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11-15-16
(O-2017-39)

ORDINANCE NUMBER O- 20752 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 01 2016

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 126.0203; AMENDING CHAPTER 12, ARTICLE 7, DIVISION 1 BY AMENDING SECTION 127.0109; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTIONS 131.0502, 131.0522, 131.0531, AND 131.0556; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 9 BY AMENDING SECTIONS 132.0902 AND 132.0905; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 10 BY ADDING NEW SECTION 141.1001, BY RENUMBERING SECTION 141.1001 TO SECTION 141.1002, SECTION 141.1002 TO SECTION 141.1003, SECTION 141.1003 TO SECTION 141.1004, SECTION 141.1004 TO SECTION 141.1005, SECTION 141.1005 TO SECTION 141.1006, SECTION 141.1006 TO SECTION 141.1007, SECTION 141.1007 TO SECTION 141.1008, AND SECTION 141.1008 TO SECTION 141.1009; AND BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 143.0111, ALL RELATING TO THE NORTH PARK COMMUNITY PLAN UPDATE.

WHEREAS, various amendments to the Land Development Code are proposed to assist in implementing the vision of the North Park Community Plan Update, including the creation of a new separately regulated use and modifications to use requirements; and

WHEREAS, a new separately regulated light industrial use called the Artisan Food and Beverage Producer is intended to allow for artisan uses that have developed in the urbanized communities over the past ten years. The new use category will allow small establishments less than 20,000 square feet that engage in on-site production of food and/or beverage products such as coffee products, ice cream, baked goods, confections, alcoholic and non-alcoholic beverages, and other foodstuffs in the Community Commercial (CC) zones in accordance with Process One

approval where it meets the specified limited use criteria, and subject to a Process Two Neighborhood Use Permit in the Neighborhood Commercial (CN) zones; and

WHEREAS, proposed use-related modifications include allowing tandem parking as a Process One permit approval; new allowances for visitor accommodations in Neighborhood Commercial (CN) zones and for museums in Community Commercial zones; an allowance for the sale of beer, wine, and hard alcohol in the North Park Neighborhood Commercial Zones; and a new requirement for eating and drinking establishments with drive-in or drive-through component to obtain a Conditional Use Permit in the Community Commercial (CC-3) zone; and

WHEREAS, the Planning Department has conducted extensive public outreach and analysis involving multiple stakeholder groups; NOW, THEREFORE,

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

Section 1. That Chapter 12, Article 6, Division 2 of the San Diego Municipal Code is amended by amending section 126.0203, to read as follows:

§126.0203 When a Neighborhood Use Permit Is Required

- (a) An application for the following uses in certain zones may require a Neighborhood Use Permit. To determine whether a Neighborhood Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13.

Artisan Food and Beverage Producer

Automobile service stations through *Wireless communication facilities*

(under certain circumstances described in Section 141.0420) [No change in text.]
- (b) [No change in text.]

Section 2. That Chapter 12, Article 7, Division 1 of the San Diego Municipal Code is amended by amending section 127.0109, to read as follows:

§127.0109 Expansion of a Previously Conforming Use

- (a) [No change in text.]
- (b) Where located in residential zones, the following uses shall not be eligible to expand in accordance with Section 127.0109(a):
 - (1) Hazardous waste facilities subject to Sections 141.1002 or 141.1003;
 - (2) Very Heavy Industrial Uses subject to Section 141.1008.
 - (3) Wrecking and Dismantling of Motor Vehicles subject to Section 141.1009; and
 - (4) [No change in text.]

Section 3. That Chapter 13, Article 1, Division 1 of the San Diego Municipal Code is amended by amending section 131.0112, 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) through (9) [No change in text.]
 - (10) Industrial Use Category

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced. The subcategories are:

- (A) [No change in text.]
- (B) Light Manufacturing - Uses that process, fabricate, assemble, treat, or package finished parts or products without the use of explosives or unrefined petroleum. This subcategory includes light manufacturing uses that produce a wide variety of products including, but not limited to, durable goods, machinery, equipment, or large food and beverage production facilities that do not meet the criteria for artisan food and beverage production pursuant to Section 141.1001.

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

(11) [No change in text.]

(b) [No change in text.]

Section 4. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code is amended by amending section 131.0222, to read as follows:

§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 in text.]

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

[No change in text.]

Footnotes for Table 131-02B

¹ through ⁷ [No change in text.]

⁸ This use is only allowed in the OR-1-2 zone subject to the regulations in Section 141.1005 and the regulations in Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

⁹ through ¹¹ [No change in text.]

Section 5. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code is amended by amending sections 131.0502, 131.0522, 131.0531, and 131.0556, to read as follows:

§131.0502 Purpose of the CN (Commercial--Neighborhood) Zones

(a) [No change in text.]

(b) The CN zones are differentiated based on the permitted *lot* size and pedestrian orientation as follows:

- CN-1-1 allows *development* of a limited size with a pedestrian orientation and permits a maximum *density* of 1 *dwelling unit* for each 3,000 square feet of *lot* area
- CN-1-2 allows *development* with an auto orientation and permits a maximum *density* of 1 *dwelling unit* for each 1,500 square feet of *lot* area
- CN-1-3 allows *development* with a pedestrian orientation and permits a maximum *density* of 1 *dwelling unit* for each 1,500 square feet of *lot* area

- CN-1-4 allows *development* with a pedestrian orientation and permits a maximum *density* of 1 *dwelling unit* for each 1,000 square feet of *lot area*
- CN-1-5 allows *development* with a pedestrian orientation and permits a maximum *density* of 1 *dwelling unit* for each 600 square feet of *lot area*

§131.0522 Use Regulations Table for Commercial Zones

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

Legend for Table 131-05B

[No change in text.]

Table 131-05B
Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones													
	1st & 2nd >>	CN ⁽¹⁾ -					CR-		CO-				CV-		CP-
	3rd >>	1-					1-	2-	1-	2-	3-	1-	1-		
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1
Open Space through Commercial Services; Tasting Rooms [No change in text.]		[No change in text.]													
Visitor Accommodations		P		P	P	-	-	-		P	-				
Commercial Services, Separately Regulated Commercial Services Uses through Industrial; Trucking & Transportation Terminals [No change in text.]		[No change in text.]													
Separately Regulated Industrial Uses															
Artisan Food and Beverage Producer		N		-	-	-	-	-	-	-	-	-	-	-	
Industrial, Separately Regulated Industrial Uses, Hazardous Waste Research Facility through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]													

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																									
	1st & 2nd >>	CC-																									
	3rd >>	1-			2-			3-			4-			5-													
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6
Open Space through Institutional, Separately Regulated Institutional Uses; Interpretive Centers [No change in text.]		[No change in text.]																									
Museums		C			C					P					C					C					C		
Institutional, Separately Regulated Institutional Uses, Major Transmission, Relay, or Communications Switching Stations through Commercial Services, Separately Regulated Commercial Services Uses, Child Care Facilities; Small Family Child Care Homes [No change in text.]		[No change in text.]																									
Eating and Drinking Establishments with a Drive-in or Drive-through Component		P			P					C					P					P					P		
Commercial Services, Separately Regulated Commercial Services Uses, Fairgrounds through Industrial, Trucking & Transportation Terminals [No change in text.]		[No change in text.]																									
Separately Regulated Industrial Uses																											
Artisan Food and Beverage Producer		L			L					L					L					L					L		
Industrial, Separately Regulated Industrial Uses, Hazardous Waste Research Facility through Signs, Separately Regulated Signs Uses; Theater <i>Marquees</i> [No change in text.]		[No change in text.]																									

Footnotes for Table 131-05B

¹ through ³ [No change in text.]

⁴ Live entertainment and the sale of intoxicating beverages other than beer and wine are not permitted in the Commercial-Neighborhood (CN) zones, unless approval of a deviation is granted via a Planned Development Permit in accordance with Section 126.0602(b)(1). Within the North Park Community Plan area, the sale of intoxicating beverages are permitted in the CN zones. All uses or activities shall be conducted entirely within an enclosed building and front onto the primary street with no uses or commercial activities conducted outdoors in the rear *yard* adjacent to residentially-zoned properties.

⁵ through ¹⁵ [No change in text.]

¹⁶ Eating and drinking establishments abutting residential *development* located in a residential zone may operate only between 6:00 a.m. and 12:00 midnight. All uses or activities shall be conducted entirely within an enclosed building and front onto the primary street with no uses or commercial activities conducted outdoors in the rear *yard* adjacent to residentially-zoned properties.

¹⁷ [No change in text.]

§131.0531 Development Regulations Tables for Commercial Zones

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

(a) CN Zones

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

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones				
	1st & 2nd >>	CN-				
3rd >>	1-	1-	1-	1-	1-	
4th >>	1	2	3	4	5	
Max Permitted Residential Density⁽¹⁾	3,000	1,500	1,500	1,000	600	
Supplemental Residential Regulations [See Section 131.0540] through Visibility Area [See Section 113.0273] [No change in text.]	[No change in text.]					

Footnotes for Table 131-05C [No change in text.]

(b) [No change in text.]

(c) CC Zones

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

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones									
	1st & 2nd >>	CC-									
3rd >>	1- 2- 4- 5- 1- 2- 4- 5- 1- 2- 4- 5- 2- 3- 4- 5-										
4th >>	1 2 3 4										
Max Permitted Residential Density⁽¹⁾ through Building Articulation [See Section 131.0554] [No change in text.]	[No change in text.]										
Parking Lot Orientation [See Section 131.0556]	applies	applies	applies	applies	applies	applies	applies	applies	applies	applies	
Refuse and Recyclable Material Storage [See Section 142.0805] through Visibility Area [See Section 113.0273] [No change in text.]	[No change in text.]										

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones									
	1st & 2nd >>	CC									
	3rd >>	2-	3-	4-	5-	3-	4-	5-	3-	3-	3-
	4th >>	5			6			7		8	
Max permitted Residential Density⁽¹⁾ through Visibility Area [See Section 113.0273] [No change in text.]		[No change in text.]									

Footnotes for Table 131-05E [No change in text.]

§131.0556 Parking Lot Orientation

In all zones where the parking lot orientation regulation applies, as indicated in Table 131-05D or 131-05E, proposed *development* with greater than 50,000 square feet of *gross floor area* and more than one *street frontage* shall locate no more than 50 percent of the *vehicular use area* between the longest *street frontage* providing public access to the *premises* and a building or buildings.

Diagram 131-05G

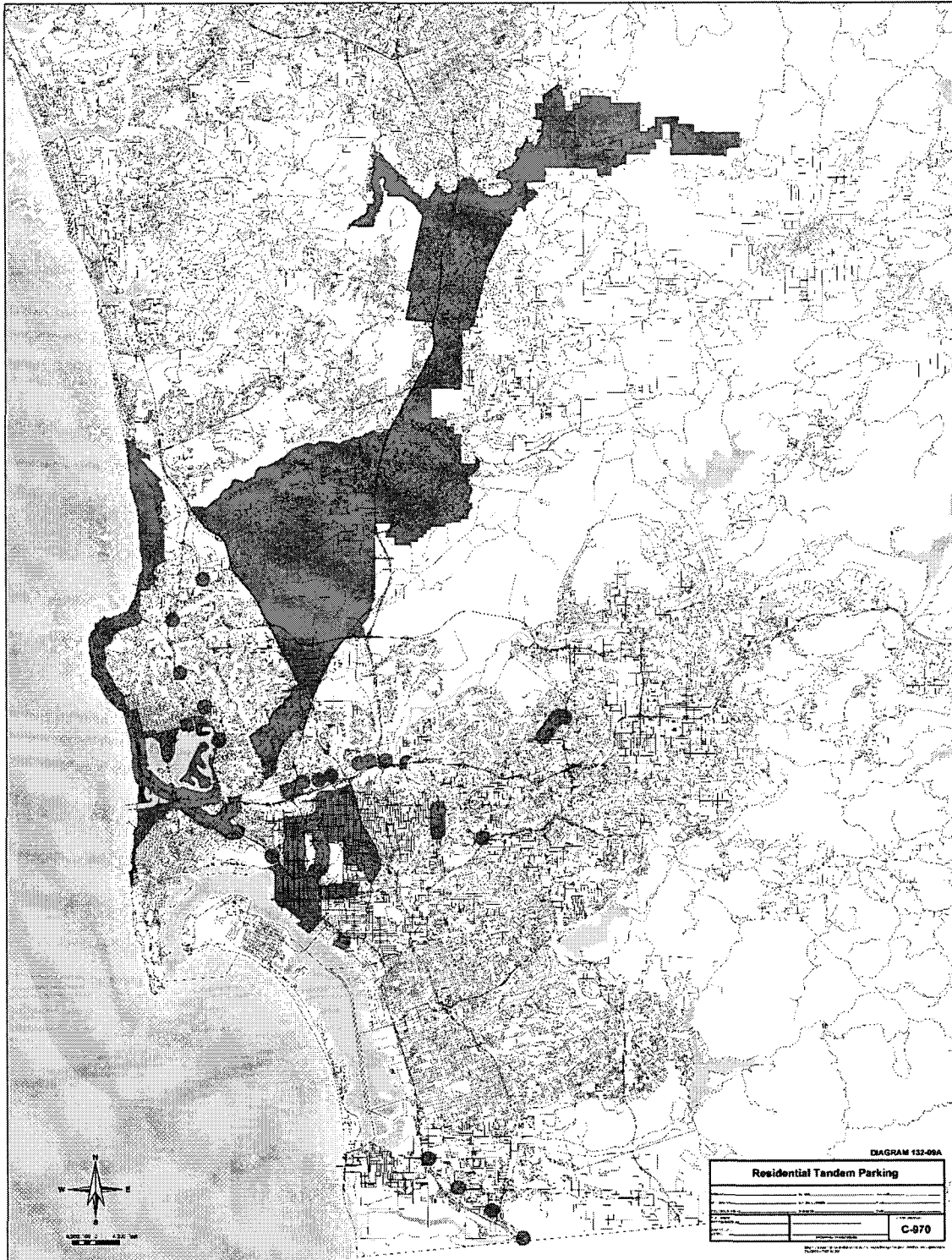
Parking Lot Orientation Restriction

[No change in Diagram.]

Section 6. That Chapter 13, Article 2, Division 9 of the San Diego Municipal Code is amended by amending sections 132.0902 and 132.0905, to read as follows:

§132.0902 Where the Residential Tandem Parking Overlay Zone Applies

- (a) This overlay zone applies to property shown on Map No. C-970 filed in the office of the City Clerk under Document No. 00-20752 These areas are shown generally on Diagram 132-09A.
- (b) [No change in text.]



**Table 132-09A
Residential Tandem Parking Overlay Zone Applicability**

[No change in text.]

**§132.0905 Supplemental Development Regulations of the Residential Tandem
Parking Overlay Zone**

- (a) Tandem parking may be counted as two parking spaces toward the off-street parking required by Chapter 14, Article 2, Division 5 (Parking Regulations) only in the following locations and circumstances:
- (1) In the Golden Hill Community Plan area, the La Jolla Community Plan area, the Mission Beach Precise Plan area, the Mission Valley Community Plan area, the North Park Community Plan area, the Uptown Community Plan area, the Mira Mesa Community Plan area, the Scripps Miramar Ranch Community Plan area, the Miramar Ranch North Community Plan area, the Sabre Springs Community Plan area, the Carmel Mountain Ranch Community Plan area, the Rancho Bernardo Community Plan area, and the San Pasqual Community Plan area.
 - (2) [No change in text.]
 - (3) If at least 25 percent of the project area is located within the Transit Area Overlay Zone as shown in Diagram 132-10A and the project area is not located in the Pacific Beach Community Plan area, the Southeast San Diego Community Plan area, the

Skyline/Paradise Hills Community Plan Area, or the Mid-City
Communities Plan area other than the City Heights
neighborhood.

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

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

Section 7. That Chapter 14, Article 1, Division 10 of the San Diego Municipal Code is amended by adding new section 141.1001, by renumbering section 141.1001 to section 141.1002, section 141.1002 to section 141.1003, section 141.1003 to section 141.1004, section 141.1004 to section 141.1005, section 141.1005 to section 141.1006, section 141.1006 to section 141.1007, section 141.1007 to section 141.1008, and section 141.1008 to section 141.1009, by amending and renumbering section 141.1002 to 141.1003 and section 141.1004 to section 141.1005, to read as follows:

§141.1001 Artisan Food and Beverage Producer

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

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

§141.1002 Hazardous Waste Research Facilities

[No change in text.]

§141.1003 Hazardous Waste Treatment Facilities

This section regulates *structures*, improvements on the land, and all contiguous land used for the treatment, transfer, storage, resource recovery, disposal, or recycling of *hazardous waste*.

Hazardous waste treatment facilities may be permitted with a Conditional Use Permit decided in accordance with Process Five in the zones indicated with a “C”

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

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

(f) Following the meeting required by Section 141.1003(e), the local assessment committee and the *applicant* shall meet and confer on the proposal for the purpose of establishing the terms, provisions, and conditions under which the *development* would be acceptable to the community. If the local assessment committee and the *applicant* cannot resolve any differences through the meetings, the Office of Permit Assistance in the State Office of Planning and Research may recommend the use of a mediator.

(g) through (i) [No change in text.]

(j) The City Manager shall send a copy of the written determination, made pursuant to Section 141.1003(i), to the *applicant*.

(k) The determination required by Section 141.1003(i) does not prohibit the City Council from making a different determination when the final decision to approve or deny the Conditional Use Permit is made, if the final determination is based on information that was not considered at the time the initial determination was made.

(l) [No change in text.]

§141.1004 Marine-Related Uses in the Coastal Zone

[No change in text.]

§141.1005 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) Exemptions. The following activities and persons are exempt from the provisions of this section:

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

(10) *Excavations* or *grading* for the exclusive purpose of obtaining materials for roadbed construction and maintenance conducted in connection with timber operations or forest management on land owned by the same person or entity. This exemption is limited to *excavation* and *grading* that is conducted adjacent to timber operation or forest management roads and shall not apply to onsite *excavation* or *grading* that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to *excavation* for materials that are, or have been sold for commercial purposes.

(A) The exemption set forth in Section 141.10045(a)(10) applies only if slope stability and erosion are controlled in accordance with Section 3704(f) and Section 3706(d) of Title 14 of the California Code of Regulations and, upon closure of the site, the person closing the site implements,

where necessary, revegetation measures and postclosure uses in consultation with the California Department of Forestry and Fire Protection.

(11) [No change in text.]

(b) Vested Rights

(1) Any person who obtained a vested right to conduct a *surface mining* operation before January 1, 1976, shall not be required to secure a Conditional Use Permit pursuant to the provisions of Section 141.1005, as long as the vested right continues and no substantial change is made in the operation except in accordance with the provisions of Section 141.1005. Any substantial change in the *surface mining* operation subsequent to January 1, 1976, may be permitted only with a Conditional Use Permit in accordance with Section 141.1005.

(A) [No change in text.]

(2) [No change in text.]

(3) Any person who has obtained a vested right to conduct *surface mining* operations shall obtain a grading permit and be subject to the same frequency of inspection as those mining operators required to obtain a Conditional Use Permit pursuant to Section 141.1005.

(4) Nothing in Section 141.1005 shall be construed as requiring the filing of a *reclamation* plan for, or the *reclamation* of, mined lands

on which *surface mining* operations were conducted prior to, but not after, January 1, 1976.

- (c) The applicant shall submit a *reclamation* plan, financial assurances and grading plans, in accordance with the provisions set forth in Section 141.1005; the California Surface Mining and Reclamation Act of 1975, Article 5 including Section 2772, 2773 and 2773.1; applicable provisions of Chapter 8, Division 2, Title 14 of the California Code of Regulations including Sections 3500-3505 and 3700-3713; and procedures established by the City Manager. The Conditional Use Permit, *reclamation* plan, financial assurance, and *grading* plan shall be processed as a consolidated action.
- (d) The Director of the California Department of Conservation shall be notified by the City Manager of the filing of a Conditional Use Permit application pursuant to Section 141.1005.
- (e) through (f) [No change in text.]
- (g) *Reclamation* plans, reports, applications, and other documents submitted in accordance with Section 141.1005 are public records unless it can be demonstrated to the satisfaction of the City Attorney that the release of this information would reveal production, reserves, or rate of depletion that is entitled to protection as proprietary information. The City Attorney shall identify the proprietary information as a separate part of each application. A copy of all permits, *reclamation* plans, reports, applications, and other documents submitted in accordance with Section 141.1005,

including proprietary information, shall be furnished to the Director of the California Department of Conservation by the City Manager. Proprietary information shall be made available to persons other than the Director of the Department of Conservation only when authorized by the *surface mining* owner in accordance with Public Resources Code section 2778.

(h) through (i) [No change in text.]

(j) In accordance with the provisions of Section 141.1005, Public Resources Code section 2773.1 and as a condition of approval of the Conditional Use Permit or the *reclamation* plan or both, the *surface mining* operator shall submit financial assurances to ensure compliance with the *surface mining* operation's *reclamation* plan, including revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, annual adjustments for disturbance to new lands and those anticipated for the upcoming calendar year, inflation and other measures, as necessary.

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

(k) Whenever any *surface mining* operation or portion of a *surface mining* operation that is subject to Section 141.1005 is sold, assigned, conveyed, exchanged, or otherwise transferred, the successor in interest shall be bound by the provisions of the Conditional Use Permit, *reclamation* plan, the provisions of Section 141.1005 and the California Surface Mining and Reclamation Act of 1975.

(l) In accordance with Public Resources Code section 2770, and as further provided in Section 141.1005, whenever any *surface mining* operation becomes *idle*, the *surface mining* operator shall submit a proposed interim management plan (IMP) to the City Manager for review and approval. The IMP shall be submitted within ninety days of the operation becoming *idle* on forms provided by the City Manager. Review and approval of the IMP shall be carried out in accordance with Public Resources Code section 2770(h). Upon receipt of a complete proposed IMP, the City Manager shall forward it to the California Department of Conservation for review.

(m) through (o) [No change in text.]

§141.1006 Newspaper Publishing Plants

[No change in text.]

§141.1007 Processing and Packaging of Plant Products and Animal By-Products Grown Off-Premises

[No change in text.]

§141.1008 Very Heavy Industrial Uses

[No change in text.]

§141.1009 Wrecking and Dismantling of Motor Vehicles

[No change in text.]

Section 8. That Chapter 14, Article 3, Division 1 of the San Diego Municipal Code is amended by amending section 143.0111, to read as follows:

§143.0111 Limited Exceptions from Environmentally Sensitive Lands Regulations

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

- (a) Outside the *MHPA* and the Coastal Overlay Zone, mining and extractive industries may exceed the maximum allowable *steep hillside* development area described in Section 143.0142(a). Both inside and outside the *MHPA*, a Conditional Use Permit is required in accordance with Section 141.1005 and restoration of the on-site landform to a natural-appearing condition is required.

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

Section 9. The City Clerk is instructed to insert the Document Number in Section 132.0902(a) for Map No. 970 filed in the office of the City Clerk.

Section 10. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 11. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station (MCAS) Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively,

Airports), this Ordinance shall take effect and be in force as of the date of the finding of consistency by SDCRAA, provided that and not until at least thirty days have passed from the final date of passage or the date that R-310758 adopting the North Park Community Plan becomes effective, whichever date occurs later, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, or the date that R-310758 adopting the North Park Community Plan becomes effective, whichever date occurs later, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

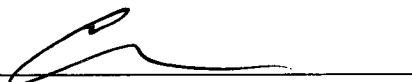
That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency

shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote; the proposed decision and findings shall be forwarded to the SDCRAA, California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports; and the City Council shall hold a second hearing not less than forty-five days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and any final decision to overrule a determination of inconsistency shall require a two-thirds vote.

If the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage, or the date of final passage of R-310758 adopting the North Park Community Plan, whichever date occurs later.

Section 12. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective, which date is determined in accordance with Section 11, above.


APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Corrine L. Neuffer
Deputy City Attorney


CLN:dkr
September 8, 2016
Or.Dept:Planning
Doc. No.: 1347136

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 15 2016.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11/28/16
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(Note: The date of final passage is December 1, 2016, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 126.0203; AMENDING CHAPTER 12, ARTICLE 7, DIVISION 1 BY AMENDING SECTION 127.0109; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTIONS 131.0502, 131.0522, 131.0531, AND 131.0556; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 9 BY AMENDING SECTIONS 132.0902 AND 132.0905; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 10 BY ADDING NEW SECTION 141.1001, BY RENUMBERING SECTION 141.1001 TO SECTION 141.1002, SECTION 141.1002 TO SECTION 141.1003, SECTION 141.1003 TO SECTION 141.1004, SECTION 141.1004 TO SECTION 141.1005, SECTION 141.1005 TO SECTION 141.1006, SECTION 141.1006 TO SECTION 141.1007, SECTION 141.1007 TO SECTION 141.1008, AND SECTION 141.1008 TO SECTION 141.1009; AND BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 143.0111, ALL RELATING TO THE NORTH PARK COMMUNITY PLAN UPDATE.

§126.0203 When a Neighborhood Use Permit Is Required

- (a) An application for the following uses in certain zones may require a Neighborhood Use Permit. To determine whether a Neighborhood Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13.

Artisan Food and Beverage Producer

Automobile service stations through *Wireless communication facilities*
(under certain circumstances described in Section 141.0420) [No change
in text.]

(b) [No change in text.]

§127.0109 Expansion of a Previously Conforming Use

(a) [No change in text.]

(b) Where located in residential zones, the following uses shall not be eligible
to expand in accordance with Section 127.0109(a):

(1) Hazardous waste facilities subject to Sections 141.1001~~2~~ or
141.1002~~3~~;

(2) Very Heavy Industrial Uses subject to Section 141.1007~~8~~;

(3) Wrecking and Dismantling of Motor Vehicles subject to Section
141.1008~~9~~; and

(4) [No change in text.]

§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) through (9) [No change in text.]

(10) Industrial Use Category

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced. The subcategories are:

(A) [No change in text.]

(B) Light Manufacturing - Uses that process, fabricate, assemble, treat, or package finished parts or products without the use of explosives or unrefined petroleum. This subcategory includes light manufacturing uses that produce a wide variety of products including, but not limited to, ~~food,~~ beverages, durable goods, machinery, or equipment, or large food and beverage production facilities that do not meet the criteria for artisan food and beverage production pursuant to Section 141.1001.

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

(11) [No change in text.]

(b) [No change in text.]

§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 in text.]

Table 131-02B

Use Regulations Table for Open Space Zones

[No change in text.]

Footnotes for Table 131-02B

¹ through ⁷ [No change in text.]

⁸ This use is only allowed in the OR-1-2 zone subject to the regulations in Section 141.1004~~5~~ and the regulations in Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

⁹ through ¹¹ [No change in text.]

§131.0502 Purpose of the CN (Commercial--Neighborhood) Zones

(a) [No change in text.]

(b) The CN zones are differentiated based on the permitted *lot* size and pedestrian orientation as follows:

- CN-1-1 allows *development* of a limited size with a pedestrian orientation and permits a maximum *density* of 1 *dwelling unit* for each 3,000 square feet of *lot* area
- CN-1-2 allows *development* with an auto orientation and permits a maximum *density* of 1 *dwelling unit* for each 1,500 square feet of *lot* area
- CN-1-3 allows *development* with a pedestrian orientation and permits a maximum *density* of 1 *dwelling unit* for each 1,500 square feet of *lot* area
- CN-1-4 allows *development* with a pedestrian orientation and permits a maximum *density* of 1 *dwelling unit* for each 1,000 square feet of *lot* area

- CN-1-5 allows *development* with a pedestrian orientation and permits a maximum *density* of 1 *dwelling unit* for each ~~8~~600 square feet of *lot area*

§131.0522 Use Regulations Table for Commercial Zones

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

Legend for Table 131-05B

[No change in text.]

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

Use Categories/Subcategories	Zone Designator	Zones												
		CN ⁽¹⁾ -					CR-		CO-			CV-		CP-
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	1- 2- 3- 4- 5					1-	2-	1-	2-	3-	1-	2-	1-
	3rd >>	1	2	3	4	5	1	1	1	2	1	2	1	2
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2
Open Space through Commercial Services, Tasting Rooms [No change in text.]		[No change in text.]												
Visitor Accommodations		-P		P	P	-	-	-	-	P	-			
Commercial Services, Separately Regulated Commercial Services Uses through Industrial, Trucking & Transportation Terminals [No change in text.]		[No change in text.]												
Separately Regulated Industrial Uses														
Artisan Food and Beverage Producer		N	-	-	-	-	-	-	-	-	-	-	-	
Industrial, Separately Regulated Industrial Uses, Hazardous Waste Research Facility through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]												

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1st & 2nd >>	CC-																							
	3rd >>	1-			2-			3-			4-			5-											
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6
Open Space through Institutional, Separately Regulated Institutional Uses; Interpretive Centers [No change in text.]		[No change in text.]																							
Museums		C			C			CP			C			C											
Institutional, Separately Regulated Institutional Uses, Major Transmission, Relay, or Communications Switching Stations through Commercial Services, Separately Regulated Commercial Services Uses, Child Care Facilities ., Small Family Child Care Homes [No change in text.]		[No change in text.]																							
Eating and Drinking Establishments with a Drive-in or Drive-through Component		P			P			PC			P			P											
Commercial Services, Separately Regulated Commercial Services Uses, Fairgrounds through Industrial, Trucking & Transportation Terminals [No change in text.]		[No change in text.]																							
Separately Regulated Industrial Uses																									
Artisan Food and Beverage Producer		L			L			L			L			L											
Industrial, Separately Regulated Industrial Uses, Hazardous Waste Research Facility through Signs, Separately Regulated Signs Uses; Theater Marquees [No change in text.]		[No change in text.]																							

Footnotes for Table 131-05B

¹ through ³ [No change in text.]

⁴ Live entertainment and the sale of intoxicating beverages other than beer and wine are not permitted in the Commercial-Neighborhood (CN) zones, unless approval of a deviation is granted via a Planned Development Permit in accordance with Section 126.0602(b)(1). Within the North Park Community Plan area, the sale of intoxicating beverages are permitted in the CN zones. All uses or activities shall be conducted entirely within an enclosed building and front onto the primary street with no uses or commercial activities conducted outdoors in the rear yard adjacent to residentially-zoned properties.

⁵ through ¹⁵ [No change in text.]

¹⁶ Eating and drinking establishments abutting residential *development* located in a residential zone may operate only between 6:00 a.m. and 12:00 midnight. All uses or activities shall be conducted entirely within an enclosed building and front onto the primary street with no uses or commercial activities conducted outdoors in the rear yard adjacent to residentially-zoned properties.

¹⁷ [No change in text.]

§131.0531 Development Regulations Tables for Commercial Zones

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

(a) CN Zones

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

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones				
	1st & 2nd >>	CN-				
	3rd >>	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5
Max Permitted Residential Density⁽¹⁾		3,000	1,500	1,500	1,000	800 600
Supplemental Residential Regulations [See Section 131.0540] through Visibility Area [See Section 113.0273] [No change in text.]		[No change in text.]				

Footnotes for Table 131-05C [No change in text.]

(b) [No change in text.]

(c) CC Zones

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

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones															
	1st & 2nd >>	CC-															
	3rd >>	1-	2-	4-	5-	1-	2-	4-	5-	1-	2-	4-	5-	2-	3-	4-	5-
	4th >>	1			2			3			4						
Max Permitted Residential Density⁽¹⁾ through Building Articulation [See Section 131.0554] [No change in text.]		[No change in text.]															
Parking Lot Orientation [See Section 131.0556]		applies			applies			applies			<u>-applies</u>						
Refuse and Recyclable Material Storage [See Section 142.0805] through Visibility Area [See Section 113.0273] [No change in text.]		[No change in text.]															

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones									
	1st & 2nd >>	CC									
	3rd >>	2-	3-	4-	5-	3-	4-	5-	3-	3-	3-
	4th >>	5			6			7	8	9	
Max permitted Residential Density⁽¹⁾ through Visibility Area [See Section 113.0273] [No change in text.]		[No change in text.]									

Footnotes for Table 131-05E [No change in text.]

§131.0556 Parking Lot Orientation

In all zones where the parking lot orientation regulation applies, as indicated in Table 131-05D or 131-05E, proposed *development* with ~~over~~ greater than 100,000 50,000 square feet of *gross floor area* and more than one *street frontage* shall locate no more than 50 percent of the *vehicular use area* between the longest *street frontage* providing public access to the *premises* and a building or buildings.

Diagram 131-05G

Parking Lot Orientation Restriction

[No change in Diagram.]

§132.0902 Where the Residential Tandem Parking Overlay Zone Applies

- (a) This overlay zone applies to property shown on Map No. ~~C-922~~ C-970 filed in the office of the City Clerk under Document No. ~~00-19288~~ _____. These areas are shown generally on Diagram 132-09A.
- (b) [No change in text.]

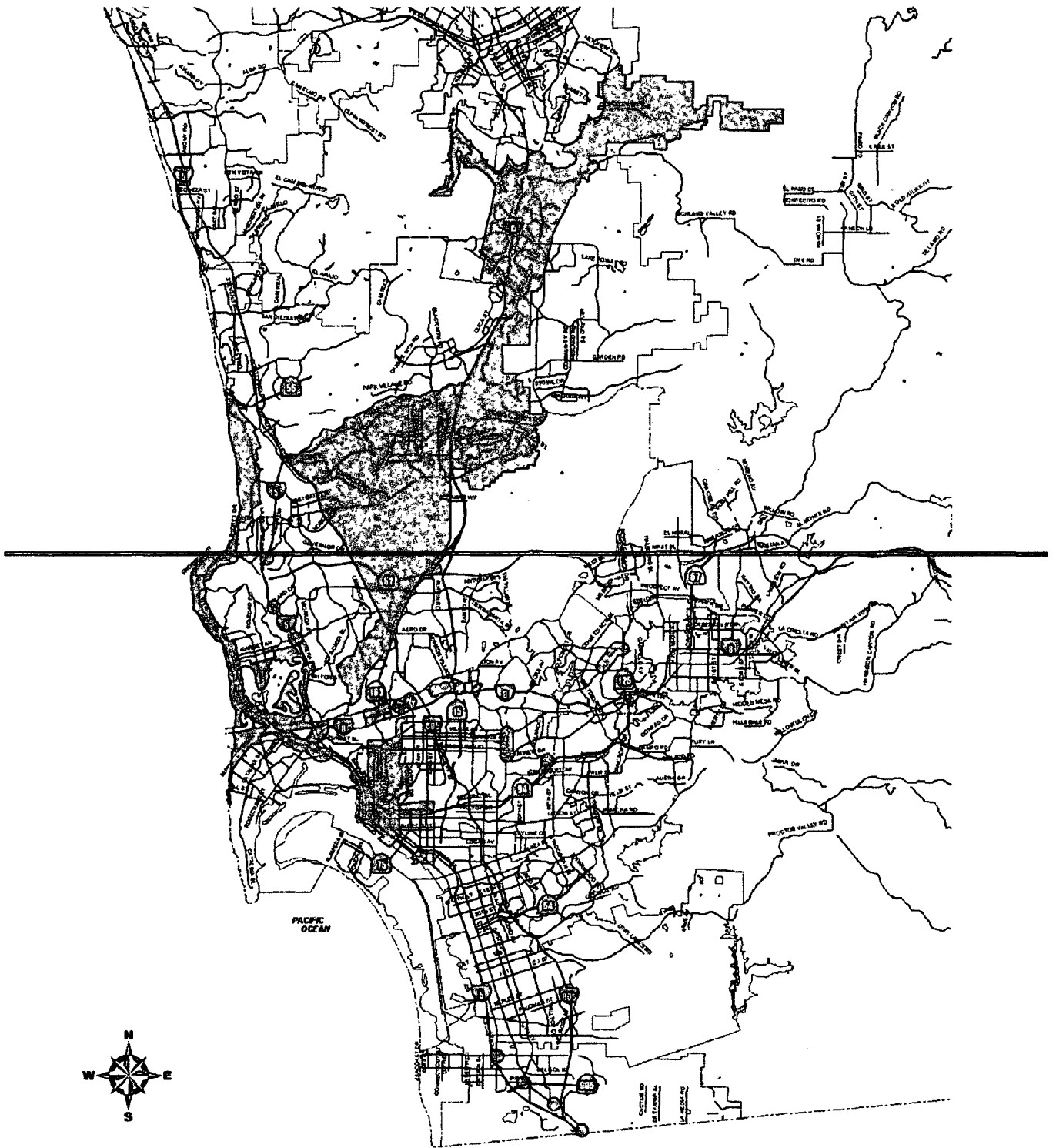
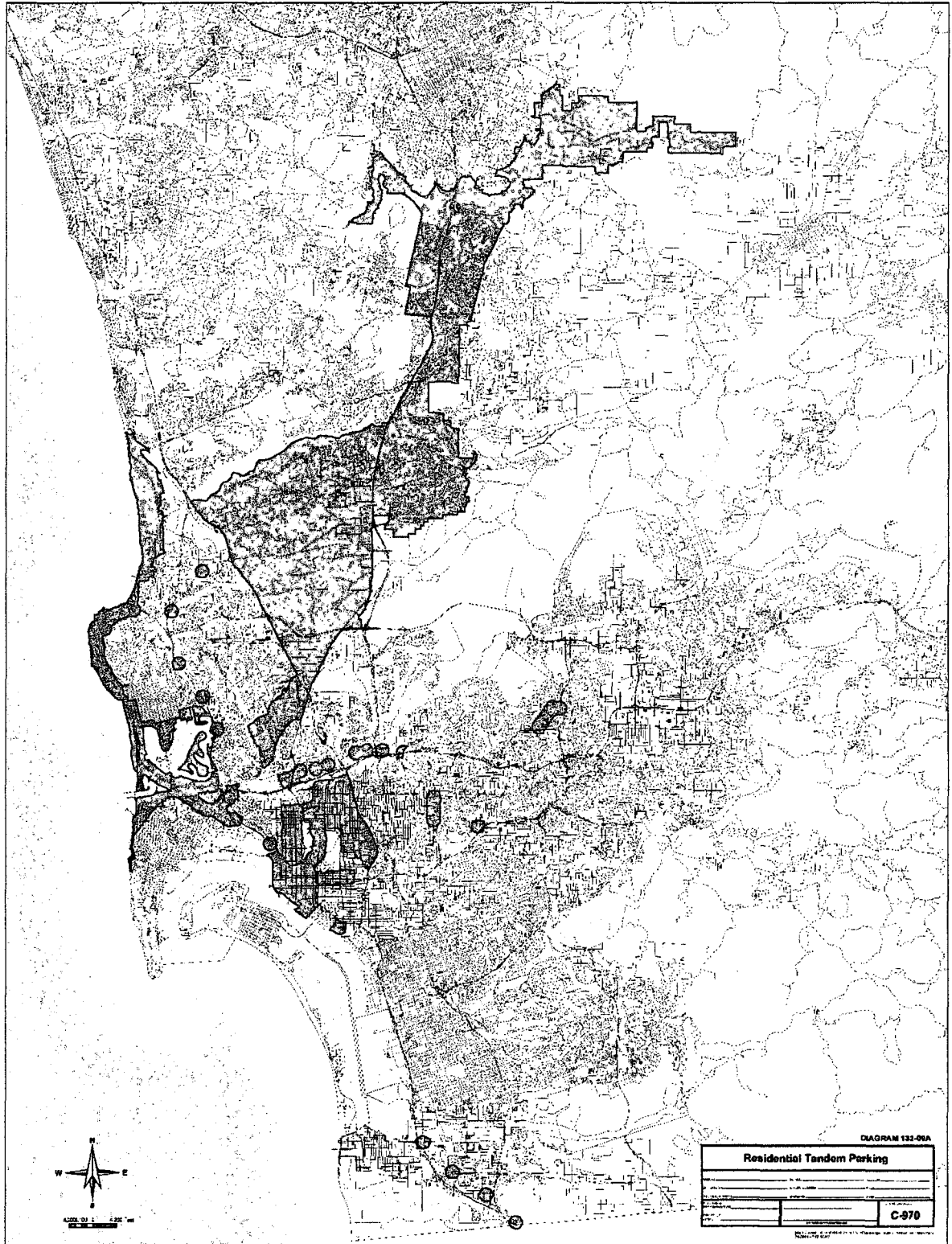


DIAGRAM 132-09A
Residential Tandem Parking
This is a reproduction of Map No. C-922 for illustration purposes only.

THE INFORMATION IS UNOFFICIAL AND NOT GUARANTEED. SEE ALSO SECTION 10.02.02.00



**§132.0905 Supplemental Development Regulations of the Residential Tandem
Parking Overlay Zone**

- (a) Tandem parking may be counted as two parking spaces toward the off-street parking required by Chapter 14, Article 2, Division 5 (Parking Regulations) only in the following locations and circumstances:
- (1) In the Golden Hill Community Plan area, the La Jolla Community Plan area, the Mission Beach Precise Plan area, the Mission Valley Community Plan area, the North Park Community Plan area, the Uptown Community Plan area, the Mira Mesa Community Plan area, the Scripps Miramar Ranch Community Plan area, the Miramar Ranch North Community Plan area, the Sabre Springs Community Plan area, the Carmel Mountain Ranch Community Plan area, the Rancho Bernardo Community Plan area, and the San Pasqual Community Plan area.
 - (2) [No change in text.]
 - (3) If at least 25 percent of the project area is located within the Transit Area Overlay Zone as shown in Diagram 132-10A and the project area is not located in ~~the Greater North Park Community Plan area~~, the Pacific Beach Community Plan area, the Southeast San Diego Community Plan area, the Skyline/Paradise Hills Community Plan Area, or the Mid-City

Communities Plan area other than the City Heights
neighborhood.

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

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

§141.1001 Artisan Food and Beverage Producer

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

- (a) Accessory retail sales are permitted in accordance with Section 131.0125.
- (b) All storage shall be within an enclosed building, tank, or silo, or screened from the public right-of-way by fences, walls, or landscaping. Stored items shall not be stacked to a height that exceeds the height of the screening.
- (c) Sales, service, product consumption, and outdoor activities shall only occur between 6:00 a.m. and 10:00 p.m. if the establishment is

adjacent to residential development.

(d) Shipping and receiving activities shall only occur during operating hours between 6:00 a.m. and 10:00 p.m.

(e) Shipping and receiving activities shall not be performed using trucks with a Gross Vehicle Weight Rating (GVWR) of greater than 26,000 pounds if the establishment is adjacent to residential development.

§141.1001~~2~~ Hazardous Waste Research Facilities

[No change in text.]

§141.1002~~3~~ Hazardous Waste Treatment Facilities

This section regulates *structures*, improvements on the land, and all contiguous land used for the treatment, transfer, storage, resource recovery, disposal, or recycling of *hazardous waste*.

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

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

(f) Following the meeting required by Section 141.1002~~3~~(e), the local assessment committee and the *applicant* shall meet and confer on the proposal for the purpose of establishing the terms, provisions, and conditions under which the *development* would be acceptable to the community. If the local assessment committee and the *applicant* cannot

resolve any differences through the meetings, the Office of Permit Assistance in the State Office of Planning and Research may recommend the use of a mediator.

(g) through (i) [No change in text.]

(j) The City Manager shall send a copy of the written determination, made pursuant to Section 141.10023(i), to the *applicant*.

(k) The determination required by Section 141.10023(i) does not prohibit the City Council from making a different determination when the final decision to approve or deny the Conditional Use Permit is made, if the final determination is based on information that was not considered at the time the initial determination was made.

(l) [No change in text.]

§141.10034 Marine-Related Uses in the Coastal Zone

[No change in text.]

§141.10045 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) Exemptions. The following activities and persons are exempt from the provisions of this section:

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

(10) *Excavations* or *grading* for the exclusive purpose of obtaining materials for roadbed construction and maintenance conducted in connection with timber operations or forest management on land owned by the same person or entity. This exemption is limited to *excavation* and *grading* that is conducted adjacent to timber operation or forest management roads and shall not apply to onsite *excavation* or *grading* that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to *excavation* for materials that are, or have been sold for commercial purposes.

(A) The exemption set forth in Section 141.10045(a)(10) applies only if slope stability and erosion are controlled in accordance with Section 3704(f) and Section 3706(d) of Title 14 of the California Code of Regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and postclosure uses in consultation with the California Department of Forestry and Fire Protection.

(11) [No change in text.]

(b) Vested Rights

(1) Any person who obtained a vested right to conduct a *surface mining* operation before January 1, 1976, shall not be required to secure a Conditional Use Permit pursuant to the provisions of Section 141.10045, as long as the vested right continues and no

substantial change is made in the operation except in accordance with the provisions of Section 141.10045. Any substantial change in the *surface mining* operation subsequent to January 1, 1976, may be permitted only with a Conditional Use Permit in accordance with Section 141.10045.

- (A) [No change in text.]
 - (2) [No change in text.]
 - (3) Any person who has obtained a vested right to conduct *surface mining* operations shall obtain a grading permit and be subject to the same frequency of inspection as those mining operators required to obtain a Conditional Use Permit pursuant to Section 141.10045.
 - (4) Nothing in Section 141.10045 shall be construed as requiring the filing of a *reclamation* plan for, or the *reclamation* of, mined lands on which *surface mining* operations were conducted prior to, but not after, January 1, 1976.
- (c) The applicant shall submit a *reclamation* plan, financial assurances and grading plans, in accordance with the provisions set forth in Section 141.10045; the California Surface Mining and Reclamation Act of 1975, Article 5 including Section 2772, 2773 and 2773.1; applicable provisions of Chapter 8, Division 2, Title 14 of the California Code of Regulations including Sections 3500-3505 and 3700-3713; and procedures established by the City Manager. The Conditional Use Permit, *reclamation* plan,

financial assurance, and *grading* plan shall be processed as a consolidated action.

- (d) The Director of the California Department of Conservation shall be notified by the City Manager of the filing of a Conditional Use Permit application pursuant to Section 141.10045.
- (e) through (f) [No change in text.]
- (g) *Reclamation* plans, reports, applications, and other documents submitted in accordance with Section 141.10045 are public records unless it can be demonstrated to the satisfaction of the City Attorney that the release of this information would reveal production, reserves, or rate of depletion that is entitled to protection as proprietary information. The City Attorney shall identify the proprietary information as a separate part of each application. A copy of all permits, *reclamation* plans, reports, applications, and other documents submitted in accordance with Section 141.10045, including proprietary information, shall be furnished to the Director of the California Department of Conservation by the City Manager. Proprietary information shall be made available to persons other than the Director of the Department of Conservation only when authorized by the *surface mining* owner in accordance with Public Resources Code section 2778.
- (h) through (i) [No change in text.]
- (j) In accordance with the provisions of Section 141.10045, Public Resources Code section 2773.1 and as a condition of approval of the Conditional Use Permit or the *reclamation* plan or both, the *surface mining* operator

shall submit financial assurances to ensure compliance with the *surface mining* operation's *reclamation* plan, including revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, annual adjustments for disturbance to new lands and those anticipated for the upcoming calendar year, inflation and other measures, as necessary.

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

- (k) Whenever any *surface mining* operation or portion of a *surface mining* operation that is subject to Section 141.10045 is sold, assigned, conveyed, exchanged, or otherwise transferred, the successor in interest shall be bound by the provisions of the Conditional Use Permit, *reclamation* plan, the provisions of Section 141.10045 and the California Surface Mining and Reclamation Act of 1975.
- (l) In accordance with Public Resources Code section 2770, and as further provided in Section 141.10045, whenever any *surface mining* operation becomes *idle*, the *surface mining* operator shall submit a proposed interim management plan ~~(IMP)~~ (IMP) to the City Manager for review and approval. The IMP shall be submitted within ninety days of the operation becoming *idle* on forms provided by the City Manager. Review and approval of the IMP shall be carried out in accordance with Public Resources Code section 2770(h). Upon receipt of a complete proposed

IMP, the City Manager shall forward it to the California Department of Conservation for review.

(m) through (o) [No change in text.]

§141.1005~~6~~ **Newspaper Publishing Plants**

[No change in text.]

§141.1006~~7~~ **Processing and Packaging of Plant Products and Animal By-Products Grown Off-Premises**

[No change in text.]

§141.1007~~8~~ **Very Heavy Industrial Uses**

[No change in text.]

§141.1008~~9~~ **Wrecking and Dismantling of Motor Vehicles**

[No change in text.]

§143.0111 **Limited Exceptions from Environmentally Sensitive Lands Regulations**

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

- (a) Outside the *MHPA* and the Coastal Overlay Zone, mining and extractive industries may exceed the maximum allowable *steep hillside* development area described in Section 143.0142(a). Both inside and outside the *MHPA*, a Conditional Use Permit is required in accordance with Section 141.1004~~5~~ and restoration of the on-site landform to a natural-appearing condition is required.

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

CLN:dkr
July 13, 2016
Or.Dept:Planning
Doc. No.: 1321166

Passed by the Council of The City of San Diego on NOV 15 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherr Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 01 2016

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Bruen, 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

OCT 25 2016, and on DEC 01 2016

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Bruen, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20752