section 142.0133(b) and (c). A determination that such steeper slopes are warranted shall be based upon the required *geotechnical report* that clearly demonstrates that the steeper slope will be stable and not endanger the public health, safety, and welfare. Such slopes shall be revegetated in accordance with a plan prepared by a landscape architect authorized to prepare landscape plans by the State Business and Profession Code.

**SEC. 142.0134 Retaining Walls**

*Retaining walls* shall comply with the height limits and construction material requirements in Chapter 14 Article 2, Division 3 (Fence Regulations).

**SEC. 142.0135 Grading Within the *Special Flood Hazard Area***

*Grading* within the *Special Flood Hazard Area* shall comply with Chapter 14, Article 2, Division 2 (Drainage Regulations) and Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

**SEC. 142.0230 Development Within the *Special Flood Hazard Area***

All *development* within a *Special Flood Hazard Area* shall comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

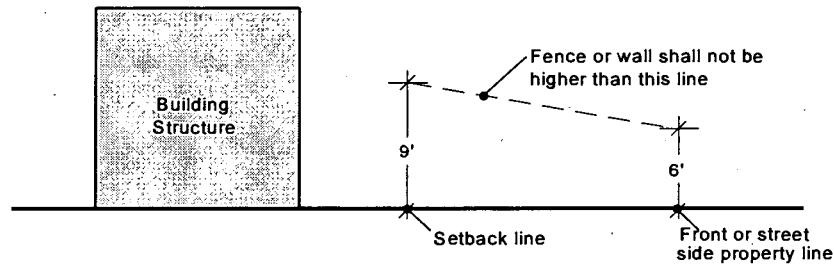
**SEC. 142.0310 General Fence Regulations for All Zones**

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

(c) **Fence Height in Required Front Yards and Required Street Side Yards**

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

Diagram 142-03C  
Open Fence--Height Limit



(3) Combination (Open and Solid) *Fences*

(A) [No change.]

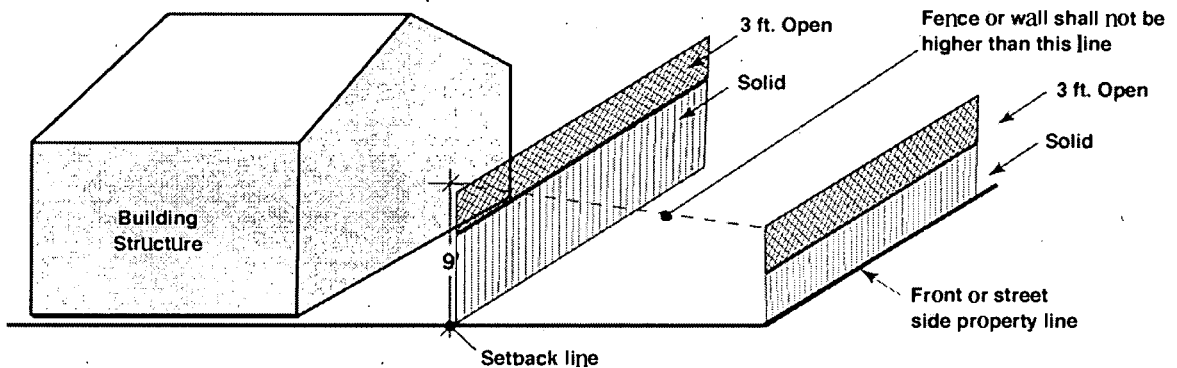
(B) The height of a combination *fence* may increase as the *fence* is placed farther from the front or *street side property line*. No portion of the *fence* shall exceed the height established by a line drawn beginning at a point 6 feet above *grade* at the *property line* and ending at a point 9 feet above *grade* at the *setback line*, as shown in Diagram 142-03D. Where a visibility area is required, the beginning point shall be measured 6 feet above any point of intersection of the perimeter of the *visibility area* and the side or rear *property line*, as shown in Diagram 142-03E.

**Diagram 142-03D**  
**Combination Fence--Height Limit**

**Diagram 142-03E**  
**Combination Fence--Height Limit with Visibility Area**  
(No change to diagram)

(C) Vertical elements such as columns or posts shall be provided at least every 15 feet on a combination *fence*. Each vertical element shall be at least 6 inches wide (unfinished dimension), measured along the face of the *fence* as shown in Diagram 142-03F.

(D) If wire *fence* material is used for the open portion of the *fence*, a horizontal



element shall be provided along the top of the wire *fence*. This element shall be at least 1-½ inches wide with a minimum reveal of 1-½ inches, as shown in Diagram 142-03F.

**Diagram 142-03F**  
**Combination Fence--Vertical and Horizontal Elements**  
(No change to diagram)

(4) *Fence Height Exception in Required Street Side Yards*

*Solid fences* located in the required *street side yard* of a *lot* with a rear *yard* that abuts the rear *yard* of another *lot*, as shown in Diagram 142-03G, are permitted up to 6 feet in height.

Diagram 142-03G  
Fence in Street Side Yard  
(No change to diagram)

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

(1) [No change.]

(2) [No change.]

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

**SEC. 142.0340 Retaining Wall Regulations in All Zones**

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

(c) *Retaining Wall Height in Required Front Yards and Required Street Side Yards*

(1) Two *retaining walls* with a maximum height of 3 feet each are permitted in the required front and *street side yard* if the two *retaining walls* are separated by a minimum horizontal distance equal to the height of the upper wall. See Diagram 142-03H.

(2) [No change.]

(3) *Retaining walls* of 3 feet in height or greater shall have at least one horizontal or vertical offset for each 120 square feet of wall area. The horizontal or vertical offset shall be at least 12 inches wide with a minimum reveal of 4 inches. See Diagram 142-03B.

(d) [No change in sentence.]

(1) Two *retaining walls* with a maximum height of 6 feet each are permitted in the required side and rear *yard* if the two *retaining walls* are separated by a minimum horizontal distance equal to the height of the upper wall. See Diagram 142-03H.

(2) [No change.]

**Diagram 142-03H**  
**Retaining Wall Requirements**  
(No change to diagram)

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

**SEC. 142.0380 Fence and Retaining Wall Maintenance**

(a) Property owners shall maintain *fences* and *retaining walls* free from dilapidated or dangerous conditions.

(b) Property owners shall maintain *fences* and *retaining walls* in a graffiti-free condition.

(1) [No change.]

(2) The following *fences* are permitted outside of required *yards* up to the maximum *structure height* specified in the zone:

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

**SEC. 142.0510 General Parking Regulations**

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

(e) [No change.]

(f) In RS zones, the required parking may be provided on a driveway or paved surface within the front or *street side yard* on *premises* where required parking was converted to habitable space prior to January 1, 1992; subject to the following requirements:

(1) The area complies with the standards for required parking in Section 142.0560 utilizing a maximum of five feet of the undeveloped *public right-of-way*. In no

case shall the sidewalk be obstructed or encroached upon by a vehicle parked within the sidewalk area.

- (2) The area is perpendicular to the *public right-of-way* and between the sidewalk adjacent to the *premises* and the building *setback*.
- (3) No other on-site alternative placement options are available.
- (4) The area complies with Section 142.0560(j).

(g) [No change]

**SEC. 142.0530 Nonresidential Uses -- Parking Ratios**

(a) [No change in 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 <sup>(2)</sup>
	Minimum Required Outside a <i>Transit Area</i>	Minimum Required Within a <i>Transit Area</i> <sup>(1)</sup>	Maximum Permitted	Minimum Required
<b>Commercial Zones</b>				
CR-1-1	5.0 <sup>(3)</sup>	4.3	6.5	0.1
CR-2-1				

Footnotes For Table 142-05D

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

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment <sup>(3)</sup> 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 <sup>(2)</sup>
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area <sup>(1)</sup>	Maximum Permitted	Minimum Required
CR-1-1 CR-2-1	15.0	12.8	25.0	0.1

Footnotes For Table 142-05E

[No other changes to this section.]

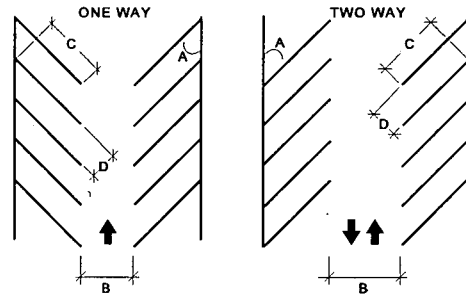
**SEC. 142.0560 Development and Design Regulations for Parking Facilities**

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

(c) [No change in this paragraph.]

Table 142-05K [No change.]

**Diagram 142-05B**  
**Minimum Dimensions for Automobile Parking Spaces and Aisles**



- A. Angle between parking space and aisle
- B. Aisle width
- C. Space length: 18'
- D. Space width: 8'3" retail sales and frstaurant restaurant uses.(all other uses 8')

**SEC. 142.1210 General Sign Regulations**

This section is divided into subsections for copy regulations, locational regulations, structural regulations, and *sign* maintenance regulations.

(a) Copy Regulations

(1) Permanent or changeable copy on *signs* shall contain on-premises or public interest messages only.

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

(C) Public interest messages for public or private non-profit or charitable

organizations may identify sponsors and supporters of the *signs* and notices as described in Section 142.1210(a)(1)(B). A maximum of 15 percent of the total area of a *sign* containing a public interest message shall include the name of the sponsors or supporters, description of the products, services or activities provided or engaged in by the sponsors or supporters, and recognized trademarks, logotypes or symbols customarily associated with the sponsors or supporters.



(D) The following *signs* are also public interest message *signs* but are regulated as secondary *signs*:

- (i) *Public utility signs* that are required by law;
- (ii) *Directional signs*; and
- (iii) Holiday decorations.

[No change to remainder of section.]

**SEC. 143.0110 When Environmentally Sensitive Lands Apply**

[No change in first sentence.]

(a) Where any portion of the *premises* contains any of the following *environmentally sensitive lands*, this division shall apply to the entire *premises*, unless otherwise provided in this division:

- (1) through (4) [No change.]
- (5) *Special Flood Hazard Areas*.

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

**SEC. 143.0111 Limited Exception from Environmentally Sensitive Lands Regulations**

[No change in first sentence.]

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

(e) *Development* in the OF zone or within any *Special Flood Hazard Area* (formerly the FW, FC, and FPF zones) in the Mission Valley Community Plan area, is subject only to the Federal Emergency Management Agency Special Regulations in Section 143.0146.

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

**SEC. 143.0130 Uses Allowed Within Environmentally Sensitive Lands**

[No change in first sentence.]

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

(c) *Floodways*. Uses permitted within the *floodway* portion of a *Special Flood Hazard Area* are those allowed by the OF zone, as indicated in Table 131-02B.

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

**SEC. 143.0145 Development Regulations for *Special Flood Hazard Areas***

(a) *Special Flood Hazard Areas* within the City of San Diego are established in accordance with the report entitled "*Flood Insurance Study, San Diego County, California,*" dated June 16, 1999 and the accompanying *Flood Insurance Rate Maps (FIRM)*, published by the Federal Emergency Management Agency (FEMA), on file in the office of the City Clerk as Document Nos. 18910-1 and 18910-2, including any supplements, amendments, and revisions which are properly promulgated by FEMA or the Federal Insurance Administrator.

(b) For the purpose of Sections 143.0145 and 143.0146, the City Engineer is the designated Floodplain Administrator and shall administer, implement, and enforce these regulations.

(c) The degree of *flood* protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger *floods* can and will occur on rare occasions. It is possible that increased *flood* heights may result from man-made or natural causes. This section does not imply that land outside a *Special Flood Hazard Area* or uses permitted within such areas will be free from *flooding* or *flood* damages. This section shall not create liability on the part of the City, any officer or employee thereof, or the FEMA, for any *flood* damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(d) The following development regulations and all other applicable requirements and regulations of FEMA apply to all *development* proposing to encroach into a *Special Flood*

*Hazard Area*, including both the *floodway* and *flood fringe* areas or that does not qualify for an exemption pursuant to Section 143.0110(c):

(e) *Floodways*

(1) Within the *floodway* portion of a *premises*, development regulations are as set forth for the OF zone, pursuant to Section 131.0231.

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

(4) *Development* in *floodways* shall be offset by improvements or modifications to enable the passage of a *base flood*, in accordance with the FEMA standards and regulations provided in Section 143.0146.

(5) *Development* that involves *channelization* or other substantial alteration of rivers or streams is subject to the following requirements.

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

(C) Channels that accommodate a *base flood* shall do so without increasing the water surface elevation more than one foot at any point from the level of a nonconfined *base flood* in the natural undeveloped *floodplain*. Channels may accommodate less than a *base flood* (low-flow channels), but shall be designed and constructed in accordance with FEMA regulations.

(D) All artificial channels shall consist of natural bottoms and sides and shall be designed and sized to accommodate existing and proposed riparian vegetation and other natural or proposed constraints. Where maintenance is proposed or required to keep vegetation at existing levels compatible with the design capacity of the channel, a responsible party shall be identified and a maintenance and monitoring process shall be established to the satisfaction of the City Engineer.

(6) [No change.]

(7) [No change in first paragraph.]

(A) [No change.]

(B) *Floodway* encroachments for utility and transportation crossings shall be offset by improvements or modifications to enable the passage of the *base flood*, in accordance with the FEMA standards and regulations provided in Section 143.0146.

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

(1) Within the *flood fringe* of a *Special Flood Hazard Area*, permanent *structures* and *fill* for permanent *structures*, roads, and other *development* are allowed only if the following conditions are met:

(A) [No change.]

(B) The *development* is capable of withstanding *flooding* and does not require or cause the construction of off-site *flood* protective works including artificial *flood* channels, revetments, and levees nor will it cause adverse impacts related to *flooding* of properties located upstream or downstream, nor will it increase or expand a *FIRM* Zone A;

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

(2) All *development* that involves *fill*, *channelization*, or other alteration of a *Special Flood Hazard Area* is subject to the requirements for *channelization* in Section 143.0145(a)(5) and with FEMA regulations.

**SEC. 143.0146** Supplemental Regulations for *Special Flood Hazard Areas*

All proposed *development* within a *Special Flood Hazard Area* is subject to the following requirements and all other applicable requirements and regulations of FEMA.

(a) *Development* and Permit Review

- (1) Where *base flood elevation* data has not been provided by the *Flood Insurance Study*, the City Engineer shall obtain, review, and utilize *base flood elevation* and *floodway* data available from federal or state sources, or require submittal of such data from the *applicant*. The City Engineer shall make interpretations, where needed, as to the location of the boundaries of the *Special Flood Hazard Area*, based on the best available engineering or scientific information.
- (2) Proposed *development* in a *Special Flood Hazard Area* shall not adversely affect the *flood* carrying capacity of areas where *base flood elevations* have been determined but the *floodway* has not been designated. "Adversely affect" as used in this section means that the cumulative effect of the proposed *development*, when combined with all other existing and anticipated *development*, will not increase the water surface elevation of the *base flood* more than one foot at any point.
- (3) In all cases where a watercourse is to be altered the City Engineer shall do the following:
  - (A) [No change in text.]
  - (B) [No change in text.]
  - (C) [No change in text.]
- (4) [No change in text.]
- (5) [No change in text.]
- (6) *Development* in a *Special Flood Hazard Area* shall not increase or expand a *FIRM* Zone A.

(7) In all *floodways*, any *encroachment*, including *fill*, new-construction, significant modifications, and other *development* is prohibited unless *certification* by a registered professional engineer is provided demonstrating that *encroachments* will not result in any increase in *flood* levels during the occurrence of the *base flood* discharge.

(b) Standards for *Subdivisions*

(1) All preliminary *subdivision* proposals shall identify the *Special Flood Hazard Area* and the elevation of the *base flood*.

(2) All final *subdivision maps* shall provide the elevation of proposed *structures* and pads. If the site is *filled* above the *base flood elevation*, the *lowest floor*, including *basement*, shall be certified to be 2 feet above the *base flood elevation* by a registered professional engineer or surveyor, and the *certification* shall be provided to the City Engineer.

(3) [No change in text.]

(4) [No change in text.]

(5) [No change in text.]

(6) [No change in text.]

(c) Standards of Construction

In all *Special Flood Hazard Areas*, the following standards apply for all *development*.

(1) [No change in text.]

(2) [No change in text.]

(3) [No change in text.]

(4) [No change in text.]

- (5) *Breakaway walls* shall be certified by a registered engineer or architect to meet all applicable FEMA requirements. The *certification* shall be provided to the City Engineer before final inspection approval.
- (6) New construction or *substantial improvement* of any *structure* shall have the *lowest floor*, including *basement*, elevated at least 2 feet above the *base flood elevation*. Upon completion of the *development*, the elevation of the *lowest floor*, including *basement*, shall be certified by a registered professional engineer or surveyor to be properly elevated. The *certification* shall be provided to the City Engineer before final inspection approval. The City Engineer reserves the right to require a preliminary *certification* before foundation inspection approval.
- (7) New construction or *substantial improvement* of any *structure* in *FIRM* Zone AH or AO shall have the *lowest floor*, including *basement*, elevated above the highest adjacent *grade* at least 2 feet higher than the depth number specified on the *FIRM*, or at least 4 feet if no depth number is specified. Upon the completion of the *structure* the elevation of the *lowest floor*, including *basement*, shall be certified by a registered professional engineer or surveyor, to be properly elevated. The *certification* shall be provided to the City Engineer before final inspection approval. The City Engineer may require a preliminary *certification* before foundation inspection approval.
- (8) Permitted nonresidential construction shall either be elevated as required by Section 143.0146(c)(6) or (7) or, together with attendant utility and sanitary facilities, meet the flood proofing requirements of FEMA. *Certification* by a registered professional engineer or architect that such requirements are met shall be provided to the City Engineer before final inspection approval. The City

Engineer may require a preliminary *certification* before foundation inspection approval.

- (9) Fully enclosed areas below the *lowest floor* that are subject to *flooding* shall be certified by a registered professional engineer or architect that they comply with the flood proofing requirements of FEMA. The *certification* shall be provided to the City Engineer before final inspection approval.

(d) Standards for *Manufactured Homes*

All new and replacement *manufactured homes* and additions to *manufactured homes* are subject to the following regulations.

- (1) [No change in text.]
- (2) [No change in text.]
- (3) A registered engineer or architect must certify that the conditions of this subsection have been met. The *certification* shall be provided to the City Engineer before final inspection approval.

(e) Standards for Utilities

*Certification* shall be provided to the City Engineer before final inspection approval that the following requirements have been met.

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

**SEC. 143.0150 Deviation from Environmentally Sensitive Lands Regulations**

[No change to first paragraph.]

- (a) [No change.]



(b) Deviations from the Development Regulations for *Special Flood Hazard Areas* in Sections 143.0145 and 143.0146 may be granted only if the decision maker makes the *findings* in Section 126.0504(d).

(c) [No change.]

**SEC. 143.0402 When Planned Development Permit Regulations Apply**

This division applies to all *development* proposals for which a Planned Development Permit is requested, in accordance with Table 143-04A.

Table 143-04A  
Supplemental Planned Development Permit Regulations Applicability

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process <sup>(1)</sup>
Residential <i>development</i> requesting deviations from applicable zone regulations <sup>(2)</sup>	143.0403, 143.0410, 143.0420	PDP/Process 4
Commercial and Industrial <i>development</i> requesting deviations from applicable zone regulations	143.0403, 143.0410, 143.0460	PDP/Process 4
<i>Developments</i> within <i>land use plans</i> where a Planned Development Permit is recommended when other discretionary actions are requested	143.0403, 143.0465	PDP/Process 3
Rural cluster <i>development</i> in the AR and OR zones	143.0403, 143.0410, 143.0420, 143.0440	PDP/Process 4
Rural cluster <i>development</i> with increased <i>density</i> in the AR-1-1 and OR-1-2 zones within the future urbanizing area <sup>(3)</sup>	143.0403, 143.0410, 143.0420, 143.0450	PDP/Process 5
Residential <i>development</i> in RS zones of urbanized communities where a Planned Development Permit is requested	143.0403, 143.0410, 143.0420, 143.0430	PDP/Process 4

Footnotes to Table 143-04A

1 and 2 [No change.]

<sup>3</sup> Rural cluster development with increased *density* is not available to properties within the Del Mar-Mesa Specific Plan area. Refer to the Del Mar Mesa Specific Plan adopted on May 27, 1997, by O-18337 for the applicable development regulations.

**SEC. 143.0410 General Development Regulations for Planned Development Permits**

The following regulations are applicable to *developments* for which a Planned Development Permit is requested when identified in Table 143-04A.

(a) **Deviations**

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

(3) A Planned Development Permit may not be used to request deviations from any of the following regulations:

(A) through (C) [No change.

(D) Residential *density* unless the residential component is part of a mixed-use (commercial/residential) project and the applicable *land use plan* establishes a higher *density* than the base zone;

(E) Applicable supplemental regulations identified in Table 143-04A;

(F) The regulations in Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations); and

(G) The regulations in Chapter 14, Article 3, Division 2 (Historical Resources Regulations).

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

(a) *Density*

(1) Within the AR-1-1 and OR-1-2 zones within the future urbanizing area, except within the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance No. O-18337, the maximum permitted *density* with the increased *density* rural cluster alternative is one dwelling unit per 4 acres with the dwelling units clustered. The remainder of the *premises* where no *development* is proposed shall be maintained in its natural state with no future *development* potential. The utilization of this increased *density* alternative shall require the provision of housing within the *premises*, affordable to low or *very low income families*, in accordance with Section 143.0450(d). For development within the Del Mar Mesa Specific Plan area the development

regulations identified in the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance 18337 apply.

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

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

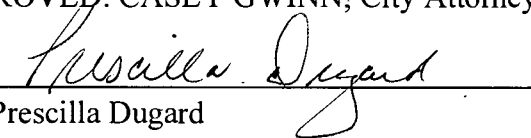
Section 7. That Chapter 14, Article 3, Division 1, of the San Diego Municipal Code is amended by amending Table 143-01A in Section 143.0110(b) by renumbering Section 143.0145(c) appearing within Table 143.-01A to read Section 143.0146.

Section 8. 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 9. This ordinance shall be in force and effect on the date it is effectively certified by the California Coastal Commission as a City of San Diego Local Coastal Program amendment, except that Land Development Code section 131.0631, Table 131-06C, relating to the Maximum Floor Area Ratio in Industrial Zones, shall be in force and take effect outside the Coastal Overlay Zone on the thirtieth day from and after its passage.

Section 10. That the City Manager be directed to forward to the Coastal Commission the amendments required to be certified as Local Coastal Program amendments.

APPROVED: CASEY GWINN, City Attorney

By   
Precilla Dugard  
Deputy City Attorney

PD:MJL:cdk:lc  
11/29/00  
12/22/00 REV. 1  
Or.Dept:Plan. & Dev. Rev.  
O-2001-64

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Strikeout~~  
NEW LANGUAGE: Underlined

(SO-2001-64)(REV. 1)

ORDINANCE NUMBER O-\_\_\_\_\_

ADOPTED ON \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER VI, ARTICLE 2, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 62.0423; AMENDING CHAPTER 11, BY AMENDING ARTICLE 3, DIVISION 1, SECTION 113.0103; DIVISION 2, SECTIONS 113.0228, 113.0234 AND 113.0273; AMENDING CHAPTER 12, BY AMENDING ARTICLE 1, DIVISION 3, SECTION 121.0309; BY AMENDING ARTICLE 5, DIVISION 5, SECTIONS 125.0530, 125.0540, 125.0630, AND 125.0640; BY AMENDING ARTICLE 6, DIVISION 4, SECTION 126.0402; DIVISION 5, SECTIONS 126.0502 AND 126.0504; DIVISION 7, SECTIONS 126.0704 AND 126.0708; BY AMENDING ARTICLE 7, DIVISION 1, SECTIONS 127.0106 AND 127.0107; BY AMENDING ARTICLE 9, DIVISION 6, SECTION 129.0602; AMENDING CHAPTER 13, BY AMENDING ARTICLE 1, DIVISION 1, SECTIONS 131.0112 AND 131.0125; DIVISION 2, SECTION 131.0205; DIVISION 3, SECTIONS 131.0330 AND 131.0340; DIVISION 4, SECTIONS 131.0422 AND 131.0448; DIVISION 6, SECTIONS 131.0622 AND 131.0631; BY AMENDING ARTICLE 2, DIVISION 4, SECTIONS 132.0402, 132.0403; DIVISION 9, SECTION 132.0902; DIVISION 10, SECTION 132.1002; DIVISION 14, SECTION 132.1402; AMENDING CHAPTER 14, BY AMENDING ARTICLE 1, DIVISION 3, SECTION 141.0306; DIVISION 4, SECTION 141.0405; BY AMENDING ARTICLE 2, DIVISION 1, SECTIONS 142.0133, 142.0134 AND 142.0135; DIVISION 2, SECTION 142.0230; DIVISION 3, SECTIONS 142.0310 AND 142.0340; DIVISION 5, SECTIONS 142.0510, 142.0530, AND 142.0560; DIVISION 12, SECTION 142.1210; BY AMENDING ARTICLE 3, DIVISION 1, SECTIONS 143.0110, 143.0111, 143.0130, 143.0145, AND BY ADDING SECTION 143.0146; DIVISION 4, SECTIONS 143.0402, 143.0410, AND 143.0450; BY AMENDING TABLE 143-01A IN SECTION 143.0110(b) BY RENUMBERING SECTION

143.0145(e) APPEARING WITHIN THE TABLE TO READ  
SECTION 143.0146; ALL RELATING TO THE LAND  
DEVELOPMENT CODE.

~~SEC. 62.0423 Areas of Special Flood Hazard~~

~~Areas of special flood hazard within the City of San Diego are hereby established in accordance with the report entitled "Flood Insurance Study, City of San Diego, California," dated June 19, 1997, published by the Federal Emergency Management Agency ("FEMA"), on file in the office of the City Clerk as Document No. OO-18453, including any supplements or amendments which are properly promulgated by FEMA or the Federal Insurance Administrator.~~

~~No person shall do or cause to be done any work, development, or construction covered under this division within an area of special flood hazard without having first obtained a grading permit. The issuance of a permit will be predicated upon either completion of flood control works with a capacity to contain the 100-year flood peak flow, the application of and compliance with appropriate floodplain regulatory zoning, or if it can be shown that a proposed development, work or construction complies with the provisions for flood hazard reduction in Council Policy 600-14.~~

SEC. 113.0103 Definitions

*Abutting property* [No change.]

*Accessory building* means an accessory structure which is also a "building" as defined in the California Building Code.

*Accessory structure through Awning* [No change.]

*Base Flood* means a flood having a one percent chance of being equaled or exceeded in any given year (also called "100-year flood").

*Base flood elevation* means the water surface elevation of a ~~100~~-year-frequency base flood.

*Basement through Encroachment* [No change.]

*Environmentally sensitive lands* means land containing *steep hillsides, sensitive biological resources, coastal beaches, sensitive coastal bluffs, or 100-year floodplains* Special Flood Hazard Areas.

*Excavation through Findings* [No change.]

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of flood waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge; or (4) by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

*Flood fringe* means all that land in a *Special Flood Hazard Area* not lying within a *floodway*, as shown on the Flood Insurance Rate Maps.

*Flood-Hazard-Boundary-Map (FIIBM)* means the most current effective maps as defined by the Federal Emergency Management Agency or Federal Insurance Administration where the boundaries of *flood and mudslide-related erosion areas having special hazards* have been designated as *Zones A, M, and/or E*.

*Flood Insurance Rate Map (FIRM)* means the most current effective maps as defined published by the Federal Emergency Management Agency or Federal Insurance Administration that delineates the areas of *special flood hazards* Special Flood Hazard Areas and the risk premium zones applicable to the community.

*Flood Insurance Study* means the most current report published by the Federal Emergency Management Agency in conjunction with the Flood Insurance Rate Maps (FIRM). The study includes such background data as the *base flood discharges and water surface elevations that were used to prepare the FIRMs*.

*Flood, 100-year frequency* (~~See 100-year frequency flood~~)

*Flood proofing* [No change.]

*Floodplain, 100-year* (~~See 100-year floodplain~~ Special Flood Hazard Area)

*Floodplain fringe* means all that land in a 100-year floodplain not lying within a floodway, as shown on the Flood Hazard Boundary Maps.

*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. *Floodway* also means the area within a 100-year floodplain Special Flood Hazard Area, as shown on the Flood Hazard Boundary Maps Flood Insurance Rate Maps, needed to carry a 100-year frequency flood within a theoretical channel without increasing the water surface elevation more than 1 foot at any point from that of a nonconfined 100-year frequency flood in the natural undeveloped floodplain, and having taken into consideration the cumulative effect of all existing and anticipated development in the watershed of the affected watercourse.

*Floor through Off-street parking space* [No change.]

*100-year floodplain* means the lands adjoining, and including, the channel of a river, stream, water course, bay, or other body of water that is subject to inundation by the flood waters of a 100-year frequency flood. The 100-year floodplain includes the floodway and floodplain fringe as identified in the flood hazard boundary maps.

*100-year frequency flood* means a flood that has a 1 percent probability of occurring in any given year, as determined by a statistical analysis of stream flow records available for the watershed and rainfall and run off characteristics of the region.

*Open fence through Side street* [No change.]

*Sign* means any identification, description, illustration, or device, illuminated or nonilluminated, that is visible from a public place the public right-of-way, or is located on private property and exposed to the public, and which directs attention to a product, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise with the exception of window displays, and any emblem, painting, banner, pennant, placard, or temporary sign designed to advertise, identify, or convey information.

*Sign, advertising display through Solid fence* [No change.]

*Special Flood Hazard Area* means any 100-year floodplain or area inundated during a base flood as shown on the Federal Insurance Rate Map or Flood Hazard Boundary Map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E (also referred to as the 100-year floodplain).

*Specified anatomical areas through Substantial conformance* [No change.]



Substantial improvement, for the purposes of Section 143.0146 means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which, equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement.

*Surface mining through Traditional cultural property* [No change.]

*Transit area* means (1) the area within a one-quarter-mile radius of either public streets identified in Map No. C-846 on file in the office of the City Clerk as Document No. 00-17836 (or its successor maps) as having the location, mix of densities, mix of uses, and development patterns that can generate sufficient bus ridership to support a frequent and consistent level of bus service (as typified by a 10- and 15-minute frequency of service); or, (2) existing and proposed trolley stops and major bus transfer centers that have been approved for development by the Metropolitan Transit Development Board (MTDB) with identified, available funding, as identified in Map No. E-900 on file in the office of the City Clerk as Document No. 00-\_\_\_\_\_.

*Unaccepted offer of dedication through Yard* [No change.]

#### **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 remainder of section.]

#### **SEC. 113.0234 Calculating Gross Floor Area**

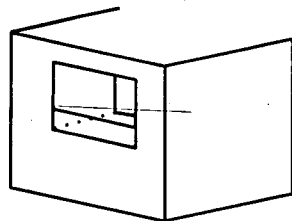
[No change to first paragraph.]

- (a) [No change.]

(b) Additional Elements Included in *Gross Floor Area* in Residential Zones and for Residential Development in Other Zones

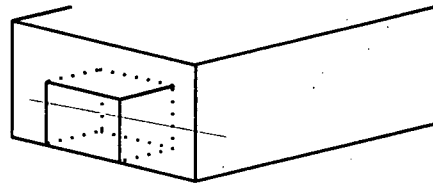
- (1) [No change.]
- (2) *Gross floor area* includes roofed porches, entrances, exterior balconies, and patios when (1) the element is recessed or partially recessed in the *structure* and surrounded or partially surrounded on three sides by the enclosed building, ~~except that *Gross floor area* does not include 100 square feet of the recessed portion of the element when the fourth elevation of the element is at least 40 percent permanently open.~~ is not included in *gross floor area*, or (2) the elevation of the fourth side of the element is less than 40 percent open. This is illustrated in Diagram 113-02O.

Diagram 113-02O  
Recessed Porches and Balconies



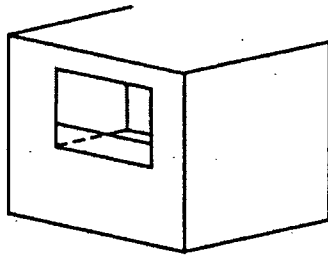
BALCONY

1 elevation at least 40% open, with building area on 3 sides (100 sq. ft. of recessed portion of the element is not included in GFA. If recessed area is less than 100 sq. ft.)



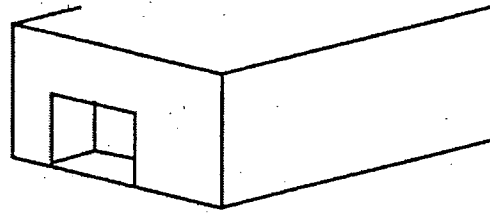
PORCH

1 elevation open, with building area on 3 sides (100 sq. ft. of recessed portion of the element is not included in GFA if recessed area is less than 100 sq. ft.)



**BALCONY**

**1 elevation at least 40% open with building area on 3 sides (100 sq. ft. of recessed portion of the element is not included in GFA.)**



**PORCH**

**1 elevation open with building area on 3 sides (100 sq.ft. of recessed portion of the element is not included in GFA.)**

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

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

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

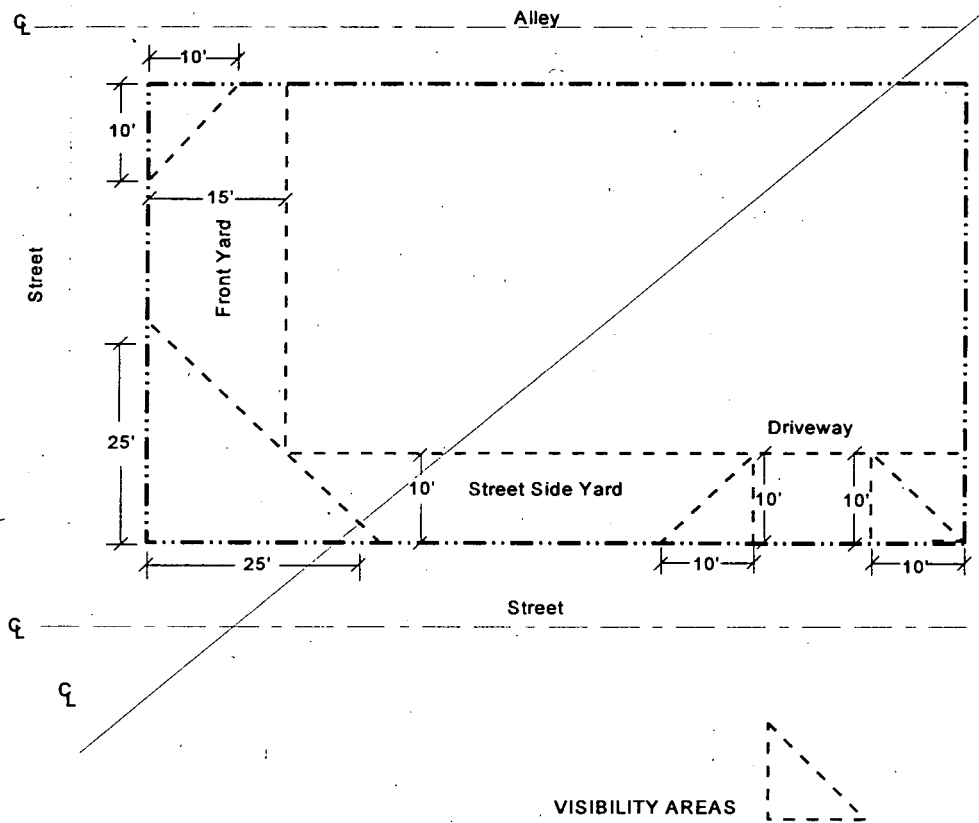
(c) and (d) [No change.]

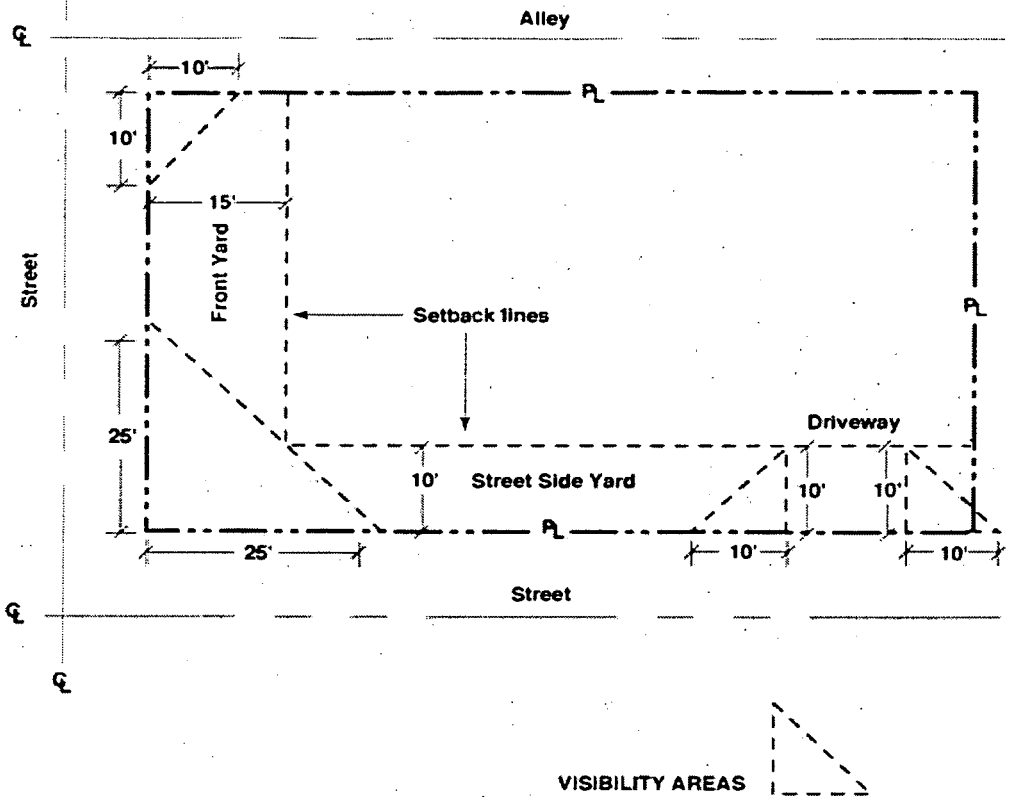
**SEC. 113.0273 Measuring Visibility Area**

[No change to first paragraph.]

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

**Diagram 113-02QQ  
Visibility Area**





**SEC. 121.0309 Procedure for Issuing a Stop Work Order**

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

(c) Appeal of Order. A Stop Work Order may be appealed to the City Manager.

When the alleged violation involves the Building, Electrical, Plumbing, or Mechanical Regulations, the appeal shall be reviewed by the Building Official.

All other appeals shall be reviewed by the Director of Development Services

Planning and Development Review Director. The decision maker will provide informal rapid access for appellants in these matters in order to minimize unnecessary disruption of construction activities.

**SEC. 125.0530 Decision Process for a Parcel Map**

- (a) ~~A decision on a parcel map that includes variations, agreements, or other conditions that require City Council approval shall be made by the City Council in accordance with the Subdivision Map Act.~~ A decision on all other parcel maps shall be made by the City Engineer in accordance with Process One and the *Subdivision Map Act*.
- (b) The City Manager Engineer may accept *dedications of public rights-of-way* and easements ~~in conjunction with~~ where required on a parcel map.

**SEC. 125.0540 Approval Requirements for a Parcel Map**

- (a) [No change.]
- (b) Any condition imposed as part of the approval of the *tentative map* must be satisfied before the City Engineer executes the *parcel map* Certificate in accordance with the *Subdivision Map Act*, Section 66450. ~~Where parcel maps are submitted to the City Council for approval, improvement conditions may be satisfied by an agreement as outlined in the Subdivision Map Act.~~
- (c) The City Manager may enter into all agreements related to approval of the parcel map.

**SEC. 125.0630 Decision Process for a Final Map**

- (a) The City Council Engineer shall approve or deny a *final map* in accordance with the *Subdivision Map Act*.
- (h) Upon receipt of a *final map* for approval, the City Engineer shall notify the City Council that a *final map* approval is pending. The City Engineer shall docket the Notice of Pending Final Map Approval for the next regularly scheduled City Council meeting after the City Engineer receives the final map.
- (c) The City Clerk shall include the Notice of Pending Final Map Approval within the City Council's agenda and mail it to interested parties who request notification.
- (d) The City Engineer shall approval or disapprove the final map within 10 days of the City Council meeting that included the Notice of Pending Final Map Approval on the City Council's agenda.
- (e) The City Engineer's action to approve or disapprove the *final map* may be appealed to the City Council. The appeal must be filed with the City Clerk within 10 days of the date the City Engineer approved or disapproved the *final map*.
- (f) On appeal, the City Council may approve or disapprove the *final map* and any associated documents or agreements in accordance with the *Subdivision Map Act*.
- (g) The City Council shall periodically review the delegation of authority to the City Engineer.

**SEC. 125.0640 Approval Requirements for a Final Map**

- (a) The City Council shall ~~A *final map* may not be approved a final map unless the *final map*~~

and any associated documents have been prepared in accordance with the Land Development Manual, the required fees and deposits have been paid, and all other conditions of the *tentative map* and any other associated permits have been met.

- (b) The City Manager may enter into all agreements related to the approval of the *final map* in accordance the *Subdivision Map Act*. The City Manager's decision to approve or disapprove any documents or agreements may be appealed to the City Council in accordance with Section 125.0630 and the *Subdivision Map Act*.
- (be) In order to approve a *final map* for a condominium conversion, the City Council Engineer shall find that notice has been given in accordance with Section 125.0431.

**SEC. 126.0402 When a Neighborhood Development Permit Is Required**

- (a) [No change.]
- (b) A Neighborhood Development Permit is required for *single dwelling unit development* on an individual *lot* that is less than or equal to 15,000 square feet and contains *steep hillsides, 100-year-floodplains* *Special Flood Hazard Areas*, or *sensitive biological resources* as described in Section 143.0110.
- (c) through (i) [No change.]

**SEC. 126.0502 When a Site Development Permit Is Required**

- (a) [No change in first sentence.]
  - (1) [No change.]
  - (2) *Single dwelling unit development* that involves any of the following:
    - (A) [No change.]



(B) *Development on lots greater than 15,000 square feet containing sensitive biological resources, steep hillsides, or ~~100-year floodplains~~ Special Flood Hazard Areas as described in Section 143.0110;*

(C) [No change.]

[No change to remainder of section.]

SEC. 126.0504 Findings for Site Development Permit Approval

[No change in first sentence.]

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

(d) Supplemental Findings--Environmentally Sensitive Lands Deviation from Federal Emergency Management Agency Regulations

A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested from the ~~Federal Emergency Management Agency~~ Special Flood Hazard Area regulations as specified in Section 143.0150(b) may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0504(a) and the supplemental *findings* in Sections 126.0504(b) and 126.0504(c).

(1) The City Engineer has determined that the proposed development, within any designated floodway will not result in an increase in *flood* levels within any designated ~~floodway~~ during the *base flood* discharge; and

(2) The City Engineer has determined that the deviation would not result in additional threats to public safety, in extraordinary public expense, or create a public nuisance.

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

**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) [No change in sentence.]
  - (1) [No change.]
  - (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 or 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-C-731 filed in the office of the County Recorder City Clerk as Document No. 00-17069.
  - (3) through (8) [No change.]
- (b) through (h) [No change.]

**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 all of the following findings in Section 126.0708(a) and the supplemental findings in Section 126.0708(b) that are applicable to the proposed development.

- (a) Finding for all Coastal Development Permits
  - (a1) 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*;

- (b2) The proposed *coastal development* will not adversely affect *environmentally sensitive lands*; and
- (e3) 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.
- (d4) 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.

(eb) Supplemental *Findings* - Environmentally Sensitive Lands Within the Coastal Overlay Zone

[No change to remainder of section.]

**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) [No change.]

- (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) [No change.]

**SEC. 129.0602 When a Grading Permit Is Required**

A Grading Permit is required for the following work:

- (a) and (b) [No change.]
- (c) any grading within the ~~100-year floodplains~~ Special Flood Hazard Area.
- (d) through (f) [No change.]

**SEC. 131.0112 Descriptions of Use Categories and Subcategories**

- (a) [No change.]
  - (1) Open Space Use Category
    - [No change to first paragraph.]
    - (A) [No change.]
    - (B) Light Manufacturing -- Uses that process, fabricate, assemble, treat, or package finished parts or products without the use of explosive; or petroleum or radioactive materials. (This subcategory does not include the assembly of large equipment and machinery.)
    - (C) and (D) [No change.]

**SEC. 131.0125 Accessory Use Regulations for All Base Zones**

- (a) [No change.]
- (b) [No change in first sentence.]
  - (1) [No change.]

(2) The use must comply be consistent with any use and development regulations applicable to that use in any other base zone in the same type of zone (open space, agricultural, residential, commercial, or industrial);

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

(c) [No change.]

**SEC. 131.0205 Purpose of the OF (Open Space--Floodplain) Zone**

The purpose of the OF zone is to control *development* within *floodplains* to protect the public health, safety, and welfare and to minimize hazards due to *flooding* in areas identified by the *FIRM* on file with the City Engineer City's-floodplain-administrator. It is the intent of the OF zone to preserve the natural character of *floodplains* while permitting *development* that will not constitute a dangerous condition or an impediment to the flow of *flood* waters. It is also the intent to minimize the expenditure of public money for costly *flood* control projects and to protect the functions and values of the *floodplains* relating to groundwater recharge, water quality, moderation of *flood* flows, wildlife movement, and habitat.

**SEC. 131.0330 Development Regulations of Agricultural Zones**

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

(d) For development within the Del Mar Mesa Specific Plan area the development regulations identified in the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance 18337 shall apply.

**SEC. 131.0340 Maximum Permitted Residential Density in Agricultural Zones**

(a) [No change in sentence.]

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

(4) Within the future urbanizing area, except within the Del Mar Mesa Specific Plan area, an increase in *density* of up to one dwelling unit per 4 acres of lot area may be requested through a Planned Development Permit in accordance with Process

Five subject to the regulations in Section 143.0402. The remainder of the *premises* shall be left undeveloped in perpetuity. For development within the Del Mar Mesa Specific Plan area, the rural cluster option is not available, and the maximum permitted *density* is that identified in the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance 18337.

(b) [No change.]

**SEC. 131.0422 Use Regulations Table for Residential Zones**

The Uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B [No change.]

**Table 131-04B**  
**Use Regulations Table of for Residential Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1st & 2nd »	RE-	RS-												RX-	RT-									
	3rd »	1-	1-												1-	1-									
	4th »	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	
<b>Institutional</b>																									
Separately Regulated Institutional Uses																									
Communication Antennas:																									
Minor Telecommunication Facility		±N	±N												±N	±N									
Major Telecommunication Facility		C	C												C	C									
Satellite Antennas		L	L												L	L									

[No change to remainder of Table.]

**SEC. 131.0448 Accessory Uses and Structures in Residential Zones**

- (a) Multiple accessory buildings are permitted on a premises. However Accessory uses within enclosed buildings the square footage of all accessory buildings cannot exceed are restricted to 25 percent of the permitted allowable gross floor area of the premises.
- (b) An accessory building in the RE, RS, and RX zones may have electrical, gas, and water/sewer connections to provide the following activities:
  - (1) Lighting, washing machines, dryers, laundry tubs, and hot water heater;
  - (2) A one-half bathroom, limited to a water closet and a lavatory sink; and
  - (3) A shower, provided the property owner signs an agreement recorded with the County Recorder and processed through the City Manager stating that the building will not be used for living or sleeping purposes.
- (c) Accessory buildings in RE, RS, and RX zones may encroach into required yards subject to the following conditions:

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- (1) Encroachment into required yards can only occur on premises with less than 10,000 square feet of area.
- (2) Accessory buildings, not including attached or detached patio, shall be limited to 1 story.
- (3) The maximum permitted structure height of an accessory building is 10 feet for a flat roof and 15 feet for a pitched roof. If the structure contains a shed roof the maximum structure height is 12 feet measured at the ridge. A building with a flat roof may have a roof deck, provided that all handrails and other appurtenances are limited to 42 inches in height and comply with all setback requirements.
- (4) All required visibility areas, as set forth in Section 113.0273, shall be observed.
- (5) No accessory building shall be used for living or sleeping purposes.
- (6) In the RE and RS zones, the cumulative area of all accessory buildings shall not exceed 525 square feet in gross floor area.
- (7) In the RX zones, the cumulative area of all accessory buildings shall not exceed 400 square feet in gross floor area.
- (8) The length of any accessory building dimension within the required yards shall not exceed 30 feet in any given setback.
- (9) The accessory building must be placed entirely within the rear 30 percent of the lot premises or behind the front 70 feet of the lot premises, whichever results in the accessory building being located farther from the street.
- (10) If the accessory building is used for parking and access to the structure is taken from the alley, a minimum distance of 21 feet shall be provided between the edge of the alley opposite the premises and the exterior wall of the accessory building.
- (11) Within the Coastal Overlay Zone, accessory structures are subject to the supplemental regulations in Section 132.0403.



~~For lots with less than 10,000 square feet of area, one-story accessory buildings, not including attached or detached patio structures, may encroach into the required side and rear setbacks, subject to the following conditions:~~

~~(1) The maximum permitted structure height of an accessory building is 10 feet for a flat roof and 15 feet for a pitched roof. If the structure contains a shed roof, the maximum structure height is 12 feet measured at the ridge. A building with a flat roof may have a roof deck, provided that all handrails and other appurtenances are limited to 42 inches in height and comply with all setback requirements.~~

~~(2) All required visibility areas, as set forth in Section 113.0273, shall be observed.~~

~~(3) No accessory building shall be used for living or sleeping purposes.~~

~~(4) In the RE and RS zones, the accessory building shall not exceed 525 square feet in gross floor area.~~

~~(5) In the RX zones, the accessory building shall not exceed 400 square feet in gross floor area.~~

~~(6) The length of any accessory building dimension within the required yards shall not exceed 30 feet.~~

~~(7) The accessory building must be placed entirely within the rear 30 percent of the lot or behind the front 70 feet of the lot, whichever results in the accessory building being located farther from the street.~~

~~(8) If the accessory building is used for parking and access to the building is taken from the alley, a minimum distance of 21 feet shall be provided between the edge of the alley opposite the lot and the exterior wall of the accessory building.~~

~~(9) The accessory building may have electrical, gas, and water/sewer connections to provide the following activities:~~

~~(A) Lighting, washing machines, dryers, laundry tubs, and hot water heater;~~

~~(B) A one-half bathroom, limited to a water closet and a lavatory sink, and~~  
~~(C) A shower, provided the property owner signs an agreement recorded with the County Recorder and processed through the City Manager stating that the building will not be used for living or sleeping purposes.~~

**SEC. 131.0622 Use Regulations Table for Industrial Zones**

[No change in this section, except to Table 131-06B as indicated below.]

**Table 131-06C  
 Use Regulations Table ~~of~~for Industrial Zones**

Separately Regulated Retail Sales Uses									
Agriculture Related Supplies & Equipment	-	-	-	P	P	<u>P</u>	P	P	P

**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~~for 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
<b>Max Floor Area Ratio</b>		<u>2.0+0<sup>(7)</sup></u>		<u>2.0+0<sup>(7)</sup></u>			<u>2.0+0</u>		2.0

[No other changes to Table 131-06C.]

**Footnotes for Table 131-06C**

1 through 9 [No change.]

**SEC. 132.0402 Where the Coastal Overlay Zone Applies**

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

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**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 <u>See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations</u>	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 <u>and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations</u>	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 <u>and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations</u>	Coastal Development Permit/Process Two or Three

**SEC. 132.0403 Supplemental Use Regulations of the Coastal Overlay Zone**

[No change to remainder of section.]

**SEC. 132.0902 Where the Tandem Parking Overlay Zone Applies**

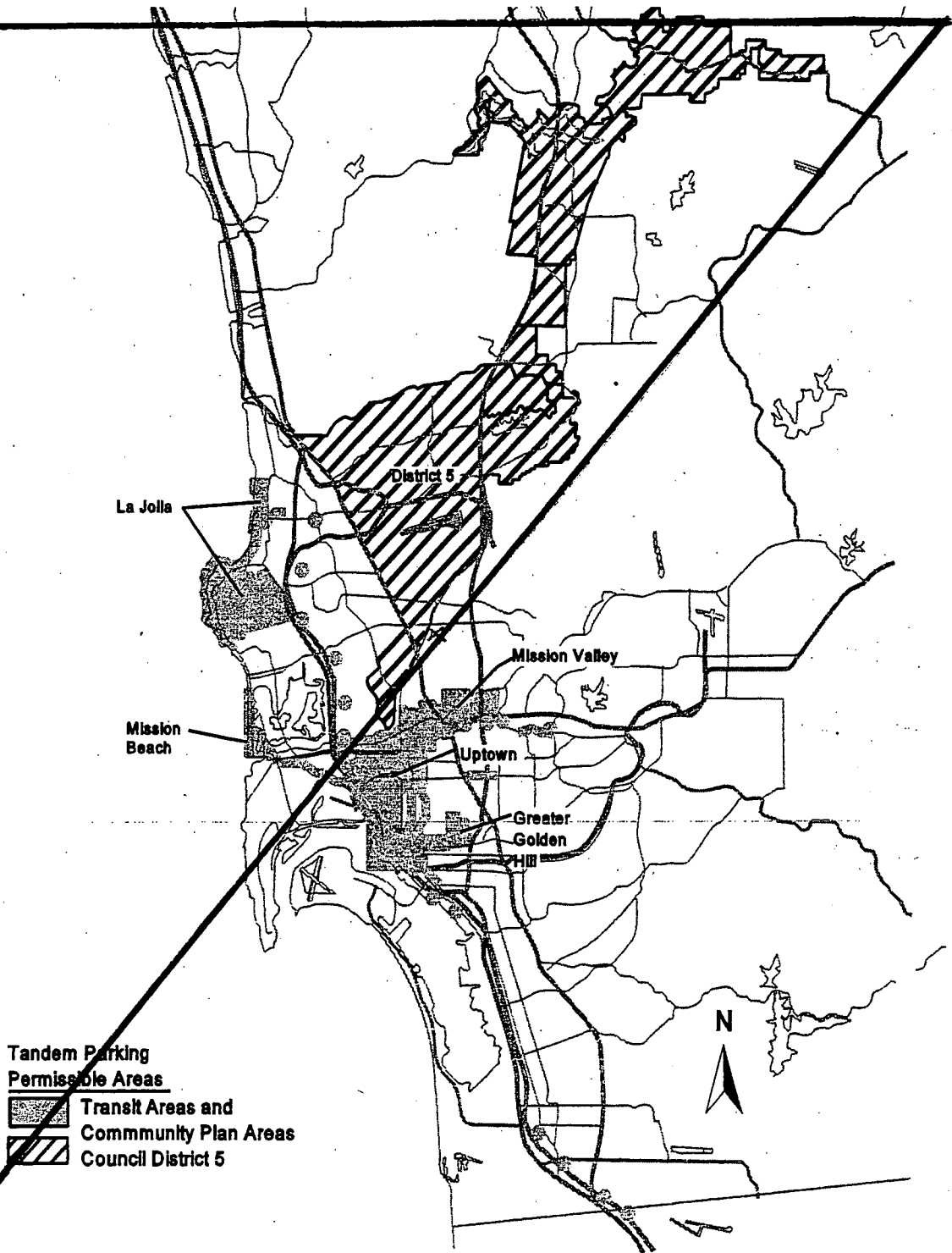
(a) This overlay zone applies to property located within the boundaries shown on Map No.

C-846 903, filed in the office of the City Clerk as Document No. OO-17836

\_\_\_\_\_ . These areas are shown generally on Diagram 132-09A.

(b) [No change to first paragraph.]

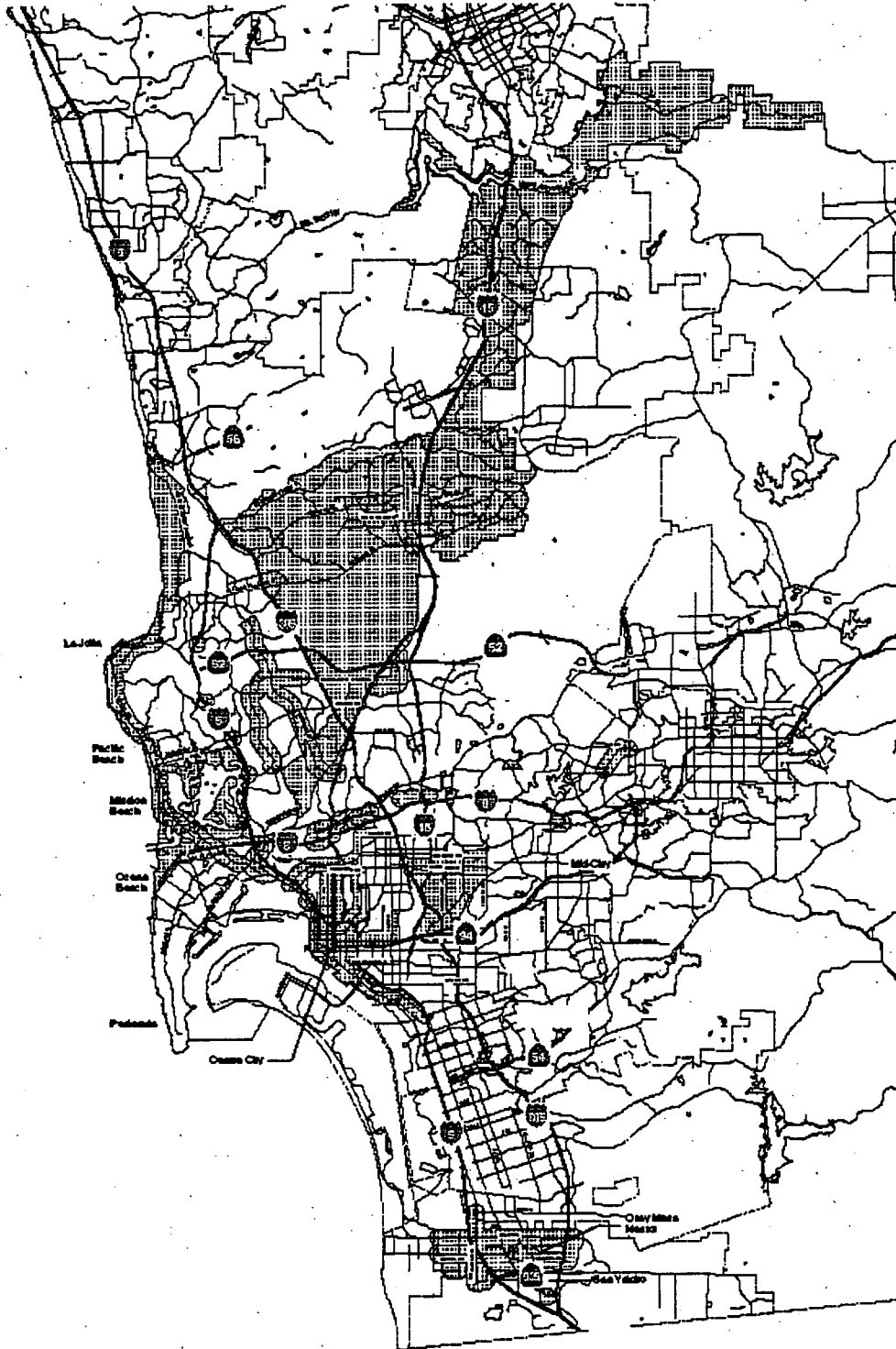
[No change to Table 132-09A.]



### DIAGRAM 132-09A

### Residential Tandem Parking Overlay Zone

This is a reproduction of Map No. C-846 for illustration purposes only.



**DIAGRAM 132-09A**  
**Residential Tandem Parking Overlay Zone**  
This is a reproduction of Map No. C-903 for illustration purposes only.

Ch.	Art.	Dw.
13	2	8

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**SEC. 132.1002 Where the Transit Area Overlay Zone Applies**

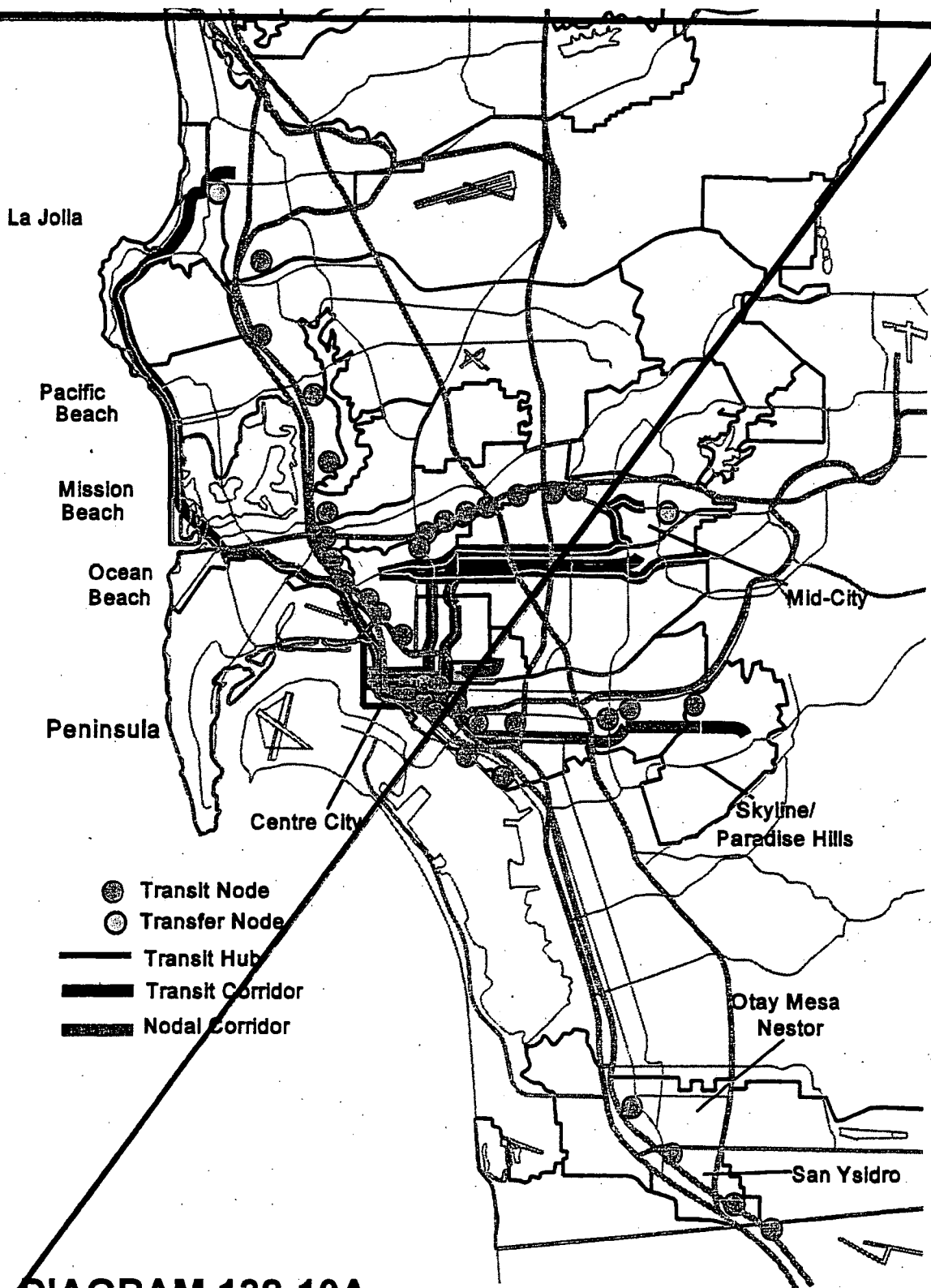
(a) This overlay zone applies to property located within the boundaries shown on Map No.

C-~~846~~ 900, filed in the office of the City Clerk as Document No.OO-17836 \_\_\_\_\_.

These areas are shown generally on Diagram 132-10A.

(b) [No change to first paragraph.]

[No change to Table 132-10A.]

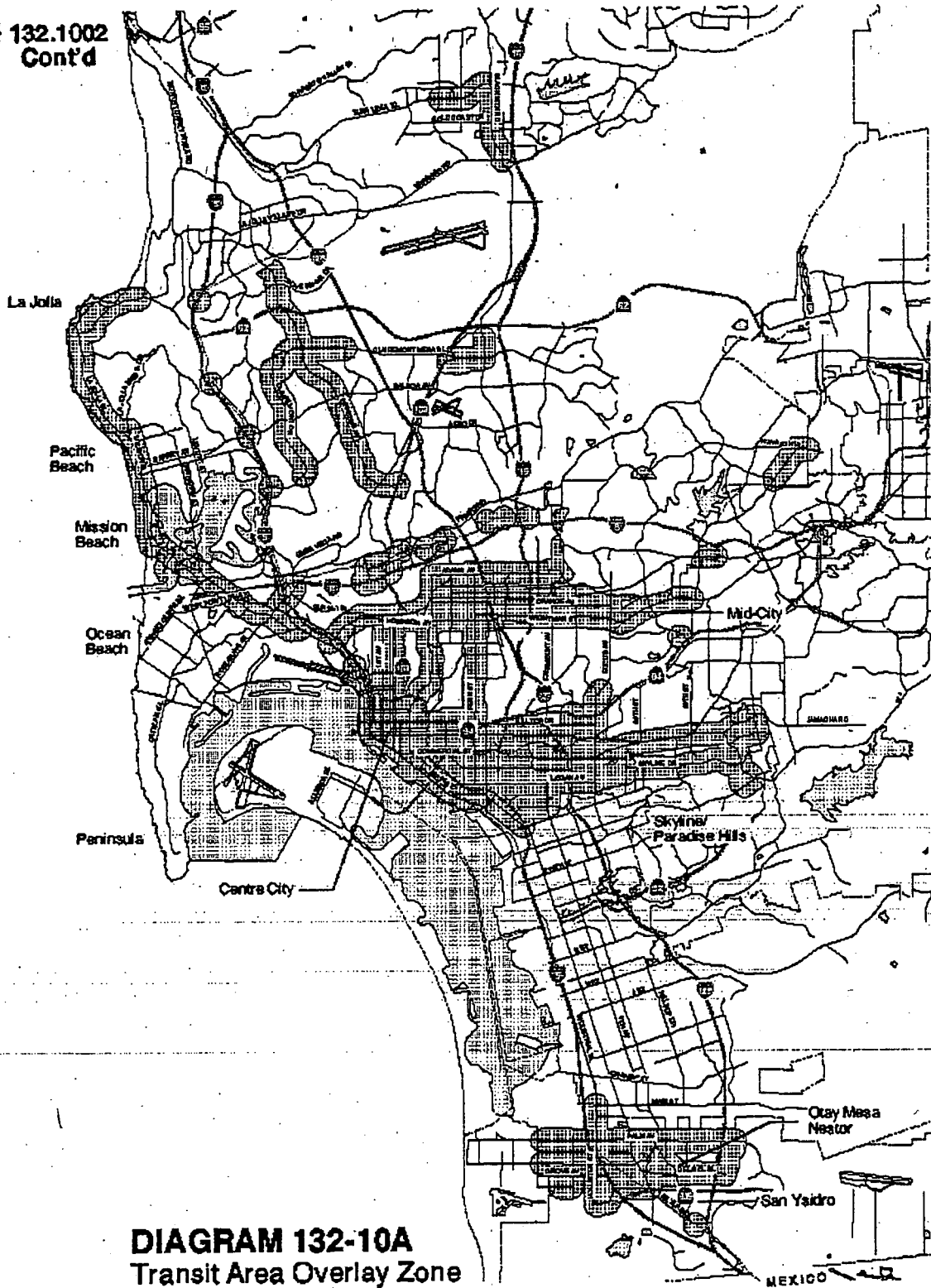


**DIAGRAM 132-10A**  
**Transit Area Overlay Zone**

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Chapter 13: Zones

§ 132.1002  
Cont'd



**DIAGRAM 132-10A**  
Transit Area Overlay Zone  
This is a reproduction of Map No. C-900  
for illustration purposes only.

CR	Art	Dw.
11	2	10



**SEC: 132.1402 Where the Community Plan Implementation Overlay Zone Applies**

(a) [No change to first paragraph.]

**Table 132-14A  
Community Plans with Property in the Community Plan Implementation Overlay Zone**

<b>Community Plan</b>	<b>Map Number Showing Boundaries of CPIOZ Area</b>
Clairemont Mesa (See Diagram 132-14A)	C-771.1, B-3951
College Area (See Diagram 132-14B)	C-761.1
Linda Vista (See Diagram 132-14C)	C-750
Midway/Pacific Highway Corridor (See Diagram 132-14D)	C-782
Navajo (See Diagram 132-14E)	C-779
Pacific Beach (See Diagram 132-14F)	B-3737.1, B-3857
Peninsula (See Diagram 132-14G)	C-744, C-781
Rancho Bernardo (See Diagram 132-14H)	C-773.1
Rancho Penasquitos (See Diagram 132-14I)	B-4024
University (See Diagram 132-14J)	C-725, C-751.2
Uptown (See Diagram 132-14K)	C-780.2

(b) [No change.]

**SEC. 141.0306 Guest Quarters**

[No change in first paragraph.]

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

(l) Off-street parking and access for a *premises* containing a guest quarters shall be provided as follows:

(1) [No change.]

(2) Off-street parking shall be provided at a rate of 1 space for each bedroom in the guest quarters.

(23) Off-street parking required for guest quarters shall not be located in the area between the *street wall* and the front *property line*.

(34) Access to the off-street parking from an unimproved *alley* is not permitted.

(m) [No change.]

**SEC. 141.0405 Communication Antennas**

(a) This ~~s~~Section 141.0405 regulates the following communication antennas. Amateur (HAM) radio facilities or temporary telecommunication facilities necessitated by natural or man-made disasters are not regulated as communication antennas. Section 141.0405 does not apply to single dish antennas smaller than 24 inches in diameter or to remote panel antennas less than 24 inches in length and in width, except when associated with another telecommunication facility.

(1) Minor telecommunication facilities: Antenna facilities used in wireless telephone services, paging systems, or similar services that comply with all development regulations of the underlying zone and overlay(s) and that meet the criteria in Section 141.0405(de)(1) or (2).

(2) Major telecommunication facilities: Antenna facilities that do not meet the criteria for minor telecommunication facilities in Section 141.0505(de)(1) or (2).

(3) [No change.]

(b) General Rules For Telecommunication Facilities

All telecommunication facilities must comply with the following requirements:

- (1) All approved telecommunication facilities must comply with the Federal standards for RF radiation in accordance with the Telecommunication Act of 1996 or any subsequent amendment to the Act pertaining to RF radiation. Documentation shall be submitted to the City providing evidence that the cumulative field measurements of radiofrequency power densities for all antennas installed on the *premises* are below the Federal standards.
- (2) Except in the event of an emergency, routine maintenance and inspection of telecommunication facilities located on residentially zoned *premises*, including all of the system components, shall occur during normal business hours between 8:00 a.m. and 5:00 p.m. Monday through Friday.
- (3) Antenna facilities or associated equipment proposed for installation in the *public right-of-way* are subject to the following regulations:
  - (A) Antennas or associated equipment located in *public right-of-way* which is adjacent to a residentially zoned *premises* may be permitted with a Neighborhood Use Permit.
  - (B) Antennas and associated equipment located in the *public right-of-way* adjacent to non-residentially zoned premises are subject to review and approval by the City Manager.
  - (C) All equipment associated with antenna facilities shall be undergrounded, except for small services connection boxes or as permitted in Section 141.0405(b)(4).
  - (D) A construction plan must be submitted to and is subject to review and approval by the City Engineer in accordance with Chapter 6, Article 2.

(4) Antennas and associated equipment located in the public right-of-way may be placed above ground only if the equipment is integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, enhanced landscape architecture, or complementary siting solutions to minimize visual or pedestrian impacts. These facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three.

(be) Temporary facilities that provide services to public events and are limited to a one-time maximum duration of 90 calendar days are subject to the temporary use permit procedures in Chapter 12, Article 3, Division 4.

(ed) All telecommunication facilities that are required to obtain encroachment authorization to locate on city-owned dedicated or designated parkland or open space areas shall comply with the following:

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

(de) Minor Telecommunication Facilities

Minor telecommunication facilities are permitted as a limited use or may be permitted with a Neighborhood Use Permit in the zones indicated with an "L" or an "N", respectively, in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(1) [No change.]

(2) In an effort to encourage collocation and to recognize that some telecommunication facilities are minimally visible, the following shall be considered minor telecommunication facilities:

(A) [No change.]

~~(B) Collocations on water storage tanks, electric transmission towers, and similarly sealed public utilities or facilities.~~

(~~E~~B) Panel-shaped antennas that are flush-mounted to an existing *building facade* on at least one edge, extend a maximum of 18 inches from the *building facade* at any edge, do not exceed the height of the building, and are designed to blend with the color and texture of the existing building.

(~~D~~C) Whip antennas if the number of antennas that are visible from the *public right-of-way* does not exceed six, if the antennas measure 4 inches or less in diameter, and if they have a mounting apparatus that is concealed from public view.

(3) Minor telecommunication facilities are not permitted in the following locations:

(A) On properties *premises* that are developed with residential uses in residential zones a single-dwelling-unit;

(B) On vacant lots *premises* zoned for residential single-dwelling-unit development;

(C) On properties *premises* that have been designated as *historical resources*;

(~~D~~) On properties *premises* that have been designated or mapped as containing sensitive resources;

(E) On properties *premises* within the *MHPA*; or

(F) On properties *premises* that are leased for billboard use.

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

(~~e~~f) Major Telecommunication Facilities

Major telecommunication facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three, except that major telecommunication facilities ~~in-on~~ dedicated or designated parkland and open space 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.

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

(A) On lots premises containing designated *historical resources*;

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

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

(fg) Satellite Antennas

Satellite antennas are permitted as a limited use subject to Section 141.0405(fg)(2), and may be permitted with a Neighborhood Use Permit subject to Section 141.0405(fg)(3), or with a Conditional Use Permit decided in accordance with Process Three subject to Section 141.0405(fg)(4).

(1) [No change.]

(2) Limited Use Regulations. Satellite antennas that exceed 5 feet in diameter 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) [No change.]

(B) Satellite antennas are not permitted on properties premises that have been designated as *historical resources*.

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

(H) Ground-, roof-, and pole-mounted satellite antennas shall be *screened* by fencing, buildings, or parapets that appear to be an integral part of the building, or by landscaping so that not more than 25 percent of the antenna height is visible from the *grade* level of adjacent property premises and adjacent *public rights-of-way*.

(3) Neighborhood Use Permit Regulations. Proposed satellite antennas that do not comply with Section 141.0405(b)(2) may be permitted with a Neighborhood Use Permit subject to the following regulations.

(A) [No change.]

(B) Satellite antennas are not permitted on properties premises that have been designated as *historical resources*.

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

(F) The visual impacts of the antenna to adjacent properties premises and adjacent *public rights-of-way* shall be minimized by the positioning of the antenna on the site and the use of landscape or other *screening*.

(4) Conditional Use Permit Regulations. Except for proposed satellite antennas which are accessory uses in industrial zones, Proposed satellite antennas that exceed 10 feet in diameter may be permitted only with a Conditional Use Permit decided in accordance with Process Three subject to the following regulations:

(A) [No change.]

(B) Satellite antennas are not permitted on properties premises or its appurtenances that have been designated as *historical resources*.

(C) The visual impacts of the antenna to adjacent properties premises and adjacent *public rights-of-way* shall be minimized by the positioning of the antenna on the site and the use of landscaping or other *screening*.

#### SEC. 142.0133 Slope Gradient

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

~~(d) Cut slopes greater than 10 feet in height that exceed a gradient of 50 percent (2 horizontal feet to 1 vertical foot) but do not exceed a gradient of 66 percent (1 1/2 horizontal feet to 1 vertical foot) may be approved by the City Engineer if the slopes comply with one of the following:~~

~~(+) The underlying bedrock and soil supporting the slope, and the materials to be exposed on cut slopes, shall have strength characteristics sufficient to provide a stable slope with a factor of safety of not less than 1 1/2 for static loads and will not pose a danger to persons~~

~~or property. This determination shall be based on a geotechnical report containing the results of surface and subsurface exploration and analysis by a geotechnical engineer, or a qualified civil engineer and an engineering geologist; or~~

~~(2) The slope shall be revegetated in accordance with a plan prepared by a landscape architect or other professional authorized to prepare landscape plans by the State Business and Professions Code. The plan shall incorporate the recommendations of the geotechnical report and the agronomic soils test report.~~

~~(e)(d) Where extraordinary conditions exist to the extent that compliance with the standards of this section would be infeasible, the City Engineer may authorize slopes steeper than those specified in Section 142.0133(b); and (e); and (d). A determination that such steeper slopes are warranted shall be based upon the required soils and geologic investigations geotechnical report that clearly demonstrates that the steeper slope will be stable and not endanger the public health, safety, and welfare. Such slopes shall be revegetated in accordance with a plan prepared by a landscape architect authorized to prepare landscape plans by the State Business and Profession Code. Extraordinary conditions include the excavation of solid rock or street construction within a confined public right-of-way width.~~

~~SEC. 142.0134 Retaining Walls and Structurally Enhanced Fill~~

~~Reinforced earth or structurally enhanced fill slopes shall be considered Retaining walls and shall comply with the height limits and construction material requirements in Chapter 14 Article 2, Division 3 (Fence Regulations).~~

~~SEC. 142.0135 Grading Within the 100-year Floodplain Special Flood Hazard Area~~



Grading within the ~~100-year floodplains~~ Special Flood Hazard Area shall comply with Chapter 14, Article 2, Division 2 (Drainage Regulations) and Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

**SEC. 142.0230 Development Within the 100-year-Floodplain Special Flood Hazard Area**

All development within the ~~100-year floodplains~~ a Special Flood Hazard Area shall comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

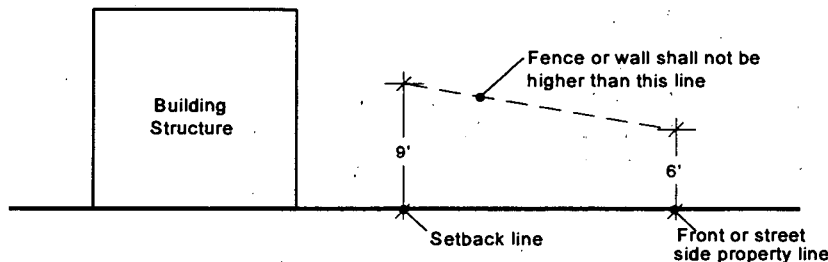
**SEC. 142.0310 General Fence Regulations for All Zones**

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

(c) **Fence Height in Required Front Yards and Required Street Side Yards**

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

**Diagram 142-03C  
Open Fence--Height Limit**



(3) **Combination (Open and Solid) Fences**

(A) [No change.]

(B) The height of a combination fence may increase as the fence is placed farther from the front or street side property line. No portion of the fence shall exceed the height established by a line drawn beginning at a point 6 feet above grade at the property line and ending at a point 9 feet above grade at the setback line, as shown in Diagram 142-03D. Where a visibility area is required, the beginning point shall

be measured 6 feet above any point of intersection of the perimeter of the *visibility area* and the side or rear *property line*, as shown in Diagram 142-03DE.

**Diagram 142-03D**  
**Combination Fence--Height Limit with Visibility Area**  
**Diagram 142-03DE**  
**Combination Fence--Height Limit with Visibility Area**  
(No change to diagram)

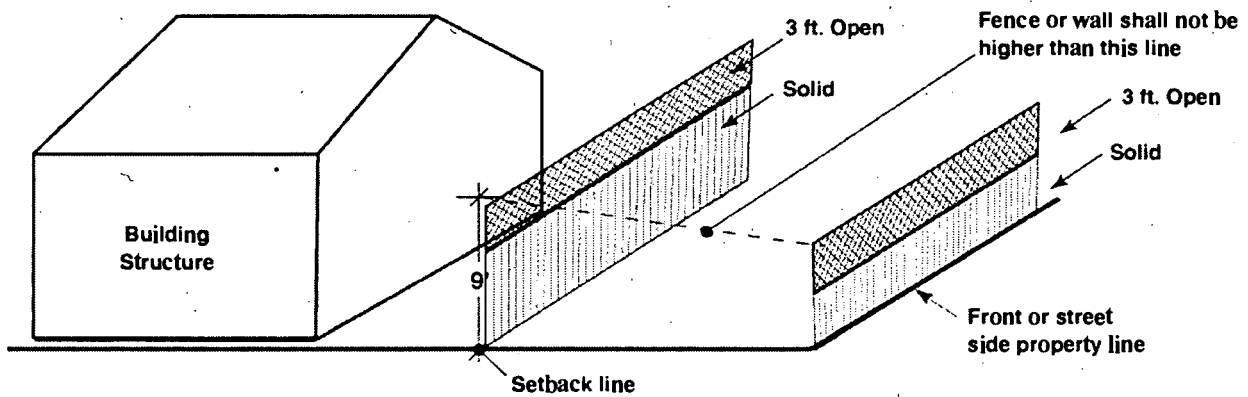
(C) Vertical elements such as columns or posts shall be provided at least every 15 feet on a combination *fence*. Each vertical element shall be at least 6 inches wide (unfinished dimension), measured along the face of the *fence* as shown in Diagram 142-03EE.

(D) If wire *fence* material is used for the open portion of the *fence*, a horizontal element shall be provided along the top of the wire *fence*. This element shall be at least 1-½ inches wide with a minimum reveal of 1-½ inches, as shown in Diagram 142-03EF.

**Diagram 142-03EF**  
**Combination Fence--Vertical and Horizontal Elements**  
(No change to diagram)

(4) *Fence Height Exception in Required Street Side Yards*

*Solid fences* located in the required *street side yard* of a *lot* with a rear *yard* that abuts the rear *yard* of another *lot*, as shown in Diagram 142-03FG, are permitted up to 6 feet



in height.

Diagram 142-03FG  
Fence in Street Side Yard  
(No change to diagram)

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

(1) [No change.]

(2) [No change.]

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

~~(C) Open and solid fences in commercial and industrial zones.~~

SEC. 142.0340 Retaining Wall Regulations in All Zones

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

(c) *Retaining Wall* Height in Required Front Yards and Required Street Side Yards

(1) Two *retaining walls* with a maximum height of 3 feet each are permitted in the required front and *street side yard* if the two *retaining walls* are separated by a minimum horizontal distance equal to the height of the upper wall. See Diagram 142-03GH.

(2) [No change.]

(3) *Retaining walls* of 3 feet in height or greater shall have at least one horizontal or vertical offset for each 120 square feet of wall area. The horizontal or vertical offset shall be at least 12 inches wide with a minimum reveal of 4 inches. See Diagram 142-03B.

(d) [No change in sentence.]

(1) Two *retaining walls* with a maximum height of 6 feet each are permitted in the required side and rear *yard* if the two *retaining walls* are separated by a minimum horizontal distance equal to the height of the upper wall. See Diagram 142-03GH.

(2) [No change.]

**Diagram 142-03GH**  
**Retaining Wall Requirements**  
(No change to diagram)

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

**SEC. 142.0380 Fence and Retaining Wall Maintenance**

(a) Property owners shall maintain *fences and retaining walls* free from dilapidated or dangerous conditions.

(b) Property owners shall maintain *fences and retaining walls* in a graffiti-free condition.

(1) [No change.]

(2) The following *fences* are permitted outside of required *yards* up to the maximum *structure height* specified in the zone:

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

~~(C) Open and solid fences in commercial and industrial zones.~~

**SEC. 142.0510 General Parking Regulations**

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

(e) [No change.]

(f) In RS zones, the required parking may be provided on a driveway or paved surface within the front or street side yard on premises where required parking was converted to habitable space prior to January 1, 1992: subject to the following requirements:

(1) The area complies with the standards for required parking in Section 142.0560 utilizing a maximum of five feet of the undeveloped public right-of-way. In no

case shall the sidewalk be obstructed or encroached upon by a vehicle parked within the sidewalk area.

- (2) The area is perpendicular to the *public right-of-way* and between the sidewalk adjacent to the *premises* and the building *setback*.
- (3) No other on-site alternative placement options are available.
- (4) The area complies with Section 142.0560(j).

(fg) [No change]

**SEC. 142.0530 Nonresidential Uses -- Parking Ratios**

(a) [No change in 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 <sup>(2)</sup>
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area <sup>(1)</sup>	Maximum Permitted	Minimum Required
<b>Commercial Zones</b>				
CR-1-1	5.0 <sup>(3)</sup>	4.3	6.5	0.1
CR-1-2 CR-2-1				

Footnotes For Table 142-05D

<sup>4</sup> ~~Coastal Overlay Zone. For area of applicability, see Chapter 13, Article 2, Division 4.~~

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

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment <sup>(3)</sup> 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 <sup>(2)</sup>
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area <sup>(1)</sup>	Maximum Permitted	Minimum Required
CR-1-1 CR-1-2 CR-2-1	15.0	12.8	25.0	0.1

Footnotes For Table 142-05E

<sup>5</sup> ~~Beach impact area. For area of applicability, see Chapter 13, Article 2, Division 8 (Parking Impact Overlay Zone).~~

[No other changes to this section.]

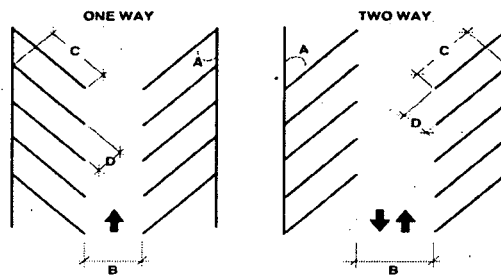
**SEC. 142.0560 Development and Design Regulations for Parking Facilities**

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

(c) [No change in this paragraph.]

Table 142-05K [No change.]

**Diagram 142-05B**  
**Minimum Dimensions for Automobile Parking Spaces and Aisles**



A. Angle between parking space and aisle  
B. Aisle width  
C. Space length: 18'  
D. Space width: 8'3" retail sales and restaurant uses.  
(all other uses 5')

[Delete previous Diagram 142-05B and insert the above.]

**142.1210 General Sign Regulations**

This section is divided into subsections for copy regulations, locational regulations, structural regulations, and *sign* maintenance regulations.

(a) Copy Regulations

(1) Permanent or changeable copy on *signs* shall contain on-premises or public interest messages only.

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

(DC) Public interest messages for public or private non-profit or charitable organizations may also identify sponsors and supporters of the *signs and notices as described in Section 142.1210(a)(1)(B)*. ~~above-described signs and notices, and public or private~~

~~non-profit or charitable organizations or agencies:~~ A maximum of 15 percent of the total area of a *sign* containing a public interest message shall include the name of the sponsors or supporters, description of the products, services or activities provided or engaged in by the sponsors or supporters, and recognized trademarks, logotypes or symbols customarily associated with the sponsors or supporters.

(E) The following *signs* are also public interest message *signs* but are regulated as secondary *signs*:

- (i) *Public utility signs* that are required by law;
- (ii) *Directional signs*; and
- (iii) Holiday decorations.

[No change to remainder of section.]

#### SEC. 143.0110 When Environmentally Sensitive Lands Apply

[No change in first sentence.]

(a) Where any portion of the *premises* contains any of the following *environmentally sensitive lands*, this division shall apply to the entire *premises*, unless otherwise provided in this division:

- (1) through (4) [No change.]
- (5) ~~100-year floodplains~~ Special Flood Hazard Areas.

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

#### SEC. 143.0111 Limited Exception from Environmentally Sensitive Lands Regulations

[No change in first sentence.]

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

(e) *Development* in the OF zone or within any ~~100-year floodplains~~ Special Flood Hazard Area (formerly the FW, FC, and FPF zones) in the Mission Valley Community Plan area, is subject only



to the Federal Emergency Management Agency Special Regulations in Section

~~143.0145(c)~~ 143.0146.

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

**SEC. 143.0130 Uses Allowed Within Environmentally Sensitive Lands**

[No change in first sentence.]

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

(c) *Floodways.* Uses permitted within the *floodway* portion of a ~~100-year floodplains~~ *Special Flood Hazard Area* are those allowed by the OF zone, as indicated in Table 131-02B.

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

**SEC. 143.0145 Development Regulations for Floodplains *Special Flood Hazard Areas***

- (a) *Special Flood Hazard Areas* within the City of San Diego are established in accordance with the report entitled "*Flood Insurance Study, San Diego County, California,*" dated June 16, 1999 and the accompanying *Flood Insurance Rate Maps (FIRM),* published by the Federal Emergency Management Agency (FEMA), on file in the office of the City Clerk as Document Nos. \_\_\_\_\_ and \_\_\_\_\_, including any supplements, amendments, and revisions which are properly promulgated by FEMA or the Federal Insurance Administrator.
- (b) For the purpose of Sections 143.0145 and 143.0146, the City Engineer is the designated Floodplain Administrator and shall administer, implement, and enforce these regulations.
- (c) The degree of *flood* protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger *floods* can and will occur on rare occasions. It is possible that increased *flood* heights may result from man-made or natural causes. This section does not imply that land outside the ~~areas of special flood hazards~~ *Special Flood Hazard Area* or uses permitted within such areas will be free from *flooding* or *flood* damages. This section shall not create liability on the part of the City, any

officer or employee thereof, or the Federal-Emergency-Management-Agency-(FEMA) FEMA, for any *flood* damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(d) The following development regulations and all other applicable requirements and regulations of FEMA apply to all *development* proposing to encroach into ~~100-year floodplains~~ a Special Flood Hazard Area, including both the *floodway* and *floodplain fringe* areas or that does not qualify for an exemption pursuant to Section 143.0110(c):

(ae) *Floodways*

(1) Within the *floodway* portion of a ~~premises-containing-a-100-year floodplain~~, development regulations are as set forth for the OF zone, pursuant to Section 131.0231.

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

(4) *Development* in *floodways* shall be offset by improvements or modifications to enable the passage of a ~~100-year frequency base flood~~, in accordance with the FEMA standards and regulations provided in Section ~~143-0145(c)~~ 143.0146.

(5) *Development* that involves *channelization* or other substantial alteration of rivers or streams is subject to the following requirements.

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

(C) Channels that accommodate a ~~100-year frequency base flood~~ shall do so without increasing the water surface elevation more than one foot at any point from the level of a nonconfined ~~100-year frequency base flood~~ in the natural undeveloped *floodplain*. Channels may accommodate less than a ~~100-year frequency base flood~~ (low-flow channels), but shall be designed and constructed in accordance with FEMA regulations.

(D) All artificial channels shall consist of natural bottoms and sides and shall be designed and sized to accommodate existing and proposed riparian vegetation and other natural or proposed constraints. Where maintenance is proposed or required to keep vegetation at existing levels compatible with the design capacity of the channel, a responsible party shall be identified and a maintenance and monitoring process shall be established to the satisfaction of the City ~~Manager~~ Engineer.

(6) [No change.]

(7) [No change in first paragraph.]

(A) [No change.]

(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 base flood, in accordance with the FEMA standards and regulations provided in Section ~~143.0145(c)~~ 143.0146.

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

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

(A) [No change.]

(B) The *development* is capable of withstanding periodic *flooding* and does not require or cause the construction of off-site *flood* protective works including artificial *flood* channels, revetments, and levees nor will it cause adverse impacts related to *flooding* of properties located upstream or downstream, nor will it increase or expand a *Flood*

~~Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM) FIRM Zone~~

A;

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

- (2) All *development* that involves *fill, channelization*, or other alteration of a ~~100-year~~ *floodplain* Special Flood Hazard Area is subject to the requirements for *channelization* in Section 143.0145(a)(5) and with FEMA regulations.

~~(e) SEC. 143.0146 Special Supplemental Regulations as Required by FEMA for~~ Special Flood Hazard Areas

All proposed *development* within the ~~100-year floodplain~~ a Special Flood Hazard Area is subject to the following requirements and all other applicable requirements and regulations of FEMA.

~~(a)~~ Development and Permit Review

(A1) Where *base flood elevation* data has not been provided by the ~~FEMA Flood Insurance Study for the City of San Diego~~, the City Engineer shall obtain, review, and utilize *base flood elevation* and *floodway* data available from federal or state sources, or require submittal of such data from the *applicant*. The City Engineer shall make interpretations, where needed, as to the location of the boundaries of the areas of ~~special flood hazards~~ Special Flood Hazard Area, based on the best available engineering or scientific information.

(B2) Proposed *development* in areas of ~~special flood hazards~~ a Special Flood Hazard Area shall not adversely affect the *flood* carrying capacity of areas where *base flood elevations* have been determined but the *floodway* has not been designated. "Adversely affect" as used in this section means that the cumulative effect of the proposed *development*, when combined with all other existing and anticipated *development*, will not increase the water surface elevation of the ~~100-year frequency~~ *base flood* more than one foot at any point.

(E3) In all cases where a watercourse, floodplain, or portion of a floodplain is to be altered the

City Engineer shall do the following:

(iA) [No change in text.]

(iiB) [No change in text.]

(iiiC) [No change in text.]

(D4) [No change in text.]

(E5) [No change in text.]

(F6) Development in a 100-year floodplain Special Flood Hazard Area shall not increase or expand a *FIRM* Zone A.

(E7) In all *floodways*, any *encroachment*, including *fill*, new construction, significant modifications, and other *development* is prohibited unless *certification* by a registered professional engineer or architect is provided demonstrating that *encroachments* will not result in any increase in *flood* levels during the occurrence of the base base flood discharge.

(2b) Standards for *Subdivisions*

(A1) All preliminary *subdivision* proposals shall identify the *flood-hazard-area* Special Flood Hazard Area and the elevation of the base base flood.

(B2) All final *subdivision maps* shall provide the elevation of proposed *structures* and pads. If the site is *filled* above the 100-year frequency flood-level base flood elevation, the *lowest floor*, including *basement*, shall be certified to be 2 feet above the *base flood elevation* by a registered professional engineer or surveyor, and the *certification* shall be provided to the City Manager Engineer.

(E3) [No change in text.]

(D4) [No change in text.]

(E5) [No change in text.]

(F6) [No change in text.]

(3c) Standards of Construction

In all areas of ~~special flood hazard~~ Special Flood Hazard Areas, the following standards apply for all *development*.

(A1) [No change in text.]

(B2) [No change in text.]

(G3) [No change in text.]

(D4) [No change in text.]

(E5) *Breakaway walls* shall be certified by a registered engineer or architect to meet all applicable FEMA requirements. The *certification* shall be provided to the City ~~Manager~~ Engineer before final inspection approval.

(F6) New construction ~~and modification or~~ substantial improvement of any *structure* shall have the *lowest floor*, including *basement*, elevated at least 2 feet above the *base flood elevation*. Upon completion of the *development*, the elevation of the *lowest floor*, including *basement*, shall be certified by a registered professional engineer or surveyor to be properly elevated. The *certification* shall be recorded with the County Recorder, ~~and the certification and evidence of recordation~~ shall be provided to the City ~~Manager~~ Engineer before final inspection approval. The City ~~Manager~~ Engineer reserves the right to require a preliminary *certification* before foundation inspection approval.

(G7) New construction ~~and modification or~~ substantial improvement of any *structure* in *FIRM* Zone AH or AO shall have the *lowest floor*, including *basement*, elevated above the highest adjacent *grade* at least 2 feet higher than the depth number specified on the *FIRM*, or at least 4 feet if no depth number is specified. Upon the completion of the *structure* the

elevation of the *lowest floor*, including *basement*, shall be certified by a registered professional engineer or surveyor, to be properly elevated. The *certification* shall be recorded with the County Recorder, and the *certification* and evidence of recordation shall be provided to the City Manager Engineer before final inspection approval. The City Manager Engineer reserves the right to may require a preliminary *certification* before foundation inspection approval.

(H8) Permitted nonresidential construction shall either be elevated as required by Section ~~143.0145(c)(3)(F) or (G)~~ 143.0146(c)(6) or (7) or, together with attendant utility and sanitary facilities, meet the flood proofing requirements of FEMA. *Certification* by a registered professional engineer or architect that such requirements are met shall be recorded with the County Recorder, and the *certification* and evidence of recordation shall be provided to the City Manager Engineer before final inspection approval. The City Manager Engineer reserves the right to may require a preliminary *certification* before foundation inspection approval.

(I9) Fully enclosed areas below the *lowest floor* that are subject to *flooding* shall be certified by a registered professional engineer or architect that they comply with the flood proofing requirements of FEMA. The *certification* shall be provided to the City Manager Engineer before final inspection approval.

(4d) Standards for *Manufactured Homes*

All new and replacement *manufactured homes* and additions to *manufactured homes* are subject to the following regulations.

(A1) [No change in text.]

(B2) [No change in text.]

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process <sup>(1)</sup>
Residential <i>development</i> requesting deviations from applicable zone regulations <sup>(2)</sup>	143.0403, 143.0410, 143.0420	PDP/Process 4
Commercial and Industrial <i>development</i> requesting deviations from applicable zone regulations	143.0403, 143.0410, 143.0460	PDP/Process 4
<i>Developments</i> within <i>land use plans</i> where a Planned Development Permit is recommended when other discretionary actions are requested	143.0403, 143.0465	PDP/Process 3
Rural cluster <i>development</i> in the AR and OR zones	143.0403, 143.0410, 143.0420, 143.0440	PDP/Process 4
Rural cluster <i>development</i> with increased <i>density</i> in the AR-1-1 and OR-1-2 zones within the future urbanizing area <sup>(3)</sup>	143.0403, 143.0410, 143.0420, 143.0450	PDP/Process 5
Residential <i>development</i> in RS zones of urbanized communities where a Planned Development Permit is requested	143.0403, 143.0410, 143.0420, 143.0430	PDP/Process 4

Footnotes to Table 143-04A

1 and 2 [No change.]

<sup>3</sup> Rural cluster development with increased *density* is not available to properties within the Del Mar Mesa Specific Plan area. Refer to the Del Mar Mesa Specific Plan adopted on May 27, 1997, by O-18337 for the applicable development regulations.

**SEC. 143.0410 General Development Regulations for Planned Development Permits**

The following regulations are applicable to *developments* for which a Planned Development Permit is requested when identified in Table 143-04A.

(a) Deviations

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

(3) A Planned Development Permit may not be used to request deviations from any of the following regulations:



~~(E3)~~ A registered engineer or architect must certify that the conditions of this subsection have been met. The *certification* shall be recorded with the County Recorder, and the *certification and evidence of recordation* shall be provided to the City Manager Engineer before final inspection approval.

(5e) Standards for Utilities

*Certification* shall be provided to the City Manager Engineer before final inspection approval that the following requirements have been met.

(A1) [No change in text.]

(B2) [No change in text.]

**SEC. 143.0150 Deviations from Environmentally Sensitive Lands Regulations**

[No change to first paragraph.]

(a) [No change.]

(b) Deviations from the ~~FEMA-Special-Development Regulations~~ for *Special Flood Hazard Areas* in Section 143-0145(e) Sections 143.0145 and 143.0146 may be granted only if the decision maker makes the *findings* in Section 126.0504(d).

(c) [No change.]

**SEC. 143.0402 When Planned Development Permit Regulations Apply**

This division applies to all *development* proposals for which a Planned Development Permit is requested, in accordance with Table 143-04A.

**Table 143-04A  
Supplemental Planned Development Permit Regulations Applicability**

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

(D) Residential density unless the residential component is part of a mixed-use (commercial/residential) project and the applicable land use plan establishes a higher density than the base zone;

(DE) Applicable supplemental regulations identified in Table 143-04A;

(EE) The regulations in Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations); and

(FG) The regulations in Chapter 14, Article 3, Division 2 (Historical Resources Regulations).

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

(a) *Density*

- (1) Within the AR-1-1 and OR-1-2 zones within the future urbanizing area, except within the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance No. O-18337, the maximum permitted *density* with the increased *density* rural cluster alternative is one dwelling unit per 4 acres with the dwelling units clustered. The remainder of the *premises* where no *development* is proposed shall be maintained in its natural state with no future *development* potential. The utilization of this increased *density* alternative shall require the provision of housing within the *premises*, affordable to low or very low income families, in accordance with Section 143.0450(d). For development within the Del Mar Mesa Specific Plan area the development regulations identified in the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance 18337 apply.

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

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

Amend Table 143-01A in Section 143.0110(b) by renumbering Section 143.0146(c)

appearing within Table 143-01A to read Section 143.0146. [It appears a total of six times.]

PD:MJL:cdk:lc

11/29/00

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