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ORDINANCE NUMBER O- 19734 (NEW SERIES)

DATE OF FINAL PASSAGE APR 08 2008

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 11, ARTICLE 3 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLES 2, 3, AND 5 BY REPEALING SECTIONS 122.0103, 122.0104, 123.0104, AND 125.0442; AMENDING CHAPTER 12, ARTICLE 6 BY AMENDING SECTIONS 126.0602 AND 126.0604; AMENDING CHAPTER 13, ARTICLE 1 BY ADDING SECTION 131.0105 AND FIGURE 131-01A AND BY AMENDING SECTIONS 131.0240, 131.0340, 131.0403; AND AMENDING CHAPTER 14, ARTICLES 1-4 BY AMENDING SECTIONS 141.0312, 141.0313, 141.0403, 141.0407, 141.0411, 141.0412, 141.0413, 141.0504, 141.0605, 141.0608, 141.0618, 141.0625, 141.0902, 142.0505, 142.0525, 142.0535, 142.0670, 142.1303, 143.0115, 143.0402, 143.0420, 143.0430, 143.0440, 143.0450, 143.0915, 143.0213, 144.0206 OF THE SAN DIEGO MUNICIPAL CODE AND THE LOCAL COASTAL PROGRAM, ALL TO IMPLEMENT THE COMPREHENSIVE 2008 GENERAL PLAN UPDATE.

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

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

§113.0103 Definitions

Abutting property through Permit holder (No change)

Planned Urbanized Communities include recently developed and developing communities characterized by urban or suburban levels of density and intensity. *Planned Urbanized Communities* are one of the Development Character Areas represented on Figure 131-01A.

Premises through Proposed grade (No change)

Proposition A Lands include lands characterized by very low density, residential, open space, natural resource based park or agricultural uses, have the same meaning as the former future urbanizing land designation, and are subject to Proposition A, the Managed Growth Initiative of 1985. *Proposition A Lands* are one of the Development Character Areas represented on Figure 131-01A.

[Editors Note: Refer to the Land Use and Community Planning Element of the 2008 General Plan for further description of the former future urbanizing land designation, the current Development Character Areas, and Proposition A, the Managed Growth Initiative.]

Public improvement through Underground parking structure (No change)

Urbanized Communities include the central portion of the City and are characterized by the established, built-out neighborhoods and downtown core. *Urbanized Communities* are one of the Development Character Areas represented on Figure 131-01A.

Vehicular use area through Yard (No change)

Section 2. That Chapter 12, Article 2, Division 1 of the San Diego Municipal Code be and the same is hereby amended by repealing Sections 122.0103 and 122.0104.

Section 3. That Chapter 12, Article 3, Division 1 of the San Diego Municipal Code be and the same is hereby amended by repealing Section 123.0104.

Section 4. That Chapter 12, Article 5, Division 4 of the San Diego Municipal Code be and the same is hereby amended by repealing Section 125.0442.

Section 5. That Chapter 12, Article 6, Division 6 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 126.0602 and 126.0604 to read as follows:

§126.0602 When a Planned Development Permit May Be Requested

- (a) (No change)
- (b) The following types of *development* may be requested with a Planned Development Permit to be decided in accordance with Process Four.
 - (1) (No change)
 - (2) (No change)
 - (3) *Developments* involving a Planned Development Permit within RS zones in *Urbanized Communities* as described in Section 143.0402.
- (c) (No change)

§126.0603 (No change)

§126.0604 **Findings for Planned Development Approval**

A Planned Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0604(a) and the supplemental *findings* in Section 126.0604(b) that are applicable to the proposed *development* as specified in this section.

(a) (No change)

(b) Supplemental Findings--*Proposition A Lands*

A project involving rural cluster in the AR-1-1 zone or the OR-1-12 zone within *Proposition A Lands* where increased *density* is proposed may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0604(a):

- (1) The proposed *development* will assist in accomplishing the goal of permanently preserving lands designated as part of the *MHPA* through the provision of public and private open space easements or *dedications*;
- (2) (No change)
- (3) (No change)
- (4) (No change)
- (5) (No change)
- (6) (No change)

- (7) Within *Proposition A Lands*, the proposed *development* will be consistent with the approved subarea plan; and
- (8) (No change)

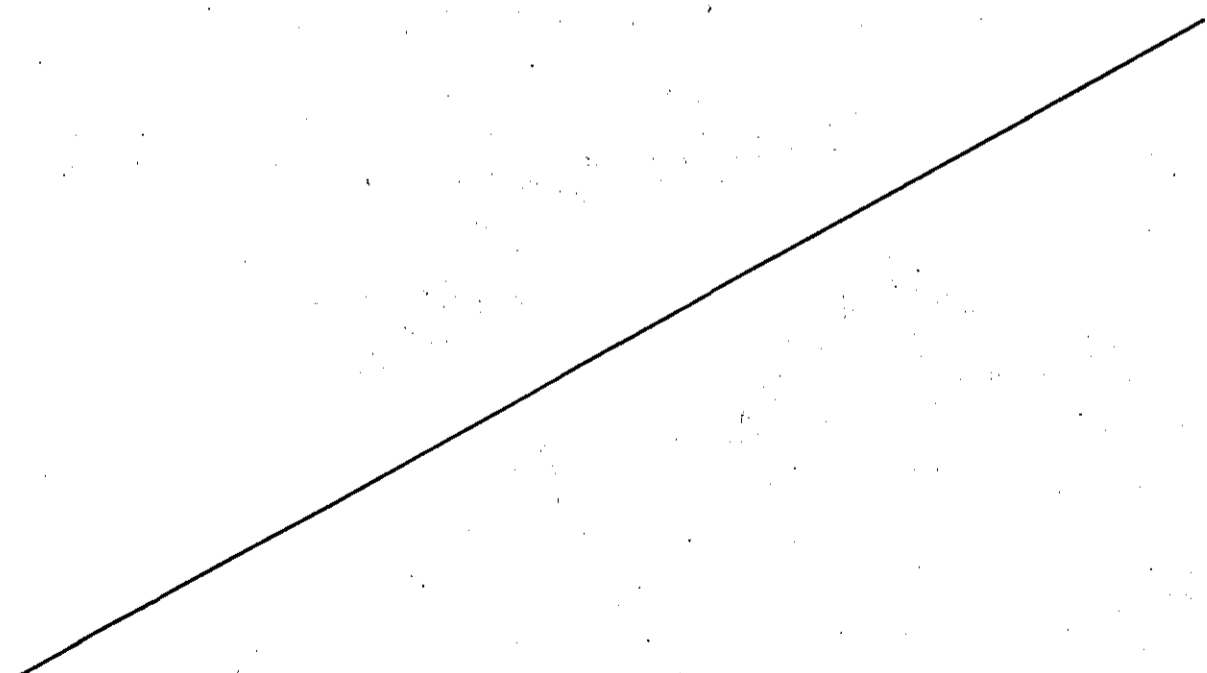
Section 6. That Chapter 13, Article 1, Division 1 of the San Diego Municipal Code be and the same is hereby amended by adding Section 131.0105 and Figure 131-01A to read as follows:

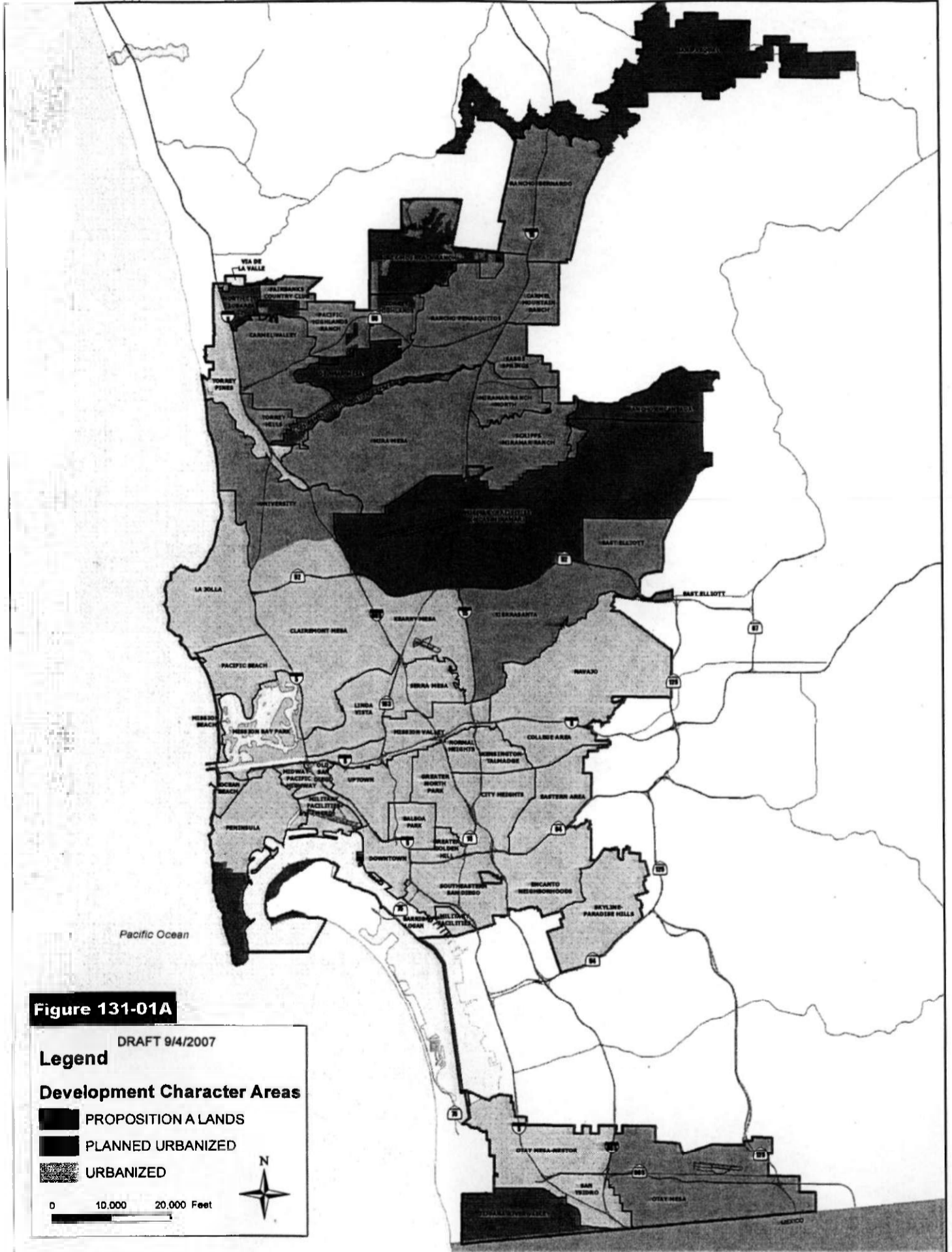
§131.0105 Development Character Areas

Development Character Areas are established to ensure that appropriate *development* regulations are applied to community plan areas based upon their age and geographic location and include *Proposition A Lands*, *Planned Urbanized Communities*, and *Urbanized Communities*. Development Character Area boundaries generally follow community plan area boundaries except in the case of University City, which falls into two Development Character Areas. Development Character Areas are represented on Figure 131-01A.

Figure 131-01A

Development Character Areas





Section 7. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code be and the same is hereby amended by amending Section 131.0240 to read as follows:

§131.0240 Maximum Permitted Residential Density in Open Space Zones

- (a) (No change)
- (b) Within the OR-1-2 zone, an exception to the permitted residential *density* of one *single dwelling unit per lot* may be requested as a rural cluster development through a Planned Development Permit in accordance with Process Four subject to the following:
 - (1) (No change)
 - (2) (No change)
 - (3) (No change)
 - (4) Within *Proposition A Lands*, 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.

Section 8. That Chapter 13, Article 1, Division 3 of the San Diego Municipal Code be and the same is hereby amended by amending Section 131.0340 to read as follows:

§131.0340 Maximum Permitted Residential Density in Agricultural Zones

- (a) Within the AR-1-1 zone, an exception to the permitted residential *density* of one *single dwelling unit per lot* may be requested as a rural cluster *development* through a Planned Development Permit in accordance with Process Four subject to the following:
 - (1) (No change)

- (2) (No change)
- (3) (No change)
- (4) Within *Proposition A Lands*, 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 O-18377.

- (b) (No change)

Section 9. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code be and the same is hereby amended by amending Section 131.0403 to read as follows:

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

- (a) (No change)
- (b) The RS zones are differentiated based on the minimum *lot* size and whether the *premises* is located in an *Urbanized Community* or a *Planned Urbanized Community* or within *Proposition A Lands*, as follows:
 - (1) *Urbanized Communities*
 - RS-1-1 requires minimum 40,000-square-foot *lots*
 - RS-1-2 requires minimum 20,000-square-foot *lots*
 - RS-1-3 requires minimum 15,000-square-foot *lots*
 - RS-1-4 requires minimum 10,000-square-foot *lots*

- RS-1-5 requires minimum 8,000-square-foot *lots*
 - RS-1-6 requires minimum 6,000-square-foot *lots*
 - RS-1-7 requires minimum 5,000-square-foot *lots*
- (2) *Planned Urbanized Communities or Proposition A Lands*
- RS-1-8 requires minimum 40,000-square-foot *lots*
 - RS-1-9 requires minimum 20,000-square-foot *lots*
 - RS-1-10 requires minimum 15,000-square-foot *lots*
 - RS-1-11 requires minimum 10,000-square-foot *lots*
 - RS-1-12 requires minimum 8,000-square-foot *lots*
 - RS-1-13 requires minimum 6,000-square-foot *lots*
 - RS-1-14 requires minimum 5,000-square-foot *lots*

Section 10. That Chapter 14, Article 1, Division 3 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 141.0312 and 141.0313 to read as follows:

§141.0312 Residential Care Facilities

Residential care facilities provide in-house treatment or rehabilitation programs for residents on a 24-hour basis. Residential care facilities include drug and alcohol rehabilitation and recovery facilities and residential and community care facilities as defined by the state or county. Housing for senior citizens, nursing homes, convalescent homes, work furlough and probationary residential facilities, and emergency shelters are not residential care facilities.

Residential care facilities for 7 to 12 persons may be permitted with a Conditional Use Permit decided in accordance with Process Three, and residential care facilities for 13 or more persons 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) Residential care facilities are not permitted in agricultural zones in *Proposition A Lands*.

(b) (No change)

(c) (No change)

(d) (No change)

(e) (No change)

(f) (No change)

(g) (No change)

(h) (No change)

(i) (No change)

(j) (No change)

§141.0313 Transitional Housing Facilities

Transitional housing facilities offer residential accommodations for a specified period of time, counseling services, and other support services to prepare *families* and individuals for independent living.

Transitional housing 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. Section 112.0509(b) requiring a Planning Commission recommendation, shall not be applicable to transitional housing facilities.

(a) Transitional housing is not permitted in agricultural zones in *Proposition A Lands*.

- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)
- (g) (No change)
- (h) (No change)
- (i) (No change)

Section 11. That Chapter 14, Article 1, Division 4 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 141.0403, 141.0407, 141.0411, and 141.0412, 141.0413 to read as follows:

§141.0403 Cemeteries, Mausoleums, and Crematories

Cemeteries, mausoleums, and crematories 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) Cemeteries, mausoleums, and crematories are not permitted in agricultural zones in *Proposition A Lands* or within *floodplains* located in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)

(g) (No change)

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

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

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

(c) (No change)

(d) (No change)

(e) (No change)

(f) (No change)

§141.0411 Historical Buildings Occupied by Uses Not Otherwise Allowed

Historical buildings occupied by uses not otherwise allowed may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) In *Proposition A Lands*, a Conditional Use Permit shall not be approved for *historical buildings* occupied by uses not otherwise allowed.

(b) (No change)

(c) (No change)

(d) (No change)

(e) (No change)

- (f) (No change)
- (g) (No change)
- (h) (No change)

§141.0412 Homeless Facilities

- (a) (No change)
- (b) (No change)
- (c) Emergency Shelters

Emergency shelters 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. Section 112.0509(b) requiring a Planning Commission recommendation, shall not be applicable to emergency shelters.

- (1) Emergency shelters are not permitted in *Proposition A Lands*.
- (2) (No change)
- (3) (No change)
- (4) (No change)
- (5) (No change)
- (6) (No change)
- (7) (No change)
- (8) (No change)
- (9) (No change)

§141.0413 Hospitals, Intermediate Care Facilities, and Nursing Facilities

Hospitals, intermediate care facilities, and nursing facilities may be permitted with a Process Four Conditional Use Permit in the zones indicated with a "C" in the Use

Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) These facilities are not permitted in agricultural zones in *Proposition A Lands* or within *floodplains* located in the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)

Section 12. That Chapter 14, Article 1, Division 5 of the San Diego Municipal Code be and the same is hereby amended by amending Section 141.0504 to read as follows:

§141.0504 Swap Meets and Other Large Outdoor Retail Facilities

Swap meets and other large outdoor retail facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Swap meets and other large outdoor retail facilities are not permitted in agricultural zones in *Proposition A Lands* or within *floodplains* located in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)

Section 13. That Chapter 14, Article 1, Division 6 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 141.0605, 141.0608, 141.0618, and 141.0625 to read as follows:

§141.0605 Camping Parks

Camping parks 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) *Fill* or permanent buildings associated with the *development* of camping parks are not permitted in *floodplains* or in agricultural zones in *Proposition A Lands* or in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) No change)
- (f) (No change)
- (g) (No change)
- (h) (No change)

§141.0608 Fairgrounds

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

- (a) Fairgrounds are not permitted in agricultural zones in *Proposition A Lands*.
Fill or permanent buildings are not permitted in *floodplains* located in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)

§141.0618 Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size

Privately operated, outdoor recreational facilities over 40,000 square feet in size may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Privately operated, outdoor recreational facilities are not permitted in agricultural zones in *Proposition A Lands*, or within *floodplains* located in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)
- (g) (No change)

§141.0625 Veterinary Clinics and Animal Hospitals

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

- (a) Veterinary clinics and hospitals are not permitted in agricultural zones in *Proposition A Lands*, except as an accessory use within a zoological park, or within *floodplains* located in the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)

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

§141.0902 Junk Yards

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

- (a) Junk yards are not permitted in agricultural zones in *Proposition A Lands*, or within *floodplains* located in the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)

Section 15. That Chapter 14, Article 2, Division 5 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 142.0505, 142.0525, and 142.0535 to read as follows:

§142.0505 When Parking Regulations Apply

These regulations apply in all base zones and planned districts, with the exception of those areas specifically identified as being exempt from the regulations, whether or not permit or other approval is required. Table 142-05A identifies the applicable regulations and the type of permit required by this division, if any, for the type of development shown.

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

Type of Development Proposal	Applicable Regulations	Required Permit Type/ Decision Process
<i>Any single dwelling unit residential development</i>	Sections 142.0510 , 142.0520 and 142.0560	No permit required by this division
<i>Any multiple dwelling unit residential development</i>	Sections 142.0510, 142.0525 and 142.0560	No permit required by this division
<i>Any nonresidential development</i>	Sections 142.0510, 142.0530, and 142.0560	No permit required by this division
<i>Multiple dwelling unit projects in Planned Urbanized Communities that are processing a Planned Development Permit.</i>	Section 142.0525(c)	No permit required by this division
<i>Condominium conversion</i>	Section 142.0525(a)	No permit required by this division
<i>Off-premises parking for development in Urbanized Communities.</i>	Section 142.0535	No permit required by this division
<i>Commercial uses on small lots</i>	Section 142.0540(a)	No permit required by this division
<i>Nonresidential developments that exceed maximum permitted parking</i>	Section 142.0540(b)	Neighborhood Development Permit /Process Two
<i>Nonresidential developments that vary from minimum parking requirements with a TDM Plan</i>	Section 142.0540(c)	Site Development Permit/Process Three
<i>Shared parking for specified uses</i>	Section 142.0545	No permit required by this division
<i>Shared parking for nonspecified uses</i>	Section 142.0545(b)(7)	Neighborhood Development Permit/ Process Two
<i>Tandem Parking for commercial uses</i>	Section 142.0555(b)	Neighborhood Development Permit/ Process Two

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

- (a) (No change)
- (b) (No change)

- (c) **Common Area Parking Requirement.** The common area parking requirement applies to *multiple dwelling unit developments* that are located in *Planned Urbanized Communities* and that are processed in conjunction with a Planned Development Permit. The following standards will be applied by the decision maker when common area parking is required.
- (1) (No change)
 - (2) (No change)
 - (3) (No change)
 - (4) (No change)
- (d) (No change)

§142.0535 Off-Premises Parking Regulations in Urbanized Communities

Required *off-street parking spaces* for uses in *Urbanized Communities* may be located *off-premises*, subject to the following regulations.

- (a) (No change)
- (b) (No change)
- (c) (No change)
- (d) (No change)

Section 16. That Chapter 14, Article 2, Division 6 of the San Diego Municipal Code be and the same is hereby amended by amending Section 142.0670 to read as follows:

§142.0670 Standards for Public Improvements

- (a) Streetscape and *street* improvements shall be constructed in accordance with the applicable adopted Council Policies, the standards established in the Land Development Manual, and the following regulations:

(1) For *Urbanized Communities*, the design of sidewalks shall be in *substantial conformance* with the historic design of sidewalks on adjacent properties including location, width, elevation, scoring pattern, texture, color, and material to the extent that the design is approved by the City Engineer, unless an alternative design is approved as part of a use permit or *development permit*. An alternative design also requires an Encroachment Maintenance and Removal Agreement in accordance with Section 129.0715.

(2) (No change)

(3) (No change)

(4) (No change)

(5) (No change)

(6) (No change)

(b) (No change)

(c) (No change)

(d) (No change)

(e) (No change)

(f) (No change)

Section 17. That Chapter 14, Article 2, Division 13 of the San Diego Municipal Code be and the same is hereby amended by amending Section 142.1303 to read as follows:

§ 142.1303 Exemptions From the Affordable Housing Inclusionary Regulations

This Division is not applicable to the following:

(a) Residential *development* located in the North City Future Urbanizing Area that is within *Proposition A Lands* of the City of San Diego or any project

located in an area of the City that was previously located in the North City Future Urbanizing Area and has been phase shifted into the *Planned Urbanized Communities*, and is subject to the inclusionary zoning requirements contained in the North City Future Urbanizing Area Framework Plan, San Diego Municipal Code section 143.0450(d), the Subarea Plans, Development Agreements, Affordable Housing Agreements, or conditions of approval of a *development permit*, as applicable.

Section 18. That Chapter 14, Article 3, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending Section 143.0115 to read as follows:

§143.0115 Procedures and Regulations for Project-Specific Land Use Plans

- (a) Project-specific *land use plans*, including specific plans, precise plans, privately initiated *land use plan* amendments, and *Proposition A Land* subarea plans, proposed for sites where *environmentally sensitive lands* are present, are subject to the regulations in this section to ensure adequate analysis of the constraints and opportunities of the planning area relative to *environmentally sensitive lands*. The analysis of *environmentally sensitive lands* for project-specific *land use plans* will be conducted in accordance with either Section 143.0115(b) or (c) based on whether or not a Site Development Permit is processed concurrently with the project-specific *land use plan*. Within the Coastal Overlay Zone, a project-specific *land use plan* is subject to the *Local Coastal Program* amendment process.
- (b) (No change)
- (c) (No change)

Section 19. That Chapter 14, Article 3, Division 2 of the San Diego Municipal Code be and the same is hereby amended by amending Section 143.0213 to read as follows:

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

- (a) The regulations in this division shall apply to project-specific *land use plans*, including specific plans, precise plans, privately initiated *land use plan* amendments, and *Proposition A Land* subarea plans, when *historical resources* are present. These regulations are applied in order to ensure an adequate analysis of the constraints and opportunities of the planning area relative to *historical resources*.
- (b) (No change)

Section 20. That Chapter 14, Article 3, Division 4 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 143.0402, 143.0420, 143.0430, 143.0440, and 143.0450 to read as follows:

§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 Development Proposal	Applicable Sections	Required Development Permit/Decision Process ⁽¹⁾
Residential <i>development</i> requesting deviations from applicable zone regulations ⁽²⁾	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 density in the AR-1-1 and OR-1-2 zones within <i>Proposition A Lands</i> ⁽³⁾	143.0403, 143.0410, 143.0420, 143.0450	PDP/Process 5

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process ⁽¹⁾
Residential <i>development</i> in RS zones of <i>Urbanized Communities</i> where a Planned Development Permit is requested	143.0403, 143.0410, 143.0420, 143.0430	PDP/Process 4

Footnotes to Table 143-04A

- 1 (No change)
- 2 (No change)
- 3 (No change)

§143.0420 Supplemental Planned Development Permit Regulations for Residential Development

In addition to the general regulations for all Planned Development Permits, the following supplemental regulations apply to all Planned Development Permits that include residential *development*, when identified in Table 143-04A:

- (a) Open Space
 - (1) For proposed *development* within the zones shown in the first column in Table 143-04B, the open space requirements shown in the second and third columns apply.

**Table 143-04B
Open Space Requirements for Planned Development Permits**

Zone	Minimum Usable Open Space Required per Dwelling Unit ⁽²⁾	Minimum Total Open Space Required per Dwelling Unit ⁽¹⁾
OR-1-1	--	4 ac
OR-1-2 ⁽³⁾	--	4 ac
AR-1-1 ⁽³⁾	--	2 ac
AR-1-2	--	17,400 sq. ft.
RE-1-1	--	4 ac
RE-1-2	--	2 ac
RE-1-3	--	17,400 sq. ft.
RS-1-1, RS-1-8	7,000 sq. ft.	14,000 sq. ft.
RS-1-2, RS-1-9	3,500 sq. ft.	7,000 sq. ft.
RS-1-3, RS-1-10	2,625 sq. ft.	5,250 sq. ft.
RS-1-4, RS-1-11	1,750 sq. ft.	3,500 sq. ft.
RS-1-5, RS-1-12	1,200 sq. ft.	2,400 sq. ft.
RS-1-6, RS-1-13	900 sq. ft.	1,800 sq. ft.
RS-1-7, RS-1-14	750 sq. ft.	1,500 sq. ft.
RX-1-1	625 sq. ft.	1,250 sq. ft.
RX-1-2	500 sq. ft.	1,000 sq. ft.
RM-1-1	500 sq. ft.	500 sq. ft.
RM-1-2	375 sq. ft.	375 sq. ft.
RM-1-3	300 sq. ft.	300 sq. ft.
RM-2-4	220 sq. ft.	220 sq. ft.
RM-2-5	190 sq. ft.	190 sq. ft.
RM-2-6	155 sq. ft.	155 sq. ft.

Zone	Minimum Usable Open Space Required per Dwelling Unit ⁽²⁾	Minimum Total Open Space Required per Dwelling Unit ⁽¹⁾
RM-3-7	125 sq. ft.	125 sq. ft.
RM-3-8	100 sq. ft.	100 sq. ft.
RM-3-9	90 sq. ft.	90 sq. ft.
RM-4-10	75 sq. ft.	75 sq. ft.
RM-4-11	75 sq. ft.	75 sq. ft.
RM-5-12	125 sq. ft.	125 sq. ft.

Footnotes for Table 143-04B

- 1 Total open space includes usable open space plus any other areas to be left as open space.
- 2 Usable open space includes private exterior open space and common open space that is functional to residents.
- 3 For open space requirements for residential rural cluster *development* with increased *density* in the AR-1-1 and OR-1-2 zones within *Proposition A Lands*, see Section 143.0450(c).

(2) (No change)

(3) (No change)

(4) (No change)

(5) (No change)

(6) (No change)

(b) (No change)

(c) (No change)

(d) (No change)

§143.0430 Supplemental Planned Development Permit Regulations for Residential Development in RS Zones in Urbanized Communities

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, *developments* requesting a Planned Development Permit in the *Urbanized Communities* in the RS Zones or in areas combining RS and any other zone permitting residential use are subject to the following regulations:

(a) (No change)

(b) (No change)

(c) (No change)

(d) (No change)

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

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

(a) *Density*

- (1) Within the AR zones, the maximum residential *density* permitted shall be as specified in the applicable zone, with the units clustered to preserve the remainder of the *premises* in its natural state until and if complete *development* at urban *densities* is ever deemed appropriate. Within *Proposition A Lands*, the reservation of future *development* potential will require the use of covenants, conditions, restrictions, or other mechanisms as determined by the City Manager to insure that the undeveloped portion of the property remains undeveloped until the *Proposition A Lands* are shifted to a *Planned Urbanized Community*.
- (2) (No change)
- (3) (No change)
- (4) Within *Proposition A Lands* and outside the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0440(c)(4) may be used in the calculation of total permitted residential *density*.

(b) (No change)

(c) Open Space Requirement

- (1) (No change)
- (2) (No change)
- (3) (No change)
- (4) Recreational facilities shall be designed to serve only the occupants and guests of the *development*. However, within *Proposition A Lands* and outside the Coastal Overlay Zone, golf courses open to the public and their customary incidental, supportive facilities (excluding lodging facilities) need not be restricted provided that a permanent and irrevocable open space easement is established that covers the area of the golf course. A golf course open to the public means a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or that offers memberships to the public.
- (5) Within *Proposition A Lands* and outside the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0440(c)(4) may be used in the calculation of total required open space.

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

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

- (a) *Density*

(O-2008-114)

COR.COPY

- (1) Within the AR-1-1 and OR-1-2 zones within *Proposition A Lands*, 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 O-18337 apply.
- (2) (No change)
- (3) (No change)
- (b) (No change)
- (c) Open Space Requirements
 - (1) (No change)
 - (2) (No change)
 - (3) (No change)
 - (4) (No change)
 - (5) (No change)
 - (6) Recreational facilities shall be designed to serve only the occupants and guests of the planned *development*. However, within *Proposition*

A Lands and outside the Coastal Overlay Zone, golf courses open to the public and their customary incidental, supportive facilities (excluding lodging facilities) need not be restricted provided that a permanent and irrevocable open space easement is established that covers the area of the golf course. A golf course open to the public shall mean a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or that offers memberships to the public.

(7) (No change)

(d) Affordable Housing Requirement for Increased *Density* Rural Cluster

Development:

In the AR-1-1 and OR-1-2 zones within *Proposition A Lands*, Planned Developments using the increased *density* rural cluster alternative are required to provide housing units within the *development*, that are affordable to *low income families*, as certified by the San Diego Housing Commission.

(1) (No change)

(2) (No change)

(3) (No change)

(4) (No change)

(e) Subarea Plan Requirement in the North City Future Urbanizing Area

(1) Within the North City Future Urbanizing Area that is within *Proposition A Lands*, a subarea plan shall be prepared pursuant to the General Plan. The subarea plan shall be developed consistent with the North City Future Urbanizing Area Framework

(O-2008-114)
COR.COPY

Plan, as approved by the California Coastal Commission on May 14, 1993. Alternatively, the *applicant* must demonstrate that, at a minimum, all public facilities within the subarea (as designated by the General Plan) have been sited; a Purchase Agreement for the public facility sites has been completed; mixed use centers within the subarea have been sited; the *street* system to access the mixed use centers and public facilities has been aligned; a financing plan for the project area, subarea, or larger planning area has been completed; and open space boundaries have been refined if the project deviates from the *MHPA* boundaries shown in the General Plan.

(2) (No change)

Section 21. That Chapter 14, Article 3, Division 9 of the San Diego Municipal Code be and the same is hereby amended by amending Section 143.0915 to read as follows:

§143.0915 When Affordable/In-Fill Housing and Sustainable Buildings Regulations Apply

These regulations apply to the following types of residential *development*:

- (a) (No change)
- (b) (No change)
- (c) (No change)
- (d) Residential *development* of 10 or more *dwelling units* within the *Urbanized Communities* of the City, provided that all of the *dwelling units* are affordable to households earning no more than 150% average median income and where applicable, the *development* does not reduce the number of affordable units previously existing.
- (e) (No change)

(f) (No change)

(g) (No change)

Section 22. That Chapter 14, Article 4, Division 2 of the San Diego Municipal Code be and the same is hereby amended by amending Section 144.0206 to read as follows:

§144.0206 Requirements for Tentative Maps in Planned Urbanized Communities

Tentative maps of property in the *Planned Urbanized Communities* may be approved if they comply with one of the following conditions.

(a) *Tentative maps* of property in the *Planned Urbanized Communities* may be approved if the following conditions are required to be met before *final map* or *parcel map* approval:

(1) (No change)

(2) (No change)

(3) (No change)

(b) *Tentative maps* of property in *Planned Urbanized Communities* may be approved before development of an implementation program for financing *public improvements* in accordance with Section 125.0442 if the *subdivider* enters into a binding Development Agreement with the City by which the *subdivider* consents to future establishment of any necessary assessment districts covering the subject community financing plan area and by which the *subdivider* consents to payment of an estimated facilities benefit assessment fee at the time of building permit issuance. The Development Agreement shall provide for the possibility of an under payment or over payment of the estimated fee and for reimbursement of a portion of, or supplementation of,

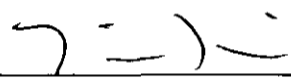
(O-2008-114)
COR.COPY

the fees as may be required. The resolution approving the *tentative map* shall specify all such conditions.

Section 23. 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 24. Except in the Coastal Overlay Zone, this ordinance shall take effect and be in force on the thirtieth day from and after its passage. Within the Coastal Overlay Zone, 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.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By: 
Nina M. Fain
Deputy City Attorney

NMF:mm
2/22/08
3/05/08 CORR.COPY
Or. Dept: CPCI
O-2008-114
MMS#5931

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 25 2008.

ELIZABETH S. MALAND
City Clerk

By: 
Deputy City Clerk

Approved: 4-8-08
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor



STRIKE OUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~
NEW LANGUAGE: Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 11, ARTICLE 3 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLES 2, 3, AND 5 BY REPEALING SECTIONS 122.0103, 122.0104, 123.0104, AND 125.0442; AMENDING CHAPTER 12, ARTICLE 6 BY AMENDING SECTIONS 126.0602 AND 126.0604; AMENDING CHAPTER 13, ARTICLE 1 BY ADDING SECTION 131.0105 AND FIGURE 131-01A AND BY AMENDING SECTIONS 131.0240, 131.0340, 131.0403; AND AMENDING CHAPTER 14, ARTICLES 1-4 BY AMENDING SECTIONS 141.0312, 141.0313, 141.0403, 141.0407, 141.0411, 141.0412, 141.0413, 141.0504, 141.0605, 141.0608, 141.0618, 141.0625, 141.0902, 142.0505, 142.0525, 142.0535, 142.0670, 142.1303, 143.0115, 143.0402, 143.0420, 143.0430, 143.0440, 143.0450, 143.0915, 143.0213, 144.0206 OF THE SAN DIEGO MUNICIPAL CODE AND THE LOCAL COASTAL PROGRAM, ALL TO IMPLEMENT THE COMPREHENSIVE 2008 GENERAL PLAN UPDATE.

§113.0103 Definitions

Abutting property through Permit holder (No change)

Planned Urbanized Communities include recently developed and developing communities characterized by urban or suburban levels of density and intensity. Planned Urbanized Communities are one of the Development Character Areas represented on Figure 131-01A.

Premises through Proposed grade (No change)

Proposition A Lands include lands characterized by very low density, residential, open space, natural resource based park or agricultural uses, have the same meaning as the former future urbanizing land designation, and are subject to Proposition A, the

Managed Growth Initiative of 1985. Proposition A Lands are one of the Development Character Areas represented on Figure 131-01A.

[Editors Note: Refer to the Land Use and Community Planning Element of the 2008 General Plan for further description of the former future urbanizing land designation, the current Development Character Areas, and Proposition A, the Managed Growth Initiative.]

Public improvement through Underground parking structure (No change)

Urbanized Communities include the central portion of the City and are characterized by the established, built-out neighborhoods and downtown core. Urbanized Communities are one of the Development Character Areas represented on Figure 131-01A.

~~§122.0103 — Initiation of Adoption or Amendment of Land Use Plans~~

~~Preparation of a new *land use plan* or amendment of an existing *land use plan*~~

~~requires initiation by one of the following methods.~~

~~(a) — The City Council may, by resolution, direct the preparation of a new *land use plan* or an amendment to an applicable *land use plan*.~~

~~(b) — The City Manager or an *applicant* may request that the Planning Commission initiate an amendment to a *land use plan* by filing an application in accordance with Section 112.0102.~~

~~(1) — The City Manager may recommend that a larger area than that proposed by the *applicant* be included in the proposed amendment.~~

~~(2) — The Planning Commission may approve the request to initiate the amendment only if the Planning Commission determines that the application meets the criteria listed in Section 122.0104.~~

~~(3) — The Planning Commission shall deny the request to initiate the amendment if they determine that the criteria listed in Section 122.0104 have not been met. If the request is denied, the Planning~~

Commission shall mail a notice to the ~~applicant~~ stating that the amendment has not been initiated. The notice shall be mailed to the ~~applicant~~ within ~~2 business days~~ of the date of the Planning Commission's decision.

- (4) ~~An applicant~~ whose request to initiate an amendment has been denied may submit a written request to the City Clerk that the application to initiate be considered by the City Council. The ~~applicant~~ must submit the request no later than ~~10 business days~~ after the Planning Commission's decision.
- (5) ~~The City Council~~ may initiate the amendment if it determines that the application meets the applicable criteria in ~~Section 122.0104~~.
- (6) ~~The City Council~~ shall not initiate the amendment if it determines that the criteria in ~~Section 122.0104~~ have not been met.

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

§122.0104 — Criteria for Initiation of Amendments to Land Use Plans

- (a) ~~Primary Criteria.~~ An amendment to a ~~land use plan~~ may be initiated if any of the following criteria are met:
 - (1) ~~The amendment is appropriate due to a map or text error or to an omission made when the land use plan was adopted or during subsequent amendments;~~
 - (2) ~~Denial of initiation would jeopardize the public health, safety, or welfare; or~~
 - (3) ~~The amendment is appropriate due to a material change in circumstances since the adoption of the land use plan, whereby denial~~

~~of initiation would result in a hardship to the applicant by denying any reasonable use of the property.~~

(b) ~~Supplemental Criteria. If none of the primary criteria listed in this section are met, an amendment to a *land use plan* may be initiated if all of the following supplemental criteria are met:~~

- ~~(1) The proposed *land use plan* amendment is consistent with the goals and objectives of the Progress Guide and General Plan;~~
- ~~(2) The proposed *land use plan* amendment appears to offer a public benefit to the community or City;~~
- ~~(3) Public services are available or are planned to be available to serve the proposed change in *density* or intensity of use; and~~
- ~~(4) City staff is available to process the proposed *land use plan* amendment without any work being deferred on General Fund-supported programs or on-going *land use plan* updates.~~

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

~~§123.0104 Applications for Zoning or Rezoning in the Planned Urbanizing Areas~~

~~An application to zone or rezone a property located in the planned urbanizing area, as defined in the Progress Guide and General Plan, will be accepted for processing only when the property is located within the boundaries of an applicable *land use plan* or when the zoning or rezoning application is processed concurrently with a *land use plan* proposal.~~

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

~~§125.0442 — Exception Findings for Tentative Maps in the Planned Urbanizing Area~~

~~The decision maker may approve a *tentative map* for property in the planned urbanizing area, as defined in the Progress Guide and General Plan, if the property is not within the boundaries of a community plan, specific plan, or precise plan adopted by the Planning Commission and City Council or otherwise does not meet the requirements of Section 123.0104, only if the decision maker makes the following findings, in addition to those required in Section 125.0440:~~

- ~~(a) — The granting of *tentative map* approval on the subject property or the proposed timing and phasing of the *development* of the property will not jeopardize the achievement of the Progress Guide and General Plan objectives of assuring adequate public facilities at the time of *development*; and~~
- ~~(b) — The requirements of Section 144.0206 have been fulfilled.~~

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

§126.0602 When a Planned Development Permit May Be Requested

- (a) (No change)
- (b) The following types of *development* may be requested with a Planned Development Permit to be decided in accordance with Process Four.
 - (1) (No change)
 - (2) (No change)
 - (3) *Developments* involving a Planned Development Permit within RS zones in ~~urbanized communities as designated in the Progress Guide and General Plan,~~ Urbanized Communities as described in Section 143.0402.
- (c) (No change)

§126.0603 (No change)

§126.0604 Findings for Planned Development Approval

(No change in text)

(a) (No change)

(b) Supplemental Findings--~~Future Urbanizing Area~~ Proposition A Lands

A project involving rural cluster in the AR-1-1 zone or the OR-1-12 zone within the ~~future urbanizing area as designated in the Progress Guide and General Plan~~, Proposition A Lands where increased *density* is proposed may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0604(a):

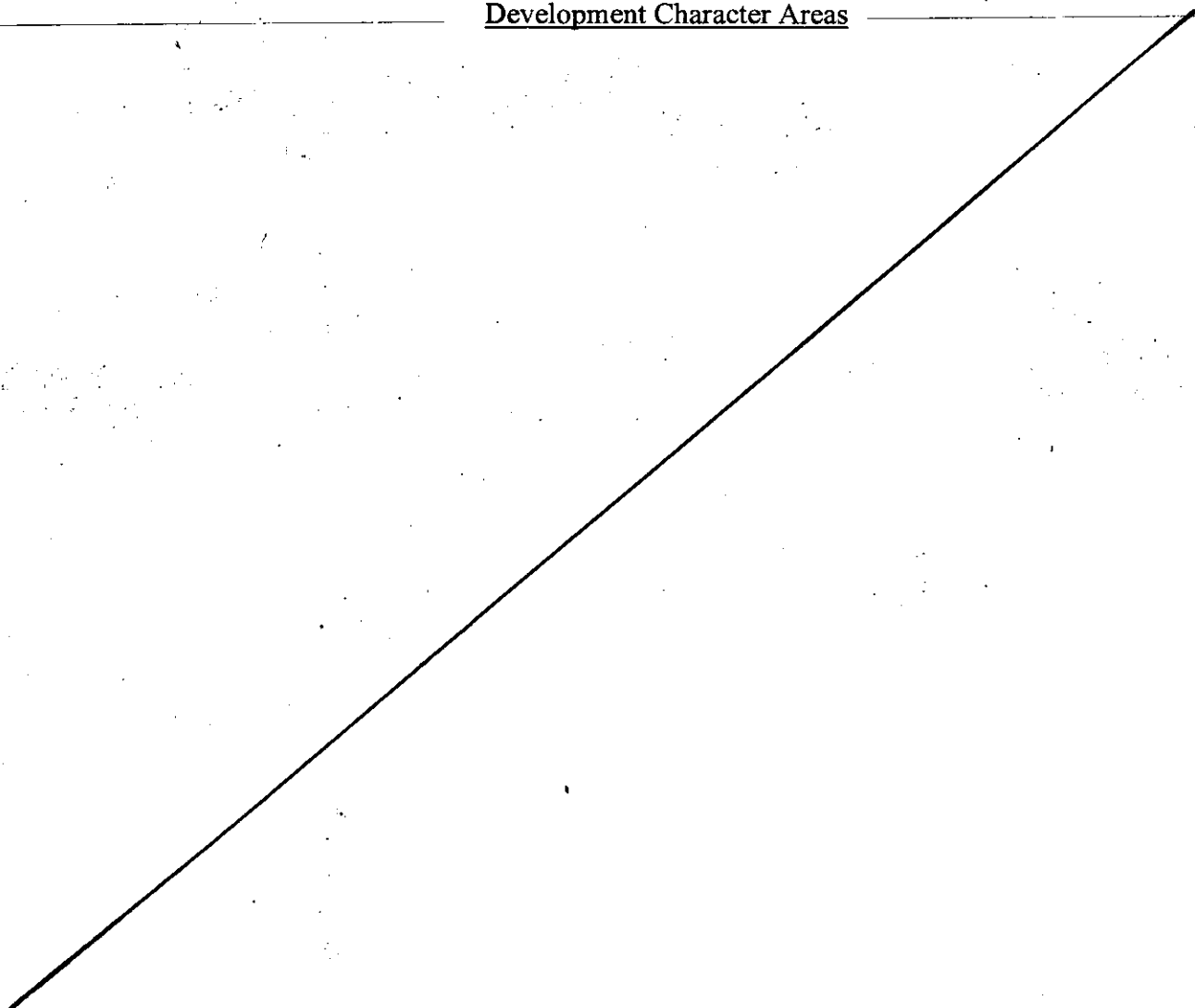
- (1) The proposed *development* will assist in accomplishing the goal of permanently preserving lands designated ~~in the Progress Guide and General Plan~~ as part of the ~~environmental tier~~ MHPA through the provision of public and private open space easements or *dedications*;
- (2) (No change)
- (3) (No change)
- (4) (No change)
- (5) (No change)
- (6) (No change)
- (7) Within ~~the North City future urbanizing area, as designated in the Progress Guide and General Plan~~ Proposition A Lands, the proposed *development* will be consistent with the approved subarea plan; and
- (8) (No change)

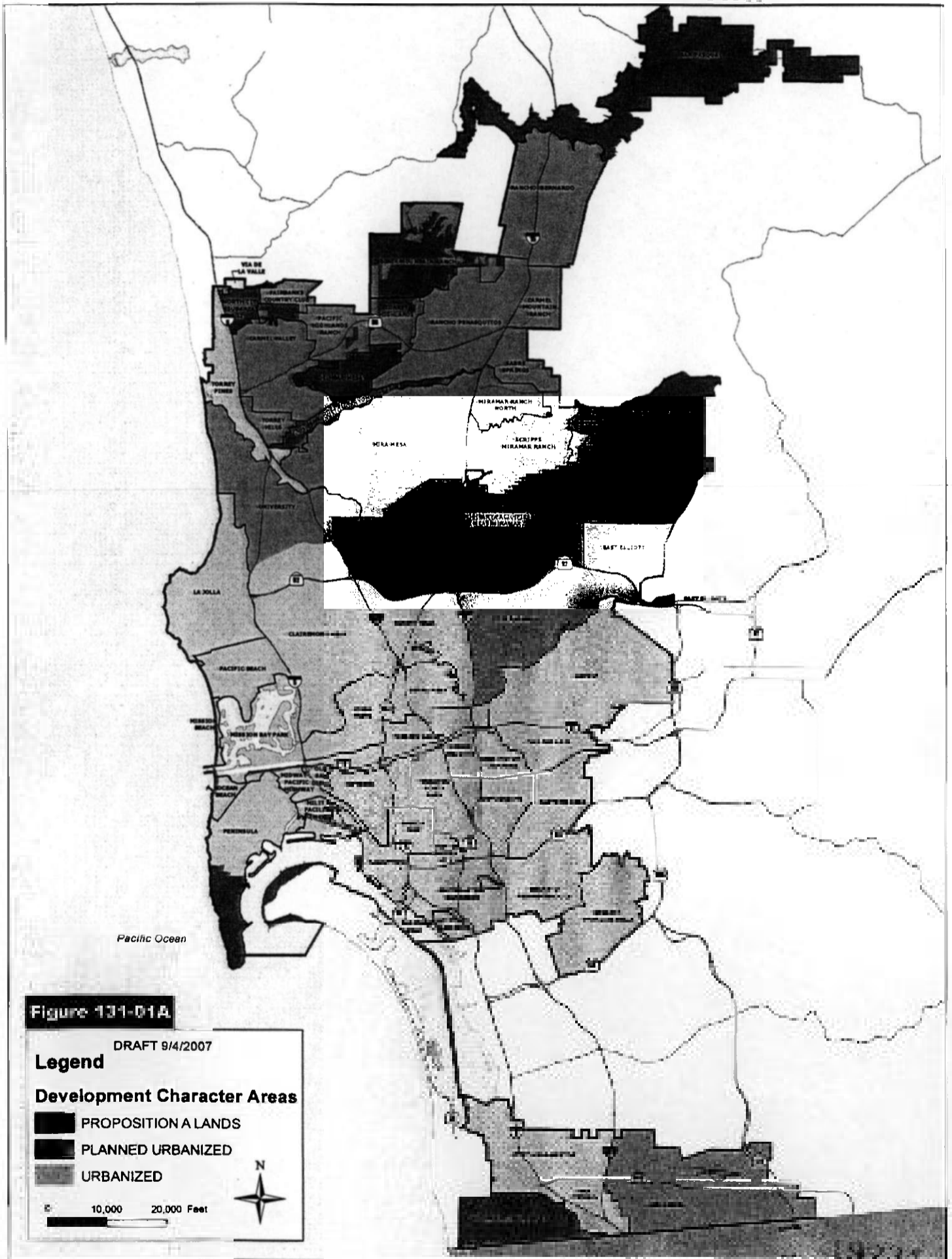
§131.0105 Development Character Areas

Development Character Areas are established to ensure that appropriate development regulations are applied to community plan areas based upon their age and geographic location and include Proposition A Lands, Planned Urbanized Communities, and Urbanized Communities. Development Character Area boundaries generally follow community plan area boundaries except in the case of University City, which falls into two Development Character Areas. Development Character Areas are represented on Figure 131-01A.

Figure 131-01A

Development Character Areas





§131.0240 Maximum Permitted Residential Density in Open Space Zones

- (a) (No change)
- (b) (No change)
 - (1) (No change)
 - (2) (No change)
 - (3) (No change)
 - (4) Within the ~~future urbanizing area~~ Proposition A Lands, an increase in *density* of up to one ~~dwelling unit~~ dwelling unit per 4 acres of ~~lot~~ 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.

§131.0340 Maximum Permitted Residential Density in Agricultural Zones

- (a) Within the AR-1-1 zone, an exception to the permitted residential *density* of one *single dwelling unit per lot* may be requested as a rural cluster ~~development~~ development through a Planned Development Permit in accordance with Process Four subject to the following:
 - (1) (No change)
 - (2) (No change)
 - (3) (No change)
 - (4) Within the ~~future urbanizing area~~ Proposition A Lands, except within the Del Mar Mesa Specific Plan area, an increase in *density* of up to one ~~dwelling unit~~ dwelling unit per 4 acres of ~~lot~~ 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~~ 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 O-18377.

(b) (No change)

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

(a) (No change)

(b) The RS zones are differentiated based on the minimum *lot* size and whether the *premises* is located in an ~~urbanized community~~ Urbanized Community or a ~~planned or future urbanizing urbanized community~~ Planned Urbanized Community or within Proposition A Lands, as follows:

(1) ~~Urbanized Communities~~ Urbanized Communities

- RS-1-1 requires minimum 40,000-square-foot *lots*
- RS-1-2 requires minimum 20,000-square-foot *lots*
- RS-1-3 requires minimum 15,000-square-foot *lots*
- RS-1-4 requires minimum 10,000-square-foot *lots*
- RS-1-5 requires minimum 8,000-square-foot *lots*
- RS-1-6 requires minimum 6,000-square-foot *lots*
- RS-1-7 requires minimum 5,000-square-foot *lots*

(2) ~~Planned Urbanized~~ Planned Urbanized Communities or ~~Future~~

Urbanizing Communities Proposition A Lands

- RS-1-8 requires minimum 40,000-square-foot *lots*
- RS-1-9 requires minimum 20,000-square-foot *lots*
- RS-1-10 requires minimum 15,000-square-foot *lots*
- RS-1-11 requires minimum 10,000-square-foot *lots*
- RS-1-12 requires minimum 8,000-square-foot *lots*
- RS-1-13 requires minimum 6,000-square-foot *lots*
- RS-1-14 requires minimum 5,000-square-foot *lots*

§141.0312 Residential Care Facilities

(No change in text)

(a) Residential care facilities are not permitted in agricultural zones in the ~~future~~
~~urbanizing area~~ Proposition A Lands.

- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)
- (g) (No change)
- (h) (No change)
- (i) (No change)
- (j) (No change)

§141.0313 Transitional Housing Facilities

(No change in text)

- (a) Transitional housing is not permitted in agricultural zones in ~~the future~~ urbanizing area Proposition A Lands.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)
- (g) (No change)
- (h) (No change)
- (i) (No change)

§141.0403 Cemeteries, Mausoleums, and Crematories

(No change in text)

- (a) Cemeteries, mausoleums, and crematories are not permitted in agricultural zones in ~~the future urbanizing area~~ Proposition A Lands or within ~~floodplains~~ floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)
- (g) (No change)

§141.0407 Educational Facilities—Schools for Kindergarten to Grade 12 and Colleges/Universities

(No change in text)

- (a) Permanent *development* associated with educational facilities is not permitted in agricultural zones in ~~the future urbanizing area~~ Proposition A Lands or within *floodplains* located in the Coastal Overlay Zone.
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)

§141.0411 Historical Buildings Occupied by Uses Not Otherwise Allowed

(No change in text)

- (a) In ~~the future urbanizing area~~ Proposition A Lands, a Conditional Use Permit shall not be approved for *historical buildings* occupied by uses not otherwise allowed.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)
- (g) (No change)
- (h) (No change)

§141.0412 Homeless Facilities

- (a) (No change)
- (b) (No change)
- (c) Emergency Shelters
(No change in text)

- (1) Emergency shelters are not permitted in ~~the future urbanizing area~~
Proposition A Lands.
- (2) (No change)
- (3) (No change)
- (4) (No change)
- (5) (No change)
- (6) (No change)
- (7) (No change)
- (8) (No change)
- (9) (No change)

§141.0413 Hospitals, Intermediate Care Facilities, and Nursing Facilities

(No change in text)

- (a) These facilities are not permitted in agricultural zones in ~~the future urbanizing area~~ Proposition A Lands or within *floodplains* located in the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)

§141.0504 Swap Meets and Other Large Outdoor Retail Facilities

(No change in text)

- (a) Swap meets and other large outdoor retail facilities are not permitted in agricultural zones in ~~the future urbanizing area~~ Proposition A Lands, or within *floodplains* located in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)

§141.0605 Camping Parks

(No change in text)

- (a) *Fill* or permanent buildings associated with the *development* of camping parks are not permitted in *floodplains* or in agricultural zones in ~~the future urbanizing area~~ Proposition A Lands or in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)
- (g) (No change)
- (h) (No change)

§141.0608 Fairgrounds

(No change in text)

- (a) Fairgrounds are not permitted in agricultural zones in ~~the future urbanizing~~

~~area~~ Proposition A Lands. Fill or permanent buildings are not permitted in floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.

- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)

§141.0618 Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size

(No change in text)

- (a) Privately operated, outdoor recreational facilities are not permitted in agricultural zones in ~~the future urbanizing area~~ Proposition A Lands or within floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)
- (g) (No change)

§141.0625 Veterinary Clinics and Animal Hospitals

(No change in text)

- (a) Veterinary clinics and hospitals are not permitted in agricultural zones in ~~the~~

~~future urbanizing area~~ Proposition A Lands, except as an accessory use within a zoological park, or within ~~floodplains~~ floodplains located in the Coastal Overlay Zone.

(b) (No change)

(c) (No change)

§141.0902 Junk Yards

(No change in text)

(a) Junk yards are not permitted in agricultural zones in ~~the future urbanizing area~~ Proposition A Lands or within floodplains located in the Coastal Overlay Zone.

(b) (No change)

(c) (No change)

(d) (No change)

(e) (No change)

§142.0505 When Parking Regulations Apply

(No change in text)

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

Type of Development Proposal	Applicable Regulations	Required Permit Type/ Decision Process
Any single dwelling unit residential development	Sections 142.0510 , 142.0520 and 142.0560	No permit required by this division
Any multiple dwelling unit residential development	Sections 142.0510, 142.0525 and 142.0560	No permit required by this division
Any nonresidential development	Sections 142.0510, 142.0530, and 142.0560	No permit required by this division
Multiple dwelling unit projects in planned urbanizing communities <u>Planned Urbanized Communities</u> that are processing a Planned Development Permit.	Section 142.0525(c)	No permit required by this division
Condominium conversion	Section 142.0525(a)	No permit required by this division

Type of Development Proposal	Applicable Regulations	Required Permit Type/ Decision Process
Off-premises parking for development in urbanized communities <u>Urbanized Communities</u>	Section 142.0535	No permit required by this division
Commercial uses on small lots	Section 142.0540(a)	No permit required by this division
Nonresidential developments that exceed maximum permitted parking	Section 142.0540(b)	Neighborhood Development Permit /Process Two
Nonresidential developments <u>developments</u> that vary from minimum parking requirements with a TDM Plan	Section 142.0540(c)	Site Development Permit/Process Three
Shared parking for specified uses	Section 142.0545	No permit required by this division
Shared parking <u>Shared parking</u> for nonspecified uses	Section 142.0545(b)(7)	Neighborhood Development Permit/ Process Two
Tandem Parking for commercial uses	Section 142.0555(b)	Neighborhood Development Permit/ Process Two

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

- (a) (No change)
- (b) (No change)
- (c) Common Area Parking Requirement. The common area parking requirement applies to ~~multiple dwelling unit developments~~ multiple dwelling unit developments that are located in ~~planned urbanizing communities~~, as identified in the ~~Progress Guide and General Plan~~ Planned Urbanized Communities and that are processed in conjunction with a Planned Development Permit. The following standards will be applied by the decision maker when common area parking is required.
 - (1) (No change)
 - (2) (No change)
 - (3) (No change)
 - (4) (No change)
- (d) (No change)

§142.0535 Off-Premises Parking Regulations in Urbanized Communities

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

- (a) (No change)
- (b) (No change)
- (c) (No change)
- (d) (No change)

§142.0670 Standards for Public Improvements

- (a) (No change)
 - (1) For ~~urbanized communities as designated in the Progress Guide and General Plan Urbanized Communities~~, the design of sidewalks shall be in *substantial conformance* with the historic design of sidewalks on adjacent properties including location, width, elevation, scoring pattern, texture, color, and material to the extent that the design is approved by the City Engineer, unless an alternative design is approved as part of a use permit or *development permit*. An alternative design also requires an ~~Encroachment~~ Encroachment Maintenance and Removal Agreement in accordance with Section 129.0715.
 - (2) (No change)
 - (3) (No change)
 - (4) (No change)
 - (5) (No change)
 - (6) (No change)

- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)

§ 142.1303 Exemptions From the Affordable Housing Inclusionary Regulations

This Division is not applicable to the following:

- (a) Residential *development* located in the North City Future Urbanizing Area that is within *Proposition A Lands* of the City of San Diego or any project located in an area of the City that was previously located in the North City Future Urbanizing Area and has been phase shifted into the ~~Planned Urbanizing Area~~ *Planned Urbanized Communities*, and is subject to the inclusionary zoning requirements contained in the North City Future Urbanizing Area Framework Plan, San Diego Municipal Code section 143.0450(d), the Subarea Plans, Development Agreements, Affordable Housing Agreements, or conditions of approval of a *development permit permit*, as applicable.

§143.0115 Procedures and Regulations for Project-Specific Land Use Plans

- (a) Project-specific *land use plans*, including specific plans, precise plans, privately initiated *land use plan* amendments, and ~~future urbanizing area~~ *Proposition A Land* subarea plans, proposed for sites where *environmentally sensitive lands* are present, are subject to the regulations in this section to ensure adequate analysis of the constraints and opportunities of the planning area relative to *environmentally sensitive lands*. The analysis of

environmentally sensitive lands for project-specific *land use plans* will be conducted in accordance with either Section 143.0115(b) or (c) based on whether or not a Site Development Permit is processed concurrently with the project-specific *land use plan*. Within the Coastal Overlay Zone, a project ~~specific land use plan~~ project-specific land use plan is subject to the *Local Coastal Program* amendment process.

- (b) (No change)
- (c) (No change)

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

- (a) The regulations in this division shall apply to project-specific *land use plans*, including ~~S~~specific ~~P~~plans, ~~P~~precise ~~P~~plans, privately initiated *land use plan* amendments, and ~~future urbanizing area~~ *Proposition A Land* subarea plans, when *historical resources* are present. These regulations are applied in order to ensure an adequate analysis of the constraints and opportunities of the planning area relative to *historical resources*.
- (b) (No change)

§143.0402 When Planned Development Permit Regulations Apply

(No change in text)

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

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process ⁽¹⁾
Residential <i>development</i> requesting deviations from applicable zone regulations ⁽²⁾	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	143.0403, 143.0465	PDP/Process 3

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process ⁽¹⁾
when other discretionary actions are requested		
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 density in the AR-1-1 and OR-1-2 zones within the future urbanizing area <i>Proposition A Lands</i> (3)	143.0403, 143.0410, 143.0420, 143.0450	PDP/Process 5

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process ⁽¹⁾
Residential <i>development</i> in RS zones of urbanized communities <i>Urbanized Communities</i> where a Planned Development Permit is requested	143.0403, 143.0410, 143.0420, 143.0430	PDP/Process 4

Footnotes to Table 143-04A

- 1 (No change)
- 2 (No change)
- 3 (No change)

§143.0420 Supplemental Planned Development Permit Regulations for Residential Development

(No change in text)

(a) Open Space

- (1) For proposed *development* within the zones shown in the first column in Table 143-04B, the open space requirements shown in the second and third columns apply.

**Table 143-04B
Open Space Requirements for Planned Development Permits**

Zone	Minimum Usable Open Space Required per Dwelling Unit ⁽²⁾	Minimum Total Open Space Required per Dwelling Unit ⁽¹⁾
OR-1-1	--	4 ac
OR-1-2 ⁽³⁾	--	4 ac
AR-1-1 ⁽³⁾	--	2 ac
AR-1-2	--	17,400 sq. ft.
RE-1-1	--	4 ac
RE-1-2	--	2 ac
RE-1-3	--	17,400 sq. ft.
RS-1-1, RS-1-8	7,000 sq. ft.	14,000 sq. ft.
RS-1-2, RS-1-9	3,500 sq. ft.	7,000 sq. ft.
RS-1-3, RS-1-10	2,625 sq. ft.	5,250 sq. ft.
RS-1-4, RS-1-11	1,750 sq. ft.	3,500 sq. ft.
RS-1-5, RS-1-12	1,200 sq. ft.	2,400 sq. ft.
RS-1-6, RS-1-13	900 sq. ft.	1,800 sq. ft.
RS-1-7, RS-1-14	750 sq. ft.	1,500 sq. ft.
RX-1-1	625 sq. ft.	1,250 sq. ft.

Zone	Minimum Usable Open Space Required per Dwelling Unit ⁽²⁾	Minimum Total Open Space Required per Dwelling Unit ⁽¹⁾
RX-1-2	500 sq. ft.	1,000 sq. ft.
RM-1-1	500 sq. ft.	500 sq. ft.
RM-1-2	375 sq. ft.	375 sq. ft.
RM-1-3	300 sq. ft.	300 sq. ft.
RM-2-4	220 sq. ft.	220 sq. ft.
RM-2-5	190 sq. ft.	190 sq. ft.
RM-2-6	155 sq. ft.	155 sq. ft.
RM-3-7	125 sq. ft.	125 sq. ft.
RM-3-8	100 sq. ft.	100 sq. ft.
RM-3-9	90 sq. ft.	90 sq. ft.
RM-4-10	75 sq. ft.	75 sq. ft.
RM-4-11	75 sq. ft.	75 sq. ft.
RM-5-12	125 sq. ft.	125 sq. ft.

Footnotes for Table 143-04B

- 1 Total open space includes usable open space plus any other areas to be left as open space.
- 2 Usable open space includes private exterior open space and common open space that is functional to residents.
- 3 For open space requirements for residential rural cluster *development* with increased *density* in the AR-1-1 and OR-1-2 zones within the ~~future urbanizing area~~ *Proposition A Lands*, see Section 143.0450(c).

(2) (No change)

(3) (No change)

(4) (No change)

(5) (No change)

(6) (No change)

(b) (No change)

(c) (No change)

(d) (No change)

§143.0430 Supplemental Planned Development Permit Regulations for Residential Development in RS Zones in Urbanized Communities

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, *developments* requesting a Planned Development Permit in the ~~urbanized communities~~ *Urbanized Communities* in the RS Zones or in areas combining RS and any other zone permitting residential use are subject to the following regulations:

- (a) (No change)
- (b) (No change)
- (c) (No change)
- (d) (No change)

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

(No change in text)

(a) *Density*

- (1) Within the AR zones, the maximum residential *density* permitted shall be as specified in the applicable zone, with the units clustered to preserve the remainder of the *premises* in its natural state until and if complete *development* at urban ~~densities~~ *densities* is ever deemed appropriate. Within ~~the future urbanizing area~~ Proposition A Lands, the reservation of future *development* potential will require the use of covenants, conditions, restrictions, or other mechanisms as determined by the City Manager to insure that the undeveloped portion of the property remains undeveloped until the ~~future urbanizing area land is~~ Proposition A Lands are shifted to ~~the planned urbanizing area a~~ Planned Urbanized Community.
- (2) (No change)
- (3) (No change)
- (4) Within ~~the future urbanizing area~~ Proposition A Lands and outside the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0440(c)(4) may be used in the calculation of total permitted residential *density*.

- (b) (No change)
- (c) Open Space Requirement
 - (1) (No change)
 - (2) (No change)
 - (3) (No change)
 - (4) Recreational facilities shall be designed to serve only the occupants and guests of the *development*. However, within ~~the future urbanizing area~~ Proposition A Lands and outside the Coastal Overlay Zone, golf courses open to the public and their customary incidental, supportive facilities (excluding lodging facilities) need not be restricted provided that a permanent and irrevocable open space easement is established that covers the area of the golf course. A golf course open to the public means a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or that offers memberships to the public.
 - (5) Within ~~the future urbanizing area~~ Proposition A Lands and outside the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0440(c)(4) may be used in the calculation of total required open space.

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

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, the following regulations apply to all residential rural cluster *developments* requesting increased *density* that are located in the AR-1-1 and OR-1-2 zones within ~~the future urbanizing area~~

Proposition A Lands. Approval of a proposed *development* in accordance with this section shall require the *findings* in Section 126.0604(b) to be made.

(a) *Density*

- (1) Within the AR-1-1 and OR-1-2 zones within ~~the future urbanizing area~~ Proposition A Lands, 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~~ dwelling unit per 4 acres with the ~~dwelling units~~ 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~~ low or *very low income families*, in accordance with Section 143.0450(d). For ~~development~~ development within the Del Mar Mesa Specific Plan area, the ~~development~~ development regulations identified in the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance O-18337 apply.

(2) (No change)

(3) (No change)

(b) (No change)

(c) Open Space Requirements

(1) (No change)

(2) (No change)

(3) (No change)

- (4) (No change)
- (5) (No change)
- (6) Recreational facilities shall be designed to serve only the occupants and guests of the planned *development*. However, within ~~the future urbanizing area~~ Proposition A Lands and outside the Coastal Overlay Zone, golf courses open to the public and their customary incidental, supportive facilities (excluding lodging facilities) need not be restricted provided that a permanent and irrevocable open space easement is established that covers the area of the golf course. A golf course open to the public shall mean a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or that offers memberships to the public.

(7) (No change)

(c) Affordable Housing Requirement for Increased *Density* Rural Cluster

Development:

In the AR-1-1 and OR-1-2 zones within ~~the future urbanizing area~~ Proposition A Lands, Planned Developments using the increased *density* rural cluster alternative are required to provide housing units within the *development*, that are affordable to *low income families*, as certified by the San Diego Housing Commission.

- (1) (No change)
- (2) (No change)
- (3) (No change)
- (4) (No change)

(e) Subarea Plan Requirement in the North City Future Urbanizing Area

- (1) Within the North City Future Urbanizing Area ~~as defined by the Progress Guide and General Plan~~ that is within Proposition A Lands, a subarea plan shall be prepared pursuant to the General Plan. The subarea plan shall be developed consistent with the North City Future Urbanizing Area Framework Plan, as approved by the California Coastal Commission on May 14, 1993. Alternatively, the *applicant* must demonstrate that, at a minimum, all public facilities within the subarea (as designated by the ~~Progress Guide and General Plan~~) have been sited; a Purchase Agreement for the public facility sites has been completed; mixed use centers within the subarea have been sited; the *street* system to access the mixed use centers and public facilities has been aligned; a financing plan for the project area, subarea, or larger planning area has been completed; and open space boundaries have been refined if the project deviates from the ~~environmental tier~~ MHPA boundaries shown in the ~~Progress Guide and General Plan~~.
- (2) (No change)

§143.0915 When Affordable/In-Fill Housing and Sustainable Buildings Regulations Apply

These regulations apply to the following types of residential *development*:

- (a) (No change)
- (b) (No change)
- (c) (No change)
- (d) Residential *development* of 10 or more *dwelling units* within the urbanized areas Urbanized Communities of the City ~~as shown in the Progress Guide and~~

~~General Plan~~, provided that all of the *dwelling units* are affordable to households earning no more than 150% average median income and where applicable, the *development* does not reduce the number of affordable units previously existing.

- (e) (No change)
- (f) (No change)
- (g) (No change)

§144.0206 Requirements for Tentative Maps in Planned Urbanized Area Communities

Tentative maps of property in the ~~planned urbanizing area, as designated in the Progress Guide and General Plan,~~ Planned Urbanized Communities may be approved if they comply with one of the following conditions.

- (a) *Tentative maps* of property in the ~~planned urbanizing area~~ Planned Urbanized Communities may be approved if the following conditions are required to be met before ~~final map~~ final map or *parcel map* approval:
 - (1) (No change)
 - (2) (No change)
 - (3) (No change)
- (b) *Tentative maps* of property in the ~~planned urbanizing area~~ Planned Urbanized Communities may be approved before ~~development~~ development of an implementation program for financing *public improvements* in accordance with Section 125.0442 if the ~~subdivider~~ subdivider enters into a binding ~~Development~~ Development Agreement with the City by which the ~~subdivider~~ subdivider consents to future establishment of any necessary assessment districts covering the subject community financing plan area and by which the

(O-2008-114)
COR.COPY

~~subdivider~~ subdivider consents to payment of an estimated facilities benefit assessment fee at the time of building permit issuance. The *Development* Development Agreement shall provide for the possibility of an under payment or over payment of the estimated fee and for reimbursement of a portion of, or supplementation of, the fees as may be required. The resolution approving the *tentative map* shall specify all such conditions.

NMF:mm
2/22/08
3/05/08 CORR.COPY
Or. Dept: CPCI
O-2008-114
MMS#5931

09 APR -E- 2008

Passed by the Council of The City of San Diego on MAR 25 2008, by the following vote:

Council Members	Yeas	Nays	Not Present	Recused
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 08 2008.

AUTHENTICATED BY:

JERRY SANDERS

Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAR 10 2008

APR 08 2008

, and on _____.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 19734

3/25/08

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

08 MAY 12 PM 1:16

SAN DIEGO, CALIF.

Karen Crenshaw
City of San Diego/Clerk's Office
202 C Street, MS 2A
SAN DIEGO CA 92101

**IN THE MATTER OF
O-19734 (New Series)**

**CASE NO.
PO #4030128**

**CITY OF SAN DIEGO
ORDINANCE NUMBER O-19734 (NEW SERIES)**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 11, ARTICLE 3 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLES 2, 3, AND 5 BY REPEALING SECTIONS 122.0103, 122.0104, 123.0104, AND 125.0442; AMENDING CHAPTER 12, ARTICLE 6 BY AMENDING SECTIONS 126.0602 AND 126.0604; AMENDING CHAPTER 13, ARTICLE 1 BY ADDING SECTION 131.0105 AND BY AMENDING SECTIONS 131.0240, 131.0340, 131.0403; AND AMENDING CHAPTER 14, ARTICLES 1-4 BY AMENDING SECTIONS 141.0312, 141.0313, 141.0403, 141.0407, 141.0411, 141.0412, 141.0413, 141.0504, 141.0605, 141.0608, 141.0618, 141.0625, 141.0902, 142.0505, 142.0525, 142.0535, 142.0670, 142.1303, 143.0115, 143.0402, 143.0420, 143.0430, 143.0440, 143.0450, 143.0915, 143.0213, 144.0206 OF THE SAN DIEGO MUNICIPAL CODE AND THE LOCAL COASTAL PROGRAM, ALL TO IMPLEMENT THE COMPREHENSIVE 2008 GENERAL PLAN UPDATE.

I, Cathy L. Krueger, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not party to or interested in the above entitled matter. I am the principal clerk of the San Diego Transcript, a newspaper of general circulation, printed and published daily, except on Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

This ordinance changes the City of San Diego's laws pertaining to the initiation of land use plan amendments and provides a more accurate description of San Diego's Development Character Areas in order to implement the 2008 comprehensive update of the General Plan.

Ordinance

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

The plan amendment initiation process will be removed from the Land Development Code and will be placed in the Land Use and Community Plan Element of the 2008 General Plan. The plan amendment initiation process is unique to the City, does not grant any entitlements, and is not required by state law. The Planning Commission's approval of a plan amendment initiation allows staff to accept the application and proceed with processing the plan amendment. It is not a decision on the actual project. The ordinance eliminates the initiation process from the Land Development Code by repealing sections 122.0103 and sections 122.0104. The ordinance deletes the sections specific to the initiation process; the sections governing the plan amendment hearing process remain.

April 21

I certify under penalty of perjury that the forgoing is true and correct.

This ordinance also changes the Land Development Code in recognition that the City's land supply no longer includes the tier (Phased Development Areas) system of "Urbanized," "Planned Urbanizing," and "Future Urbanizing." As explained in the 2008 General Plan, and as analyzed in the PEIR, the Phased Development Areas system has become an outdated system to address future growth and development. This ordinance more accurately describes the City as a jurisdiction with primarily two tiers. The two tiers are: (1) *Proposition A Lands* - lands subject to the 1985 Managed Growth Initiative characterized by very low-density, residential, open space, natural resource-based park, or agricultural uses; and (2) *Urbanized Lands* - characterized by older, recently developed, and developing communities at urban and suburban levels of density and intensity, consisting of *Planned Urbanized* and *Urbanized Communities*.

Dated at San Diego, California this April 21, 2008

The ordinance includes a new section of the code, Section 131.0105, Development Character Areas, which follows the former Phased Development Areas boundaries and divides the City into three Development Character Areas: *Proposition A Lands*, *Planned Urbanized*, and *Urbanized*. Additionally, the ordinance simply changes the terminology from "Future Urbanizing" to *Proposition A Lands* throughout the Land Development Code. Finally, the ordinance cleans up the Land Development Code by, among other things, italicizing and de-italicizing certain terms that either are or are not specifically defined, respectively. These clean up items do not change the operation, meaning, or intent of the laws.

Cathy L. Krueger
Signature

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

Introduced on March 10, 2008.
Passed by the Council of the City of San Diego on March 25, 2008.
Date of Final Passage is April 8, 2008.

AUTHENTICATED BY:
JERRY SANDERS
Mayor of The City of San Diego, California
ELIZABETH S. MALAND
City Clerk of The City of San Diego, California
By: Gil Sanchez, Deputy
Pub. Apr 21-00040307

6 1/2 x 3 1/4 x 1 = 65.00

ORDINANCE NUMBER O- 15974 (NEW SERIES)

DATE OF FINAL PASSAGE APR 08 2008

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 3, DIVISION
39 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING
SECTIONS 33.3911 AND 33.3923, RELATING TO REGULATIONS
INVOLVING THE OPERATION OF CARDROOMS.

WHEREAS, on May 23, 1983, the City of San Diego, acting through the City Council, adopted Ordinance O-15974, new series, regulating the existence and operation of cardrooms; and

WHEREAS, the purpose and intent of the City's Card Room Ordinance is to eliminate the deleterious effects cardrooms have on the safety, welfare, and morals of the City by enacting regulations and provisions governing the establishment, operation, management, and continued existence of cardrooms in the City of San Diego; and

WHEREAS, the City originally had three licensed cardrooms and twenty-one total allowable card tables; and

WHEREAS, regulation of cardrooms by local governments is authorized and governed by state law, specifically California Business and Professions Code sections 19960 through 19972, formerly Business and Professions Code sections 19950 through 19958; and

WHEREAS, state law permits the City of San Diego to issue gambling licenses to gambling establishments because prior to January 1, 1984, there was in effect an ordinance in the City of San Diego that expressly authorized the operation of one or more cardrooms; and

WHEREAS, state law mandates that any amendment to an ordinance authorizing cardrooms that would result in an expansion of gambling in a local jurisdiction shall not be valid if the amendment results in an increase of twenty-five percent or more in the number of gambling tables in the jurisdiction, number of licensed cardrooms in the jurisdiction, number of gambling tables that may be operated in a specific gambling establishment, (up to 25-percent or two tables, whichever is greater), hours of operation of a gambling establishment, and maximum amount permitted to be wagered in a game, as compared to that authorized on January 1, 1996; and

WHEREAS, the state law also requires each jurisdiction to have established wagering limits set by the local governing body; and

WHEREAS, Municipal Code section 39.3923 currently allows the individual cardrooms to set wagering limits as approved by the Police Chief; and

WHEREAS, per recent interpretations by the Attorney General and Bureau of Gambling Control this section is not in compliance with the intent of state law; and

WHEREAS, the Council desires to amend San Diego Municipal Code section 33.3923 as needed and required to bring its regulations into compliance with state law; and

WHEREAS, the Council also now desires to amend San Diego Municipal Code section 33.3911 to increase the number of tables for the playing of cards; and

WHEREAS, per the Business and Professions Code section 19961.1, the California Department of Justice, Bureau of Gambling Control has reviewed and approved these proposed ordinance changes; NOW, THEREFORE,

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

Section 1. That Chapter 3, Article 6, Division 39, of the San Diego Municipal Code is amended by amending sections 33.3911 and 39.3923 as follows:

§33.3911 Regulations

[No change in text.]

(a) – (b) [No change in text.]

(c) No establishment licensed under this Division as a cardroom shall contain more tables for the playing of cards than the number for which the license fee has been paid. In no case shall any establishment contain more than nine tables for the playing of cards. No more than eighteen card tables shall be allowed to operate in the City at any time. This number is derived from the maximum number of card tables permitted at each cardroom, as provided in section 33.3911(c), multiplied by the maximum number of licensed Cardrooms allowable under this division.

(d)– (g) [No change in text.]

§33.3923 Wagering Limits

Cardrooms shall be permitted to have no limit wagering at each card game.

Wagering rules shall be clearly posted at each card table.

Section 2. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of passage.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By *Arinda K. Peter for*
John C. Hemmerling
Deputy City Attorney

JCH:aml
11/23/07
02/19/08 REV
02/19/08 COR
Or.Dept:CA

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego,
at its meeting of MAR 25 2008.

ELIZABETH S. MALAND, City Clerk

By *Mary Zumaiga*
Deputy City Clerk

Approved: 4-8-08
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: STRIKEOUT
NEW LANGUAGE: UNDERLINE

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 3, DIVISION
39 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING
SECTIONS 33.3911 AND 33.3923, RELATING TO REGULATIONS
INVOLVING THE OPERATION OF CARDROOMS.

§33.3911 Regulations

[No change in text.]

(a) – (b) [No change in text.]

(c) No establishment licensed under this Division as a cardroom shall contain more tables for the playing of cards than the number for which the license fee has been paid. In no case shall any establishment contain more than ~~seven~~ nine tables for the playing of cards. No more than ~~twenty-one~~ eighteen card tables shall be allowed to operate in the City at any time.

This number is derived from the maximum number of card tables permitted at each cardroom, as provided in section 33.3911(c), multiplied by the maximum number of licensed cardrooms allowable under this division.

(d)- (g) [No change in text.]

§33.3923 Wagering Limits

~~Each cardroom licensee shall adopt rules for wagering limits in each card game. The rules shall be subject to approval by the Chief of Police.~~

Cardrooms shall be permitted to have no limit wagering at each card game. Wagering rules shall be clearly posted at each card table.

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