

ORDINANCE NUMBER O- 18948

ADOPTED ON JUN 12 2001

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 12 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING ARTICLE 6, DIVISION 3, SECTION 126.0303; BY AMENDING ARTICLE 7, DIVISION 1, SECTIONS 127.0103 AND 127.0107; DIVISION 2, SECTION 127.0202; BY AMENDING ARTICLE 8, DIVISION 3, SECTION 128.0314; BY AMENDING ARTICLE 9, DIVISION 1, SECTION 129.0119; CHAPTER 13, BY AMENDING ARTICLE 1, DIVISION 1, SECTION 131.0112; DIVISION 2, SECTIONS 131.0222 AND 131.0250; DIVISION 3, SECTION 131.0322; DIVISION 4, SECTIONS 131.0422, 131.0443, AND 131.0461; DIVISION 5, SECTIONS 131.0522 AND 131.0531; DIVISION 6, SECTION 131.0622; CHAPTER 14, BY AMENDING ARTICLE 1, DIVISION 4, SECTION 141.0406; DIVISION 10, SECTION 141.1004; DIVISION 11, SECTION 141.1104; BY AMENDING ARTICLE 2, DIVISION 5, SECTION 142.0530; DIVISION 7, SECTION 142.0725; DIVISION 12, SECTION 142.1206; AND BY AMENDING ARTICLE 3, DIVISION 8, SECTION 143.0840, ALL PERTAINING TO THE LAND DEVELOPMENT CODE.

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

Section 1. That Chapter 12 of the San Diego Municipal Code is amended by amending Article 6, Division 3, Section 126.0303; by amending Article 7, Division 1, Sections 127.0103 and 127.0107; Division 2, Section 127.0202; by amending Article 8, Division 3, Section 128.0314; and by amending Article 9, Division 1, Section 129.0119 to read as follows:

§126.0303 When a Conditional Use Permit Is Required

[No change to first paragraph.]

- (a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops through Boarding kennels [No change.]

Child care facilities

[No change to remainder of section.]

§127.0103 **Review Process for Previously Conforming Premises and Uses**

The required review process for different types of proposed *development* or activity, based on the *previously conforming* category, such as existing *structural envelope, density,* and uses are shown in Tables 127-01A through 127-01C. If the proposed *development* includes more than one *previously conforming* category, all corresponding regulations, as described in Sections 127.0104 through 127.0108 apply.

(a) *Previously Conforming Structural Envelope*

**Table 127-01A
Review Process for Previously Conforming Structural Envelope**

Type of <i>Development</i> Proposal	Applicable Sections	Required Development Permit/Decision Process
Maintenance, repair or alteration (less than or equal to 50% of <i>market value</i> of entire <i>structure</i> or improvement) that does not expand the <i>structural envelope</i> .	127.0104	CP/Process 1
Maintenance, repair or alteration (greater than 50% of <i>market value</i> of entire <i>structure</i> or improvement) that does not expand the <i>structural envelope</i> .	127.0104	CP/Process 1

Reconstruction (following fire, natural disaster, act of the public enemy) for residential <i>structures</i> or for nonresidential <i>structures</i> when the cost of reconstruction is less than 50 percent of <i>market value</i> .	127.0105(a), (b) and (e)	<u>CP/Process 1</u>
Reconstruction (following fire, natural disaster, act of the public enemy) for nonresidential <i>structures</i> when the cost of reconstruction is greater than 50 percent of <i>market value</i> .	127.0105(c) and (d)	<u>NDP/Process 2</u>
Expansion/enlargement, where new construction conforms with all current development regulations.	127.0106(a) and (b).	CP/Process 1
Expansion/enlargement where new construction requests a reduction of up to 20% from required <i>setbacks</i> .	127.0106(c).	NDP/Process 2

Legend to Table 127-01A:

CP = Construction Permit
NDP = Neighborhood Development Permit

(b) *Previously Conforming Density*

Table 127-01B
Review Process for Previously Conforming Density

Type of <i>Development</i> Proposal	Applicable Sections	Required Development Permit/Decision Process
Maintenance, repair or alteration (less than or equal to 50% of <i>market value</i> of entire <i>structure</i> or improvement) that does not expand the <i>structural envelope</i> .	127.0104.	CP/Process 1

Maintenance, repair or alteration (greater than 50% of <i>market value</i> of entire <i>structure</i> or improvement) that does not expand the <i>structural envelope</i> .	127.0104.	NDP/Process 2
Reconstruction (following fire, natural disaster, act of the public enemy) for residential <i>structures</i> or for nonresidential <i>structures</i> when the cost of reconstruction is less than 50 percent of <i>market value</i> .	127.0105(a), (b) and (e)	<u>CP/Process 1</u>
Reconstruction (following fire, natural disaster, act of the public enemy) for nonresidential <i>structures</i> when the cost of reconstruction is greater than 50 percent of <i>market value</i> .	127.0105(c) and (d)	<u>NDP/Process 2</u>
Expansion/enlargement, where new construction conforms with all current development regulations.	127.0106(a) and (b).	NDP/Process 2
Expansion/enlargement where new construction requests a reduction of up to 20% from required <i>setbacks</i> .	127.0106(c).	NDP/Process 2

Legend to Table 127-01B:

CP = Construction Permit
NDP = Neighborhood Development Permit

(c) *Previously Conforming Use*

Table 127-01C
Review Process for Previously Conforming Use

Type of <i>Development</i> Proposal	Applicable Sections	Required Development Permit/Decision Process
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Maintenance, repair or alteration (less than or equal to 50% of <i>market value</i> of entire <i>structure</i> or improvement) that does not expand the <i>structural envelope</i> .	127.0104	CP/Process 1
Maintenance, repair or alteration (greater than 50% of <i>market value</i> of entire <i>structure</i> or improvement) that does not expand the <i>structural envelope</i> .	127.0104	NDP/Process 2
Reconstruction (following fire, natural disaster, act of the public enemy).	127.0105	<u>CP/Process 1⁽¹⁾</u>
		<u>NDP/Process 2⁽²⁾</u>
Expansion/enlargement, where new construction conforms with all current development regulations.	127.0106(a) and (b)	<u>NDP/Process 2⁽³⁾</u>
Expansion/enlargement where new construction requests a reduction of up to 20% from required <i>setbacks</i> .	127.0106(c)	<u>NDP/Process 2⁽³⁾</u>
Change to another <i>previously conforming</i> use within the same use category.	127.0107	<u>CP/Process 1</u>
Operating a <i>previously conforming</i> use, including resumption of <i>previously conforming</i> use up to 2 years after discontinuance.	127.0108(a) and (c)	<u>CP/Process 1</u>
Resumption of a <i>previously conforming</i> use after 2 years discontinuance.	127.0108(b) and (c)	<u>NUP/Process 2</u>
Increase in <i>floor area</i> to a <i>previously conforming</i> use (less than or equal to 20% of <i>gross floor area</i> of the existing <i>structure</i>).	127.0109	<u>NUP/Process 2⁽³⁾</u>

Legend to Table 127-01C:

CP = Construction Permit
NDP = Neighborhood Development Permit
NUP = Neighborhood Use Permit

Footnotes to Table 127-01C:

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

§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. For the purposes of Section 127.0107, intensification of use means a change in the use of a *lot* or *premises* which, based on the provisions of the applicable zone, requires more off-street parking than the most recent legal use on the *premises*.
- (c) [No change.]

§127.0202 General Rules for Previously Conforming Signs

The following general rules apply to all *previously conforming signs*.

- (a) through (d) [No change.]
- (e) These *previously conforming sign* procedures do not apply to *signs* that are *designated historical resources*. A *sign* which is a *designated historical resource* is subject to Chapter 14, Article 3, Division 2 (Historical Resources Regulations).
- (f) [No change.]

§128.0314 Erroneous Information in Environmental Documents

- (a) [No change.]
- (b) This section shall not apply if the information originally submitted was considered valid at the time of certification of the environmental document but later methodology establishes that the information is no longer valid.

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

- (a) [No change in sentence.]
 - (1) through (5) [No change.]
 - (6) The amount of the bond covering a specific project shall be approved by the City Manager based on the amount of the estimate of the cost of work and the following schedule:
 - (A) and (B) [No change.]
 - (C) *Grading*: 100 percent of the estimated cost up to \$5,000 and \$5,000 plus 50 percent of the estimated cost above \$5,000 and up to \$50,000 and plus 25 percent of the estimated cost above \$50,000;
 - (D) and (E) [No change.]
- (b) through (f) [No change.]

Section 2. That Chapter 13 of the San Diego Municipal Code is amended by amending Article 1, Division 1, Section 131.0112; Division 2, Sections 131.0222 and 131.0250; Division 3, Section 131.0322; Division 4, Sections 131.0422, 131.0443, and 131.0461; Division 5,

Sections 131.0522 and 131.0531; and Division 6, Section 131.0622 to read as follows:

§131.0112 Descriptions of Use Categories and Subcategories

(a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).

(1) [No change.]

(2) **Agriculture Use Category**

This category includes uses that involve the raising and harvesting of crops, the raising of animals, and the processing of plant and animal by-products. The agriculture subcategories are:

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

(C) **Dairies -- Uses related to the milking of livestock and processing milk for consumption or transportation to markets.**

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

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

§131.0222 Use Regulations Table for Open Space Zones

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

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

[Changes to portions of Table 131-02B.]

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

Separately Regulated Commercial Services Uses					
Child-Care-Facilities <i>Child Care Facilities:</i>					
Wholesale, Distribution, Storage					
Equipment & Materials Storage Yards		-		-	
Moving & Storage Facilities <u>Facilities</u>		-		-	
Warehouses		-		-	
Wholesale Distribution		-		-	

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

§131.0250 Allowable Development Area in OR Zones

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

(1) [No change.]

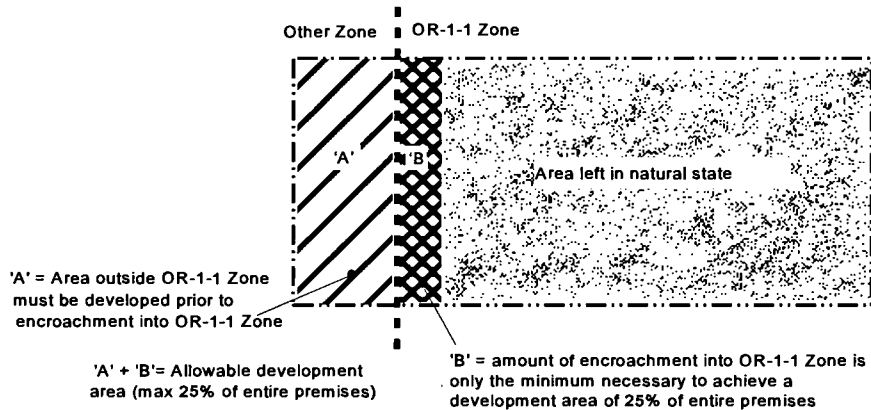
(2) If the OR-1-1 zone applies only to a portion of a *premises*, the following regulations apply:

(A) If less than 25 percent of the *premises* is outside the OR-1-1 zone, the portion that is outside the OR-1-1 zone shall be developed before any *encroachment* into the OR-1-1 zoned portion. *Encroachment* into the OR-1-1 zone may be permitted to achieve a maximum

development area of 25 percent of the entire site. See

Diagram 131-02A.

Diagram 131-02A
Allowable Development Area with Encroachment Into OR-1-1 Zone



[The text under the diagram has been amended as follows:]

“B” = amount of encroachment into OR-1-1 Zone is only the minimum necessary to achieve a development area of 25% of entire premises.

(B) [No change.]

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

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

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

(6) The portions of the *premises* within the *MHPA* that are not included in the allowable development area shall be maintained in their natural state and may be used only for passive uses consistent with the *Multiple Species Conservation Program*.

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

§131.0322 Use Regulations Table for Agricultural Zones

The uses allowed in the agricultural zones are shown in Table 131-03B.

Legend for Table 131-03B - No change

[Change to a portion of Table 131-03B.]

**Table 131-03B
Use Regulations Table of Agricultural Zones**

Separately Regulated Commercial Services Uses					
Child-Care-Facilities <i>Child Care Facilities:</i>					
Wholesale, Distribution, Storage					
Equipment & Materials Storage Yards	-	-			
Moving & Storage Facilities <u>Facilities</u>	-	-			
Warehouses	-	-			
Wholesale Distribution	-	-			

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

§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.]

[Change to a portion of Table 131-04B]

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

Commercial Services					
<i>Child Care Facilities:</i>					

§131.0443 Setback Requirements in Residential Zones

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

(e) *Setbacks* in RM-2-4, RM-2-5, RM-2-6 Zones

(1) [No change.]

(2) *Side Setbacks* in RM-2-4, RM-2-5, RM-2-6 Zones

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

(C) For *lots* with less than 40 feet in width, each side *setback* may be reduced to 10 percent of the *lot* width but shall not be reduced to less than 3 feet.

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

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

§131.0461 Architectural Projections and Encroachments in Residential Zones

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

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

(4) Fireplace enclosures may encroach into required *yards* subject to the following requirements:

(A) [No change.]

(B) The fireplace and chimney are not subject to the 45-degree sloped *building envelope* requirement and may extend to the maximum *structure height* at the required *setback*.

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

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

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

§131.0522 Use Regulations Table of Commercial Zones

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

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

[Change to a portion of Table 131-05B]

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

Commercial Services					
<i>Child Care Facilities:</i>					

§131.0531 Development Regulations Tables of Commercial Zones

[No change in first sentence.]

(a) [No change.]

[No change in Table 131-05C.]

[No change in Table 131-05D.]

Footnotes For Table 131-05D

Footnotes 1 through 3 [No change.]

- 4 Within the Kearny Mesa Community Plan area, the maximum *floor area ratio* is 0.50 and the portion of the maximum allowed *gross floor area* that may be occupied by retail sales or eating and drinking establishments shall not exceed 70 percent.

§131.0622 Use Regulations Table for Industrial Zones

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

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

[Change to a portion of Table 131-06B]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
		1-	2-			1	
		1	1		1	2	
Commercial Services							
<i>Child Care Facilities:</i>							

Section 3. That Chapter 14 of the San Diego Municipal Code is amended by amending Article 1, Division 4, Section 141.0406; Division 10, Section 141.1004; Division 11, Section 141.1104; by amending Article 2, Division 5, Section 142.0530; Division 7, Section 142.0725; Division 12, Section 142.1206; and by amending Article 3, Division 8, Section 143.0840 to read as follows:

§141.0406 Correctional Placement Centers

Correctional placement centers may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones)

subject to the following regulations.

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

(h) Centers that have 99 or fewer residents shall provide an exercise area of at least 900 square feet, not including required *yards* and required landscape areas. Centers that have 100 or more residents shall have an exercise area of at least 2,400 square feet, not including required *yards* and required landscape areas. If an outdoor exercise area is provided, it shall be easily accessible to residents, protected from traffic, and *screened* by solid fencing from the *public right-of-way*.

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

§141.1004 Mining and Extractive Industries

Mining and extractive industries may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

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

(m) Deviations from the approved *reclamation* plan, including an IMP, are not permitted unless amendments to the *reclamation* plan, financial assurances and the Conditional Use Permit have been approved by the decision maker in accordance with Process Four, or the Substantial Conformance Review process where applicable.

(n) and (o) [No change.]

§141.1104 Community Identification Signs

Community identification *signs* may be permitted with a Neighborhood Use Permit in the zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Community Entry *Signs*

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

(5) Community entry *signs* may be illuminated only with low intensity, ground-mounted flood lights.

(b) Neighborhood Area Identification *Signs*

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

(3) *Signs* shall be one of the following types:

(A) [No change.]

(B) *Signs* on freestanding walls not exceeding 6 feet in height and 20 square feet in *sign copy area*.

(4) [No change.]

(5) Neighborhood area identification *signs* may be illuminated only with low intensity ground-mounted flood lights.

(6) [No change.]

§142.0530 Nonresidential Uses - Parking Ratios

(a) [No change to text.]

[No change to Tables 142.05D and 142.05E.]

[Change to a portion of Table 142.05F]

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

Separately Regulated Uses					
<i>Child Care Facilities:</i>					

§142.0725 Electrical/ Radio-Activity Regulations

Electrical and radio-activity disturbance from any *premises* shall not unduly interfere with the normal operation of equipment or instruments on adjacent properties or in the community.

§142.1206 Violations of Sign Regulations

- (a) [No change.]
 - (1) through (2) [No change.]
 - (3) Display any sign without the required Sign Permit Sticker; or
 - (4) [No change.]
- (b) [No change.]

§143.0840 General Rules for Coastal Overlay Zone Affordable Housing Replacement Regulations

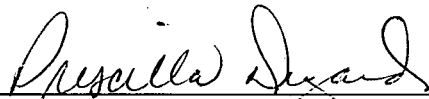
- (a) through (c) [No change.]
- (d) The San Diego Housing Commission shall adopt, and bi-annually update, a schedule for in-lieu fees.

Section 4. 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 5. 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 sections 128.0314 and 129.0119 shall be in force and take effect on the 30th day from and after its passage.

Section 6. That the City Manager is directed to forward to the Coastal Commission the amendments required to be certified as Local Coastal Program amendments.

APPROVED: CASEY GWINN, City Attorney

By 

Prescilla Dugard
Deputy City Attorney

PD:cdk
04/20/01
05/23/01 COR. COPY
Or.Dept:Dev. Rev.
O-2001-123

STRIKEOUT ORDINANCE

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

(SO-2001-123)(COR. COPY)

ORDINANCE NUMBER O-_____

ADOPTED ON _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 12 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING ARTICLE 6, DIVISION 3, SECTION 126.0303; BY AMENDING ARTICLE 7, DIVISION 1, SECTIONS 127.0103 AND 127.0107; DIVISION 2, SECTION 127.0202; BY AMENDING ARTICLE 8, DIVISION 3, SECTION 128.0314; BY AMENDING ARTICLE 9, DIVISION 1, SECTION 129.0119; CHAPTER 13, BY AMENDING ARTICLE 1, DIVISION 1, SECTION 131.0112; DIVISION 2, SECTIONS 131.0222 AND 131.0250; DIVISION 3, SECTION 131.0322; DIVISION 4, SECTIONS 131.0422, 131.0443, AND 131.0461; DIVISION 5, SECTIONS 131.0522 AND 131.0531; DIVISION 6, SECTION 131.0622; CHAPTER 14, BY AMENDING ARTICLE 1, DIVISION 4, SECTION 141.0406; DIVISION 10, SECTION 141.1004; DIVISION 11, SECTION 141.1104; BY AMENDING ARTICLE 2, DIVISION 5, SECTION 142.0530; DIVISION 7, SECTION 142.0725; DIVISION 12, SECTION 142.1206; AND BY AMENDING ARTICLE 3, DIVISION 8, SECTION 143.0840, ALL PERTAINING TO THE LAND DEVELOPMENT CODE.

§126.0303 **When a Conditional Use Permit Is Required**

[No change to first paragraph.]

(a) **Conditional Use Permits Decided by Process Three**

Agricultural equipment repair shops through Boarding kennels [No change.]

~~Child-care facilities~~Child care facilities

[No change to remainder of section.]

§127.0103 Review Process for Previously Conforming Premises and Uses

The required review process for different types of proposed *development* or activity, based on the previously conforming category, such as existing *structural envelope*, *density*, and uses are shown in Tables 127-01A through 127-01C. If the proposed development includes more than one previously conforming category, all corresponding regulations, as and described in-text in Sections 127.0104 through 127.0108 apply.

(a) Previously Conforming Structural Envelope

~~Table 127-01A~~
~~Review Process for Previously Conforming Premises and Uses~~

Development/Activity Proposed	REQUIRED REVIEW PROCESS					
	Existing Structural Envelope		Existing Density		Existing Use	
	€	PC	€	PC	€	PC
Maintenance, repair or alteration (less than or equal to 50% of market value of entire structure or improvement) that does not expand the structural envelope. See Section 127.0104.	+	+	+	+	+	+
Maintenance, repair or alteration (greater than 50% of market value of entire structure or improvement) that does not expand the structural envelope. See Section 127.0104.	+	+	+	2	+	2
Reconstruction (following fire, natural disaster, act of the public enemy). See Section 127.0105.	n/a	+	+	+	+	+ ⁽¹⁾ 2 ⁽²⁾

Expansion/enlargement, where new construction conforms with all current development regulations. See Sections 127.0106(a) and (b).	1	1	1	2	1	2 ⁽³⁾
Expansion/enlargement where new construction requests a reduction of up to 20% from required setbacks. See Section 127.0106(e).	3	2	3	2	3	2 ⁽³⁾
Change to another <i>previously conforming</i> use within the same use category. See Section 127.0107.	n/a	n/a	n/a	n/a	n/a	1
Operating a <i>previously conforming</i> use, including resumption of <i>previously conforming</i> use (up to 2 years after discontinuance). See Sections 127.0108(a) and (e).	n/a	n/a	n/a	n/a	n/a	1
Resumption of a <i>previously conforming</i> use (after 2 years discontinuance). See Sections 127.0108(b) and (e).	n/a	n/a	n/a	n/a	n/a	2
Increase in floor area to a particular <i>previously conforming</i> use (less than or equal to 20% of gross floor area of the existing structure). See Section 127.0109.	n/a	n/a	n/a	n/a	n/a	2 ⁽³⁾

Legend to Table 127-01A:

- C ——— Conforming at the Time of Proposed Development
PC ——— *Previously Conforming*
1 ——— Process One Approval Required
2 ——— Process Two Approval Required
n/a ——— Not Applicable

Table 127-01A
Review Process for Previously Conforming Structural Envelope

<u>Type of Development Proposal</u>	<u>Applicable Sections</u>	<u>Required Development Permit/Decision Process</u>
<u>Maintenance, repair or alteration (less than or equal to 50% of market value of entire structure or improvement) that does not expand the structural envelope.</u>	<u>127.0104</u>	<u>CP/Process 1</u>

<u>Maintenance, repair or alteration (greater than 50% of market value of entire structure or improvement) that does not expand the structural envelope.</u>	<u>127.0104</u>	<u>CP/Process 1</u>
<u>Reconstruction (following fire, natural disaster, act of the public enemy) for residential structures or for nonresidential structures when the cost of reconstruction is less than 50 percent of market value.</u>	<u>127.0105(a), (h) and (e)</u>	<u>CP/Process 1</u>
<u>Reconstruction (following fire, natural disaster, act of the public enemy) for nonresidential structures when the cost of reconstruction is greater than 50 percent of market value.</u>	<u>127.0105(c) and (d)</u>	<u>NDP/Process 2</u>
<u>Expansion/enlargement, where new construction conforms with all current development regulations.</u>	<u>127.0106(a) and (h).</u>	<u>CP/Process 1</u>
<u>Expansion/enlargement where new construction requests a reduction of up to 20% from required setbacks.</u>	<u>127.0106(c).</u>	<u>NDP/Process 2</u>

Legend to Table 127-01A:

CP ≡ Construction Permit
NDP ≡ Neighborhood Development Permit

(b) Previously Conforming Density

Table 127-01B
Review Process for Previously Conforming Density

<u>Type of Development Proposal</u>	<u>Applicable Sections</u>	<u>Required Development Permit/Decision Process</u>
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<u>Maintenance, repair or alteration (less than or equal to 50% of market value of entire structure or improvement) that does not expand the structural envelope.</u>	<u>127.0104.</u>	<u>CP/Process 1</u>
<u>Maintenance, repair or alteration (greater than 50% of market value of entire structure or improvement) that does not expand the structural envelope.</u>	<u>127.0104.</u>	<u>NDP/Process 2</u>
<u>Reconstruction (following fire, natural disaster, act of the public enemy) for residential structures or for nonresidential structures when the cost of reconstruction is less than 50 percent of market value.</u>	<u>127.0105(a), (b) and (e)</u>	<u>CP/Process 1</u>
<u>Reconstruction (following fire, natural disaster, act of the public enemy) for nonresidential structures when the cost of reconstruction is greater than 50 percent of market value.</u>	<u>127.0105(c) and (d)</u>	<u>NDP/Process 2</u>
<u>Expansion/enlargement, where new construction conforms with all current development regulations.</u>	<u>127.0106(a) and (h).</u>	<u>NDP/Process 2</u>
<u>Expansion/enlargement where new construction requests a reduction of up to 20% from required setbacks.</u>	<u>127.0106(c).</u>	<u>NDP/Process 2</u>

Legend to Table 127-01B:

CP ≡ Construction Permit
NDP ≡ Neighborhood Development Permit

(c) Previously Conforming Use

Table 127-01C
Review Process for Previously Conforming Use

<u>Type of <i>Development</i> Proposal</u>	<u>Applicable Sections</u>	<u>Required Development Permit/Decision Process</u>
<u>Maintenance, repair or alteration (less than or equal to 50% of <i>market value</i> of entire <i>structure</i> or improvement) that does not expand the <i>structural envelope</i>.</u>	<u>127.0104</u>	<u>CP/Process 1</u>
<u>Maintenance, repair or alteration (greater than 50% of <i>market value</i> of entire <i>structure</i> or improvement) that does not expand the <i>structural envelope</i>.</u>	<u>127.0104</u>	<u>NDP/Process 2</u>
<u>Reconstruction (following fire, natural disaster, act of the public enemy).</u>	<u>127.0105</u>	<u>CP/Process 1⁽¹⁾</u>
		<u>NDP/Process 2⁽²⁾</u>
<u>Expansion/enlargement, where new construction conforms with all current development regulations.</u>	<u>127.0106(a) and (b)</u>	<u>NDP/Process 2⁽³⁾</u>
<u>Expansion/enlargement where new construction requests a reduction of up to 20% from required <i>setbacks</i>.</u>	<u>127.0106(c)</u>	<u>NDP/Process 2⁽³⁾</u>
<u>Change to another <i>previously conforming</i> use within the same use category.</u>	<u>127.0107</u>	<u>CP/Process 1</u>
<u>Operating a <i>previously conforming</i> use, including resumption of <i>previously conforming</i> use up to 2 years after discontinuance.</u>	<u>127.0108(a) and (c)</u>	<u>CP/Process 1</u>
<u>Resumption of a <i>previously conforming</i> use after 2 years discontinuance.</u>	<u>127.0108(b) and (c)</u>	<u>NUP/Process 2</u>
<u>Increase in <i>floor area</i> to a <i>previously conforming</i> use (less than or equal to 20% of <i>gross floor area</i> of the existing <i>structure</i>).</u>	<u>127.0109</u>	<u>NUP/Process 2⁽³⁾</u>

Legend to Table 127-01C:

CP ≡ Construction Permit

NDP ≡ Neighborhood Development Permit
NUP ≡ Neighborhood Use Permit

Footnotes to Table 127-201AC:

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

§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. For the purposes of Section 127.0107, intensification of use means a change in the use of a lot or premises which, based on the provisions of the applicable zone, requires more off-street parking than the most recent legal use on the premises.

(c) [No change.]

§127.0202 General Rules for Previously Conforming Signs

The following general rules apply to all *previously conforming signs*.

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

(e) These *previously conforming sign* procedures do not apply to *signs* that are have been designated designated historical resources. A designated *historical sign* which is a designated historical resource is subject to Chapter 14, Article 3, Division 2 (Historical Resources Regulations).

(f) [No change.]

§128.0314 Erroneous Information in Environmental Documents

(a) [No change.]

(b) This section shall not apply if the information originally submitted was considered valid at the time of ~~certification~~ certification of the environmental document but later methodology establishes that the information is no longer valid.

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

(a) [No change in sentence.]

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

(6) The amount of the bond covering a specific project shall be approved by the City Manager based on the amount of the estimate of the cost of work and the following schedule:

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

(C) *Grading*: 100 percent of the estimated cost up to \$5,000 and \$5,000 plus 50 percent of the estimated cost above \$5,000 and up to \$50,000 and plus 25% percent of the estimated cost above \$50,000;

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

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

§131.0112 Descriptions of Use Categories and Subcategories

(a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131:0110. A description of separately regulated uses is located in Section 131.0112(b).

(1) [No change.]

(2) Agriculture Use Category

This category includes uses that involve the raising and harvesting of crops, the raising of animals, and the processing of plant and animal by-products. The agriculture subcategories are:

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

(C) Dairies -- Uses related to the milking of livestock and *processing* processing milk for consumption or transportation to markets.

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

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

§131.0222 Use Regulations Table for Open Space Zones

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

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

[Changes to portions of Table 131-02B.]

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

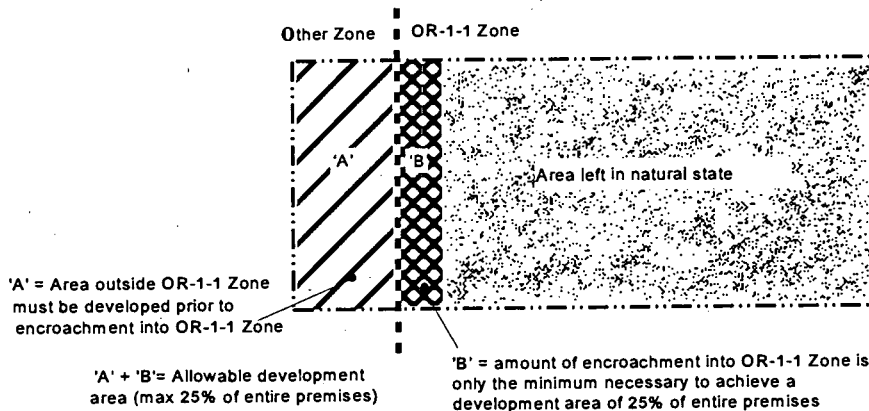
Separately Regulated Commercial Services Uses				
Child Care Facilities <u>Child Care Facilities:</u>				
Wholesale, Distribution, Storage				
Equipment & Materials Storage Yards	-	-		
Moving & Storage Facilities <u>Facilities</u>	-	-		
Warehouses	-	-		
Wholesale Distribution	-	-		

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

§131.0250 Allowable Development Area in OR Zones

- (a) Within the OR-1-1 zone, up to 25 percent of the *premises* may be developed subject to the following:
- (1) [No change.]
 - (2) If the OR-1-1 zone applies only to a portion of a *premises*, the following regulations apply:
 - (A) If less than 25 percent of the *premises* is outside the OR-1-1 zone, the portion that is outside the OR-1-1 zone shall be developed before any *encroachment* into the OR-1-1 zoned portion. *Encroachment* into the OR-1-1 zone may be permitted to achieve a maximum development area of 25 percent of the entire site. See Diagram 131-02A.

Diagram 131-02A
Allowable Development Area with Encroachment Into OR-1-1 Zone



[The text under the diagram has been amended as follows:]

“B” = amount of encroachment into OR-1-1 Zone is only the minimum necessary to achieve a development area ~~or of 20%~~ or 25% of entire premises.

(B) [No change.]

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

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

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

(6) The portions of the *premises* within the *MHPA* that are not included in the allowable development area shall be maintained in their natural state and may be used only for passive uses consistent with the *Multiple Species Conservation Program Plan*.

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

§131.0322 Use Regulations Table for Agricultural Zones

The uses allowed in the agricultural zones are shown in Table 131-03B.

Legend for Table 131-03B - No change

[Change to a portion of Table 131-03B.]

Table 131-03B
Use Regulations Table of Agricultural Zones

Separately Regulated Commercial Services Uses					
Child Care Facilities <i>Child Care Facilities:</i>					
Wholesale, Distribution, Storage					
Equipment & Materials Storage Yards	-	-			
Moving & Storage Facilities <i>Facilities</i>	-	-			
Warehouses	-	-			
Wholesale Distribution	-	-			

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

§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.]

[Change to a portion of Table 131-04B]

Table 131-04B
Use Regulations Table of Residential Zones

Commercial Services					
Child Care Facilities <i>Child Care Facilities:</i>					

[Note: *Child Care Facilities* appears two times under “Commercial Services” in Table 131-04B. Both references are to be italicized.]

§131.0443 Setback Requirements in Residential Zones

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

(e) *Setbacks* in RM-2-4, RM-2-5, RM-2-6 Zones

(1) [No change.]

(2) *Side Setbacks* in RM-2-4, RM-2-5, RM-2-6 Zones

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

(C) For lots with less than 40 feet in width, each side setback may be reduced to 10 percent of the lot width but shall not be reduced to less than 3 feet.

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

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

§131.0461 Architectural Projections and Encroachments in Residential Zones

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

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

(4) Fireplace enclosures may encroach into required yards subject to the following requirements:

(A) [No change.]

(B) The fireplace and chimney are not be subject to the 45-degree sloped *building envelope* requirement and may extend to the maximum *structure height* at the required *setback*.

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

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

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

§131.0522 Use Regulations Table of Commercial Zones

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

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

[Change to a portion of Table 131-05B]

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

Commercial Services					
Child Care Facilities <i>Child Care Facilities:</i>					

[Note: *Child Care Facilities* appears two times under “Commercial Services” in Table 131-05B. Both references are to be italicized.]

§131.0531 Development Regulations Tables of Commercial Zones

[No change in first sentence.]

(a) [No change.]

[No change in Table 131-05C.]

[No change in Table 131-05D.]

Footnotes For Table 131-05D

Footnotes 1 through 3 [No change.]

- 4 Within the Kearny Mesa Community Plan area, the maximum *floor area ratio* is 0.50 and the portion of the maximum allowed *gross floor area* that may be occupied by retail sales or eating and drinking establishments shall not exceed 70 percent.

§131.0622 Use Regulations Table for Industrial Zones

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

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

[Change to a portion of Table 131-06B]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones			
	1-	2-				
	1	1		1	2	
Commercial Services						
Child-Care Facilities <i>Child Care Facilities:</i>						

§141.0406 Correctional Placement Centers

Correctional placement centers may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

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

(h) Centers that have 99 or fewer residents shall provide an exercise area of at

least 900 square feet, not including ~~required~~ required yards and required landscape areas. Centers that have 100 or more residents shall have an exercise area of at least 2,400 square feet, not including ~~required~~ required yards and required landscape areas. If an outdoor exercise area is provided, it shall be easily accessible to residents, protected from traffic, and *screened* by solid fencing from the *public right-of-way*.

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

§141.1004 Mining and Extractive Industries

Mining and extractive industries may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

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

(m) Deviations from the approved *reclamation* plan, including an IMP, are not permitted unless amendments to the *reclamation* plan, financial assurances and the Conditional Use Permit have been approved by the decision maker in accordance with Process Four ~~Process-Four~~, or the Substantial Conformance Review process where applicable.

(n) and (o) [No change.]

§141.1104 Community Identification Signs

Community identification *signs* may be permitted with a Neighborhood Use Permit in the zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article

1 (Base Zones) subject to the following regulations.

(a) Community Entry *Signs*

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

(5) Community entry *signs* may be illuminated only with low intensity, ground-mounted ~~*hood*~~ hood lights.

(b) Neighborhood Area Identification *Signs*

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

(3) *Signs* shall be one of the following types:

(A) [No change.]

(B) *Signs* on freestanding ~~*walls*~~ walls not exceeding 6 feet in height and 20 square feet in *sign copy area*.

(4) [No change.]

(5) Neighborhood area identification *signs* may be illuminated only with low intensity ground-mounted ~~*hood*~~ hood lights.

(6) [No change.]

§142.0530 Nonresidential Uses - Parking Ratios

(a) [No change to text.]

[No change to Tables 142.05D and 142.05E.]

[Change to a portion of Table 142.05F]

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

Separately Regulated Uses					
Child-care facilities <i>Child Care Facilities:</i>					

§142.0725 Electrical/-Radioactivity Radio-Activity Regulations

Electrical and radioactivity radio-activity disturbance from any *premises* shall not unduly interfere with the normal operation of equipment or instruments on adjacent properties or in the community.

§142.1206 Violations of Sign Regulations

(a) [No change.]

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

(3) Display any sign without the required Sign Permit Sticker; and or

(4) [No change.]

(b) [No change.]

§143.0840 General Rules for Coastal Overlay Zone Affordable Housing Replacement Regulations

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

(d) The San Diego Housing Commission shall adopt, and from-time-to-time bi-annually update, a schedule for in-lieu fees.

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