

Article 1: Separately Regulated Use Regulations

Division 4: Institutional Use Category--Separately Regulated Uses

(Added 12-9-1997 by O-18451 N.S.)

§141.0401 Airports

Airports 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) Airports are not permitted within floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) The *applicant* shall submit a master *development* plan for the facility, a public facilities program, a noise impact analysis, and a noise abatement plan to the decision maker for consideration before approval of the Conditional Use Permit.

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

§141.0402 Botanical Gardens and Arboretums

Botanical gardens and arboretums 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) The design of any *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.
- (b) *Structures* and parking areas shall be located on the site away from surrounding *development* that is smaller in scale and less intense.
- (c) Irrigation and stormwater runoff shall be managed in a manner that protects surrounding *development* from harmful pollutants, including fertilizer and insecticide.
- (d) A water reclamation plan is required before approval of the permit.
- (e) Off-street parking shall be provided in accordance with Table 142.05F.

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

§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) Crematories are permitted only within cemeteries.
- (c) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.
- (d) *Structures* and parking areas shall be located on the site away from surrounding *development* that is smaller in scale and less intense.
- (e) Irrigation and stormwater runoff shall be managed in a manner that protects surrounding *development* from harmful pollutants, including fertilizer and insecticide.
- (f) A water reclamation plan is required before approval of the permit.
- (g) Off-street parking shall be significant to serve the facility without impacting adjacent or nearby property.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 4-8-2008 by O-19734 N.S; effective 5-8-2008.)

§141.0405 Satellite Antennas

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

- (a) Exemption. The following satellite *antennas* are exempt from Sections 141.0405 and 141.0420:
 - (1) Satellite *antennas* that are 5 feet in diameter or smaller; and
 - (2) In industrial zones, satellite *antennas* that are *accessory uses*.

- (b) Limited Use Regulations. Satellite *antennas* that exceed 5 feet in diameter are permitted as a limited use in zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations:
- (1) Satellite *antennas* are not permitted within the *MHPA*.
 - (2) Satellite *antennas* are not permitted on *premises* that have been designated as *historical resources*.
 - (3) Satellite *antennas* shall not exceed 10 feet in diameter.
 - (4) Ground-mounted satellite *antennas* shall not exceed 15 feet in *structure* height.
 - (5) Ground-mounted satellite *antennas* shall not be located in the *street yard*, *front yard*, or *street side yard* of a *premises*.
 - (6) Satellite *antennas* shall not be light-reflective.
 - (7) Satellite *antennas* shall not have any *sign copy* on them nor shall they be illuminated.
 - (8) Ground-, roof-, and pole-mounted satellite *antennas* shall be screened by fencing, buildings, or parapets that appear to be an integral part of the building, or by landscaping so that not more than 25 percent of the *antenna* height is visible from the grade level of adjacent *premises* and adjacent *public right-of-way*.
- (c) Neighborhood Use Permit Regulations. Proposed satellite *antennas* that do not comply with Section 141.0405(b) may be permitted with a Neighborhood Use Permit subject to the following regulations:
- (1) Satellite *antennas* are not permitted within the *MHPA*.
 - (2) Satellite *antennas* are not permitted on *premises* that have been designated as *historical resources*.
 - (3) Satellite *antennas* shall not exceed 10 feet in diameter.
 - (4) Satellite *antennas* shall not be light reflective.
 - (5) Satellite *antennas* shall not have any *sign copy* on them nor shall they be illuminated.

- (6) The visual impacts of the *antenna* to adjacent *premises* and adjacent *public rights-of-way* shall be minimized by the positioning of the *antenna* on the *premises* and the use of landscaping or other *screening*.
- (d) Conditional Use Permit Regulations. Except where exempt in accordance with Section 141.0405(a)(2), satellite *antennas* that exceed 10 feet in diameter may be permitted only with a Conditional Use Permit decided in accordance with Process Three subject to the following regulations:
 - (1) Satellite *antennas* are not permitted within the *MHPA*.
 - (2) Satellite *antennas* are not permitted on *premises* or its appurtenances that have been designated as *historical resources*.
 - (3) The visual impacts of the *antenna* to adjacent *premises* and adjacent *public rights-of-way* shall be minimized by the positioning of the *antenna* on the *premises* and the use of landscaping or other *screening*.

(Amended 1-9-2001 by O-18910 N.S.; effective 8-8-2001.)

(Amended 8-10-2004 by O-19308 N.S.; effective 4-11-2007.)

(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)

§141.0406 Correctional Placement Centers

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

- (a) Correctional placement centers are not permitted in any of the following locations:
 - (1) Within the beach impact area of the Parking Impact Overlay Zone;
 - (2) Within 1/4 mile of any type of residential care facility, *social service institution*, welfare institution, or similar type of facility, measured from *property line* to *property line* in accordance with Section 113.0225;
 - (3) Within 1 mile of another correctional placement center, measured from *property line* to *property line* in accordance with Section 113.0225;

- (4) Within 1,000 feet of a *school*, library, *public park*, or recreation area, measured from *property line* to *property line* in accordance with Section 113.0225; or
 - (5) Within 600 feet of a property zoned for residential *development*, measured from *property line* to *property line* in accordance with Section 113.0225.
- (b) The center shall provide a minimum of 60 square feet of sleeping space per bed, not including closet space, storage space, multipurpose rooms, bathrooms, dining rooms, and halls. There shall be no more than 64 beds per sleeping space.
 - (c) The center shall provide a minimum of 10 square feet of multi-purpose space per bed, not including sleeping space and *kitchen* areas, for games and activities, dining, visiting, television lounge, meetings, and quiet space for study, counseling and reading. This space shall be designed so that several activities can occur simultaneously without conflict.
 - (d) The center shall provide a minimum of 8 cubic feet of closet and drawer space for clothing and personal belongings per bed. The required closet and drawer space may consist of portable or permanent fixtures and shall be located in the sleeping space.
 - (e) The center shall provide a minimum of 15 square feet of dining area for each resident, not including *kitchen* areas and sleeping space. Centers may have food prepared off the *premises* if the preparation source meets all applicable requirements for commercial food service. The center shall provide adequate equipment and staff to receive and serve the food and clean up. The center shall provide and maintain adequate equipment for in-house preparation, storage, and service of food in case the residents elect to do so. For centers that have food prepared on the *premises*, the preparation source shall meet all applicable requirements for commercial food services and shall have equipment and staff necessary to receive, store, serve, and prepare meals and to clean up.
 - (f) The center shall provide at least one toilet and wash basin for every eight beds. At least one shower or bathtub shall be provided for every 12 beds. The center shall provide for individual privacy in all toilet, shower, and bath areas.

- (g) The center shall make laundry facilities available to all residents. The center shall provide at least one operable washer and dryer for every 16 beds, or the center may be serviced by a commercial laundry. The space used for laundry purposes shall not be part of an area used for storage of anything other than clean linens and other supplies normally associated with laundry activities.
- (h) Centers that have 99 or fewer residents shall provide an exercise area of at least 900 square feet, not including required *yards* and required landscape areas. Centers that have 100 or more residents shall have an exercise area of at least 2,400 square feet, not including required *yards* and required landscape areas. If an outdoor exercise area is provided, it shall be easily accessible to residents, protected from traffic, and *screened* by solid fencing from the *public right-of-way*.
- (i) The center shall provide the following number of *off-street parking spaces*:
 - (1) At least one parking space per staff person assigned to the shift that has the greatest number of staff persons; and
 - (2) For centers confining up to 24 persons, at least one parking space for every four beds or for centers confining 25 or more persons, at least one parking space for every seven beds.
- (j) At least two uniformed custodial guards or monitors who are CPR-qualified shall be on duty at the center at all times.
- (k) Centers confining 25 or more persons shall provide at least one additional uniformed custodial guard or monitor for each 64 beds, or portion thereof, to be on duty between the hours of 4:00 p.m. and 8:00 a.m. during the week and during all hours on the weekend.
- (l) The center shall maintain a list of all residents accommodated during the past 6 months and shall provide their sentence/offense analysis available upon request.
- (m) The center shall maintain records of all vehicles being driven by residents of the facility and shall provide the records upon request.
- (n) All personnel shall be trained in accordance with selection and training requirements adopted by the Board of Corrections as set forth in the California Code of Regulations, Subchapter 1 (commencing with Section 100) of Chapter 1 of Division 1 of Title 15 and all other requirements outlined in Title 15. A Certificate of Compliance issued by an institute accredited by the State Board of Corrections shall be submitted to the City Manager.

- (o) Adult offenders housed in correctional placement centers shall be regularly employed, regularly attending job training, or regularly attending a learning institution. The sentencing judge may determine that other similar circumstances qualify an offender for housing in a correctional placement center.
- (p) No person convicted of any of the offenses listed in Table 141-04A, which are defined in the California Penal Code, may be ordered by any court into a City of San Diego Correctional Placement Center. This prohibition shall apply if the court order is a direct sentence or the placement is a condition of probation, regardless of whether the offense is a felony or misdemeanor. The Correctional Placement Center shall not accept or lodge any such person improperly placed by a court.

Table 141-04A
Excludable Offenses

No.	Offenses
1.	Murder
2.	Vehicular manslaughter
3.	Voluntary manslaughter
4	Mayhem
5.	Kidnaping
6.	Robbery (including bank robbery)
7.	Assault with intent to rape or rob
8.	Assault with a deadly weapon on a peace officer
9.	Rape
10.	Forcible sodomy
11.	Lewd act on a child
12.	Forcible oral copulation
13.	Forcible penetration by foreign object

No.	Offenses
14.	Arson
15.	Grand theft using a firearm
16.	Assault by a life prisoner on a non-inmate
17.	Assault with a deadly weapon by an inmate
18.	Holding of a hostage by a prisoner
19.	Personal use of a deadly weapon
20.	Personal use of a firearm
21.	Personal infliction of great bodily injury
22.	Exploding a destructive device with intent to injure
23.	Exploding a destructive device with intent to murder
24.	Exploding a destructive device with intent to cause mayhem or great bodily injury
25.	Selling and/or furnishing drugs to a minor
26.	Sale or possession for sale of a controlled substance
27.	Any felony punishable by death or life imprisonment
28.	An attempt to commit any of the crimes listed, except assaults
29.	Any sex offense, either a misdemeanor or a felony, wherein the victim is a child under the age of 18, including all offenses registerable as sex offenses under California Penal Code section 290, and also offenses involving child pornography as described in California Penal Code sections 311 through 312.3
30.	Any person convicted of a crime whom the sentencing judge deems unacceptable for community access
31.	Any person sentenced for a federal crime that is similar in nature or type, to any of the crimes listed.

(Amended 6-12-2001 by O-18948 N.S.; effective 12-12-2001.)

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

Educational facilities are facilities that are designed or used to provide specialized training or education. This section distinguishes between kindergarten to grade 12 schools, colleges and universities, and vocational schools and trade schools.

Educational facilities are permitted by right in zones indicated with a “P”, as a limited use in the zones indicated with an “L”, and 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.
- (b) Schools for Kindergarten to Grade 12
 - (1) This use category applies to schools that provide instruction to children enrolled in any grade kindergarten to grade 12.
 - (2) Schools for kindergarten to grade 12 are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*.
 - (3) Limited use regulations. Schools for kindergarten to grade 12 are permitted as limited uses in zones indicated by a “L” subject to the following:
 - (A) The facility design shall not accommodate more than 300 students, except that a new school may replace an existing school with current enrollment over 300 students if the result is no increase in the number of students.
 - (B) Parking shall be provided in accordance with Table 142-05G.
 - (C) Deviations from Section 141.0407(b)(3)(A) or (B) may be permitted with a Conditional Use Permit decided in accordance with Process Three and subject to the conditional use regulations in Section 141.0407(b)(5).

- (4) One-on-one teaching facilities with a maximum capacity of 50 students that provide education for children enrolled in grades 6 through 12 in a traditional office building are permitted by right in locations where business and professional offices are a permitted use in zones indicated with a “P”, except that such facilities are not permitted where in conflict with Section 141.0407(e)(1).
- (5) Conditional use regulations. Schools for kindergarten to grade 12 are permitted as conditional uses in zones indicated by a “C” subject to the following:
 - (A) The *applicant* shall provide a master development plan that includes the following:
 - (i) The student capacity of the campus;
 - (ii) The size, number, and location of all proposed facilities;
 - (iii) The pedestrian and traffic circulation systems proposed for the site;
 - (iv) A transportation and parking development program; and
 - (v) A *development* phasing schedule.
 - (B) The design of the *structures* shall incorporate architectural elements that help to diminish building bulk.
 - (C) Larger *structures*, areas with high levels of activity, and parking areas shall be located on the site away from surrounding *development* that is smaller in scale or less intense.
 - (D) Off-street parking shall be provided in accordance with Table 142-05G.
- (c) Colleges/Universities
 - (1) Colleges and universities are facilities that provide post secondary education or higher in a campus setting where the campus typically has at least one of the following accessory activities or facilities: intercollegiate athletics, fraternities and sororities, student clubs, student unions, student dormitories, a campus library, or other campus facilities to accommodate a large assembly of people.

- (2) Conditional use regulations. Colleges and universities are permitted as conditional uses in zones indicated by a “C” subject to the following:
 - (A) Colleges and universities are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*, except as otherwise allowed in accordance with Section 141.0407(e).
 - (B) Colleges and universities are subject to the conditional use criteria applicable to schools for kindergarten to grade 12 in Section 141.0407(b)(5).
 - (C) Access to colleges and universities shall be as direct as possible from *freeways* and primary arterials and shall avoid residential *streets*.
 - (D) Colleges and universities that provide education in a traditional office building without any extracurricular facilities of a traditional post secondary educational facility are permitted by right where business and professional offices are permitted uses in zones indicated with a “P”. However, this type of educational facility is not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*, except as otherwise allowed in accordance with Section 141.0407(e).
- (d) Vocational and Trade Schools
 - (1) Vocational schools are facilities that offer instruction and practical introductory experience in skilled trades such as mechanics, carpentry, plumbing, or construction with training that emphasizes the skills and knowledge needed for a particular job. Trade schools are facilities organized by an industry or a large corporation to provide training, apprentice education, and similar courses.
 - (2) Limited use regulations. Vocational schools and trade schools are permitted as limited uses in zones indicated by an “L” subject to the following:
 - (A) Vocational schools and trade schools are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*, except as otherwise allowed in accordance with Section 141.0407(e).
 - (B) Off-street parking shall be provided in accordance with Table 142-05G.

(e) Educational Facilities on Prime Industrial Land

- (1) Schools for kindergarten to grade 12 are not permitted on a *premises* identified as Prime Industrial Land in a *land use plan*.
- (2) Educational facilities that are limited to the instruction of adults may be permitted on a *premises* identified as Prime Industrial Land in a *land use plan* if:
 - (A) The primary emphasis of the educational facility is instruction in subjects incidental to manufacturing and industrial uses; or
 - (B) A Process Two Neighborhood Development Permit is granted in accordance with Section 126.0402 for a proposed educational facility that would be located in an existing office building that is not suitable for manufacturing or research and development due to the lack of loading docks/roll up doors and insufficient height clearance on the first floor (floor to ceiling height less than 14 feet).

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

(Amended 4-8-2008 by O-19734 N.S.; effective 5-8-2008.)

(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

(Amended 11-16-2012 by O-20216 N.S.; effective 12-16-2012.)

(Retitled to "Educational Facilities--Schools for Kindergarten to Grade 12, Colleges/Universities, and Vocational/Trade Schools" and amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

§141.0408 Energy Generation and Distribution Stations

Energy generation and distribution stations 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) Activities involving aerial transmissions are not permitted.
- (b) All mechanical equipment and all storage areas shall be located within an enclosed building.
- (c) The design of the *structures* shall incorporate architectural elements that help to minimize conflicts in scale with surrounding *development*.

- (d) Service areas and parking areas shall be buffered from adjacent *development* that is not of a similar nature.
- (e) *Fences*, walls, trees and other forms of landscaping shall be used to minimize visibility of *structures* from adjacent *public rights-of-way* or adjacent residential *development*.

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

§141.0409 Exhibit Halls and Convention Facilities

Exhibit halls and convention facilities 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) Exhibit halls and convention facilities are not permitted within *floodplains* located in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) The proximity and capacity of *freeways*, primary arterials, and major *streets* will be used to determine the appropriate size and intensity of the proposed facility.
- (c) Off-street parking shall be provided in accordance with Table 142-05G.

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

(Amended 11-16-2012 by O-20216 N.S.; effective 12-16-2012.)

§141.0410 Flood Control Facilities

Flood control facilities are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) *Flood* control facilities are permitted only for essential public projects where it has been determined that there is no feasible, less environmentally damaging location or alternative.
- (b) *Flood* control facilities are permitted only when mitigation measures have been provided to minimize adverse environmental effects.
- (c) Any *encroachment* or disturbance to *environmentally sensitive lands* is subject to Chapter 14, Article 3, Division 1 (*Environmentally Sensitive Lands*).

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

§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) The building must be designated as a *historical resource* by the City of San Diego Historical Resources Board before approval of the Conditional Use Permit.
- (c) The use of the building shall be compatible with the uses in the surrounding area or shall be consistent with the purpose for which the building was originally designed. In order to minimize detrimental effects to neighboring properties, any proposed separately regulated uses in a *historical building* shall comply with the applicable regulations in Chapter 14, Article 1 (Separately Regulated Use Regulations).
- (d) The site shall be maintained in, or restored to, its original or historical appearance, in accordance with Chapter 14, Article 3, Division 2 (Historical Resources Regulations).
- (e) Any facilities that are constructed as part of the new use shall be designed to be similar in scale and style with the historical use, in accordance with Chapter 14, Article 3, Division 2 (Historical Resources Regulations).
- (f) Hours of operation shall be limited to conform to hours of normal activity in the neighborhood.
- (g) The decision maker may waive or modify the base zone regulations for maximum *floor area ratio*.
- (h) The decision maker may waive or modify the requirements for off-street parking and landscaping. The *applicant* may be required to preserve existing mature landscaping.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 4-8-2008 by O-19734 N.S; effective 5-8-2008.)
(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)

§141.0412 Homeless Facilities

- (a) This section regulates the following homeless facilities.
- (1) Congregate meal facilities: Any facility that provides scheduled meals on a daily basis for individuals or *families* who are homeless or *low income* or *very low income*, as defined in Section 113.0103.
 - (2) Emergency shelters: Any facility that provides housing for homeless persons with minimal supportive services that is limited to occupancy of six months or less. An emergency shelter may be seasonal or year-round.

Emergency shelters operating for 30 days or less in any 365-day period which are *accessory uses* to religious institutions or religious organizations are exempt from this section.
 - (3) Homeless day centers: Any facility that provides basic services, including personal hygiene, information and referral, employment, mail, and telephone services, during daylight hours to homeless persons.

(b) Congregate Meal Facilities

Congregate meal facilities 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.

- (1) No more than one congregate meal facility may be permitted within 1/4 mile of an emergency shelter, a homeless day center, or another congregate meal facility, measured from *property line* to *property line* in accordance with Section 113.0225.
- (2) Overnight accommodations are not permitted.
- (3) Drive-up or drive-through service is not permitted.
- (4) Live entertainment is not permitted.
- (5) Distribution or consumption of alcoholic beverages on the *premises* is not permitted.

- (6) The facility shall provide a waiting area for clients to prevent queuing into the *public right-of-way*. The size of the waiting area shall be at least 5 square feet per client, based on the maximum number of clients the facility can accommodate according to Fire Department standards. Any outdoor waiting area shall be physically separated from the *public right-of-way*.
 - (7) The facility shall provide off-street parking at a rate of 1 space per full-time-equivalent employee, calculated at 8 hours of working time per employee per 24-hour period.
 - (8) Hours of operation shall be limited to the hours between 6:00 a.m. and 10:00 p.m.
 - (9) All activities associated with the facility, including the serving of food and beverages, shall occur within an enclosed building.
 - (10) The *applicant* shall submit the following materials to the decision maker for consideration:
 - (A) A communications plan that describes how the provider will communicate with local community, neighborhood, and business organizations, and with adjacent neighbors on a regular basis, and how community issues or concerns will be addressed;
 - (B) A plan to minimize loitering in the vicinity of the facility; and
 - (C) A litter control plan to provide for the removal of litter in the vicinity of the facility on a regular basis.
- (c) Emergency Shelters
- (1) Emergency shelters are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.
 - (A) Emergency shelters shall provide an on *premises* waiting area of at least 10 square feet per bed to accommodate clients and to prevent queuing into the *public right-of-way*. Any outdoor waiting area shall be physically separated from the *public right-of-way*.

- (B) Emergency shelters shall provide off-street parking at a rate of at least 1 space for each full-time-equivalent employee, calculated at 8 hours of working time per employee per 24-hour period.
 - (C) Hours of operation shall be limited to the hours between 6:00 p.m. and 8:00 a.m.
 - (D) Emergency shelters shall provide on-site supervision at all times. At least one full-time-equivalent employee shall be provided for every 20 beds.
 - (E) The *applicant* shall submit and implement the following:
 - (i) A communications plan for addressing issues or concerns regarding the emergency shelter raised by the local community, neighborhood, business organizations, and adjacent neighbors;
 - (ii) A loitering control plan to minimize the congregation of overnight residents during daylight hours on the *premises*, in parking lots serving the *premises*, and on public sidewalks adjacent to the *premises*; and
 - (iii) A litter control plan to maintain the *premises* and any adjacent *premises* in a litter free condition at all times.
 - (F) Adequate outdoor lighting for public safety shall be maintained. Outdoor lighting shall comply with Section 142.0740.
- (2) 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.
- (A) Emergency shelters are not permitted in *Proposition A Lands*.
 - (B) Emergency shelters shall provide at least 35 square feet of sleeping area per bed.

- (C) Emergency shelters shall provide a waiting area of at least 10 square feet per bed to accommodate clients and to prevent queuing into the *public right-of-way*. Any outdoor waiting area shall be physically separated from the *public right-of-way*.
 - (D) Emergency shelters shall provide at least 1 toilet for every 15 beds.
 - (E) Emergency shelters shall provide off-street parking at a rate of at least 1 space for each full-time-equivalent employee, calculated at 8 hours of working time per employee per 24-hour period.
 - (F) Hours of operation shall be limited to the hours between 6:00 p.m. and 8:00 a.m.
 - (G) Emergency shelters shall provide on-site supervision at all times. At least one full-time-equivalent employee shall be provided for every 20 beds.
 - (H) Living, dining, and *kitchen* areas shall be physically separated from sleeping areas. The shelter shall provide telephone services separate from the office phone in order to provide privacy.
 - (I) The *applicant* shall submit and implement the following:
 - (i) A communications plan for addressing community-raised issues or concerns regarding the emergency shelter with the local community, neighborhood, business organizations, and adjacent neighbors;
 - (ii) A loitering control plan to minimize the congregation of overnight residents during daylight hours on the *premises*, in parking lots serving the *premises*, and on public sidewalks adjacent to the *premises*; and
 - (iii) A litter control plan to maintain the *premises* and any adjacent *premises* in a litter free condition at all times.
- (d) Homeless Day Centers

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

- (1) No more than one homeless day center may be permitted within 1/4 mile of an emergency shelter, a congregate meal facility, or another homeless day center, measured from *property line to property line* in accordance with Section 113.0225.
- (2) Overnight accommodations and meals for transients are not permitted.
- (3) The center shall provide off-street parking at a rate of at least 1 space per full-time-equivalent employee, calculated at 8 hours of working time per employee per 24-hour period.
- (4) Hours of operation shall be limited to 6:00 a.m. to 6:00 p.m.
- (5) The center shall provide on-site supervision at all times. At least one staff member shall be located on the *premises* 24 hours per day.
- (6) The *applicant* shall submit the following materials to the decision maker for consideration:
 - (A) A communications plan that describes how the provider will communicate with local community, neighborhood, and business organizations, and with adjacent neighbors on a regular basis, and how community issues or concerns will be addressed;
 - (B) A plan to minimize loitering in the vicinity of the facility; and
 - (C) A litter control plan to provide for the removal of litter in the vicinity of the facility on a regular basis.

(Amended 7-31-2001 by O-18965 N.S.; effective outside the Coastal Overlay Zone on 8-30-2001; effective within the Coastal Overlay Zone on 12-12-2001.)

(Amended 4-8-2008 by O-19734 N.S.; effective 5-8-2008.)

(Amended 8-4-2016 by O-20704 N.S.; effective 8-27-2016.)

§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) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.
- (c) The location of larger *structures*, areas of high activity, and parking areas shall be planned to minimize impacts to surrounding *development* that is smaller in scale and less intense.
- (d) Access to the site shall be as direct as possible from *freeways*, primary arterials, and major *streets* and shall avoid residential *streets*.
- (e) Off-street parking shall be provided in accordance with Table 142-05G.
- (f) All storage, service, and repair areas shall be located on the *premises* or *screened* so that they are not visible from adjacent *development* and *public rights-of-way*.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

(Amended 4-8-2008 by O-19734 N.S.; effective 5-8-2008.)

(Amended 11-16-2012 by O-20216 N.S.; effective 12-16-2012.)

§141.0414 Interpretive Centers

Interpretive centers are *structures* or facilities designed to inform and educate the public about the surrounding environment.

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

- (a) The design of the *structures* shall incorporate a variety of architectural elements that help diminish building bulk.

(b) The location of larger *structures*, areas of high activity, and parking areas shall be planned to minimize impacts to surrounding *development* that is smaller in scale and less intense.

(c) Off-street parking shall be provided in accordance with Table 142-05G.

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

(Amended 3-1-2006 by O-19467 N.S.; effective 8-10-2006.)

(Amended 11-16-2012 by O-20216 N.S.; effective 12-16-2012.)

§141.0415 Museums

Museums 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) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.

(b) The location of larger *structures*, areas of high activity, and parking areas shall be planned to minimize impacts to surrounding *development* that is smaller is scale and less intense.

(c) Off-street parking shall be provided in accordance with Table 142-05G.

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

(Amended 11-16-2012 by O-20216 N.S.; effective 12-16-2012.)

§141.0416 Major Transmission, Relay, or Communication Switching Systems

These 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) The *structures* shall be located on the site so that visibility from adjacent *public rights-of-way* or adjacent residential *development* is minimized.

(b) *Fences*, walls, trees and other forms of landscaping shall be used to *screen structures* from adjacent *public rights-of-way* or adjacent residential *development*.

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

§141.0417 Social Service Institutions

Social Service Institutions 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) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.
- (b) The location of larger *structures*, areas of high activity, and parking areas shall be planned to minimize impacts to surrounding *development* that is smaller in scale and less intense.
- (c) Off-street parking shall be sufficient to serve the facility without impacting adjacent or nearby property.

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

§141.0418 Solar Energy Systems

- (a) This Section regulates small rooftop solar energy systems and other solar energy systems, which are collectively referred to as solar energy systems, except where specifically distinguished herein. Nothing in this Section grants any deviation from the Environmentally Sensitive Lands Regulations (Chapter 14, Article 3, Division 1) or Historic Resource Regulations (Chapter 14 Article 3, Division 2).
 - (1) Small rooftop solar energy systems are devices or structural design features of a building, the primary purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, electric generation, or water heating, which are not larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal, and are installed on a *single dwelling unit* or duplex *development*.
 - (2) Other solar energy systems are any other solar energy system devices or structural design features of a building, the primary purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, electric generation, or water heating that are not within the scope of a small rooftop solar energy system described in Section 141.0418(a)(1).

- (b) Solar energy systems are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations. The regulations are intended to facilitate the use of renewable energy technology to attain environmental and energy goals and comply with state law related to small rooftop solar energy systems, to provide for timely administrative approvals, and to allow an *applicant* to appeal a denial to the Planning Commission.
 - (1) A *construction permit* decided in accordance with Process One shall be required for the installation of a solar energy system, in accordance with the following:
 - (A) An Electrical Permit is required for a solar energy system. A Combination Building Permit and Electrical Permit is required if the scope of work also includes the *development* of a new *structure* or requires structural modifications to an existing *structure* to support the solar energy system.
 - (B) The *construction permit* application shall be submitted in accordance with Sections 112.0102 and 129.0105.
 - (C) Within a planned district (subject to Land Development Code Chapter 15), a separate Planned District Ordinance Permit shall not be required in addition to the *construction permit* required for a solar energy system pursuant to Section 141.0418(b)(1).
 - (2) Solar energy systems are exempt from the regulations requiring undergrounding of utilities and from the screening requirements of Section 142.0910.
 - (3) Solar energy systems as an *accessory use* are permitted to encroach into required *yards* and the angled *building envelope* plane as follows:
 - (A) Solar energy systems may encroach into required side *yards* and rear *yards* where securely attached to a *previously conforming structure* or other *structure* that is permitted to project or encroach into the required *setback* or angled *building envelope* plane in accordance with Section 131.0461. Stand alone solar energy systems may encroach into required side *yards* and rear *yards* in compliance with Section 131.0461.
 - (B) Within the Mission Beach Planned District Ordinance, proposed *encroachment* of a solar energy system shall comply with Section 1513.0304(d).

- (4) Solar energy systems shall comply with all applicable height limits, except that solar panels may be added to a *previously conforming structure* that does not conform to the existing height limit of the Coastal Height Limit Overlay Zone (Section 132.0505) or the Clairemont Mesa Height Limit Overlay Zone (Section 132.1305), if the proposed solar panels do not exceed the height of the existing *structure*, in accordance with the California Solar Rights Act.
- (c) Small Rooftop Solar Energy Systems Permit Review
- (1) In reviewing a *construction permit* application for a small rooftop solar energy system, the Building Official shall evaluate only whether the small rooftop solar energy system meets applicable health and safety requirements of local, state, and federal law.
 - (2) The Building Official shall administratively approve the small rooftop solar energy system, unless the small rooftop solar energy system would exceed the height requirements set forth in Section 141.0418(b)(4), or the Building Official determines there is substantial evidence of a specific, adverse impact upon the public health and safety, which for the purpose of Section 141.0418(c) means a significant, quantifiable, direct, and unavoidable impact based on objective, identified, and written public health and safety standards, policies, or conditions as they existed on the date the application was *deemed complete*, and there is no feasible method or alternative to satisfactorily mitigate or avoid the specific, adverse impact.
 - (3) If the Building Official determines that the proposed small rooftop solar energy system could have a specific, adverse impact upon the public health and safety, then the Building Official shall make written *findings* notifying the *applicant* that the permit for the small rooftop solar energy system is denied, the basis for that denial in accordance with Section 141.0418(c)(2), and the appeal rights set forth in Section 141.0418(c)(4). The *applicant* shall be responsible for all administrative costs associated with processing the appeal.
 - (4) Applicant Appeal Process. Notwithstanding Section 112.0504, an *applicant* may appeal the denial of an application for a small rooftop solar energy system to the Planning Commission by filing an application for a Process Two appeal hearing with the City Manager no later than 12 *business days* after the *decision date*. The application shall include the contents for appeal identified in Section 112.0510(a).

- (A) Grounds for Appeal. A denial may only be appealed on the grounds that the stated *findings* to deny the *construction permit* are not supported by substantial evidence.
- (B) Scheduling an Appeal Hearing. The City Manager shall assign a date for an appeal hearing before the Planning Commission no later than 10 calendar days after the date on which an application for the appeal hearing is filed with the City Manager. The appeal hearing shall generally be held within 60 calendar days following the filing of the application for the hearing.
- (C) Power to Act on the Decision at Appeal Hearing. The Planning Commission may affirm, reverse, or modify the decision to deny a small rooftop solar energy system in accordance with the following:
 - (i) A decision to affirm the Building Official decision shall require a *finding* based on substantial evidence in the record that the proposed small rooftop solar energy system could have a specific, adverse impact upon the public health and safety.
 - (ii) If the Planning Commission determines that there is not substantial evidence that the small rooftop solar energy system could have a specific, adverse impact upon the public health and safety, then the decision shall be reversed and the *construction permit* shall be approved.
 - (iii) If the Planning Commission determines that conditions of approval would mitigate the specific, adverse impact upon the public health and safety, then the decision shall be reversed and the *construction permit* shall be conditionally approved. Any conditions imposed shall mitigate at the lowest cost possible, which generally means the permit conditions shall not cause an increase in the cost of the small rooftop solar energy system by more than 10 percent or decrease the efficiency of the small rooftop solar energy system by more than 10 percent.

(“Solar Energy Systems” added 8-7-2015 by O-20555 N.S.; effective 9-6-2015.)

§141.0419 Electric Vehicle Charging Stations

Electric vehicle charging stations are facilities that supply electric energy for the recharging of electric vehicles as defined in Section 86.0151(a). Nothing in Section 141.0419 grants any deviation from the Environmentally Sensitive Lands Regulations (Chapter 14, Article 3, Division 1) or Historic Resource Regulations (Chapter 14, Article 3, Division 2).

Electric vehicle charging stations are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations. The regulations are intended to facilitate the use of electric vehicle charging stations and to comply with state law requirements for timely administrative approvals and allow an *applicant* to appeal a denial of an application of a *construction permit* for an electric vehicle charging station.

- (a) A *construction permit* decided in accordance with Process One shall be required for the installation of an electric vehicle charging station.
 - (1) An Electrical Permit shall be required for the installation of an electric vehicle charging station.
 - (2) A Building Permit may be required if alterations will be made to an existing *structure* or to modify or relocate an existing disabled accessible parking space serving the *premises*.
 - (3) The *construction permit* application shall be submitted in accordance with Sections 112.0102 and 129.0105.
 - (4) Within a planned district (subject to Land Development Code Charter 15), a separate Planned District Ordinance Permit shall not be required in addition to the *construction permit* required pursuant to Section 141.0419.
- (b) In reviewing the *construction permit*, the Building Official shall evaluate only whether the electric vehicle charging station meets all applicable health and safety requirements of local, state, and federal law and shall apply the following general regulations:
 - (1) Electric vehicle supply equipment shall be listed and labeled by an approved nationally recognized testing laboratory.

- (2) Electric vehicle charging stations may encroach into setbacks where *off-street parking spaces* are permitted.
 - (3) Existing landscaping shall not be removed if it is required pursuant to the Landscape Regulations (Chapter 14, Article 2 Division 4), unless it is replaced with equivalent or greater landscape elsewhere on the *premises*.
 - (4) The *applicant* shall demonstrate that an electric vehicle charging station on private property will accommodate a vehicle to be charged while parked without protruding into the *public right-of-way*.
 - (5) Electric vehicle charging stations located within the *public right-of-way* shall comply with Section 86.0151.
- (c) The Building Official shall approve, in accordance with Process One, the electric vehicle charging station unless the Building Official determines there is substantial evidence of a specific adverse impact upon the public health or safety, which for the purpose of Section 141.0419(c) means a significant quantifiable, direct, and unavoidable impact based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was *deemed complete*, and there is no feasible method or alternative to satisfactorily mitigate or avoid the specific, adverse impact.
- (d) If the Building Official determines that the proposed electric vehicle charging station could have a specific, adverse impact upon public health or safety, then the Building Official shall make written findings notifying the *applicant* that the *construction permit* for the electric vehicle charging station is denied, the basis for that denial, and the appeal rights set forth in Section 141.0419(e). The *applicant* shall be responsible for all administrative costs associated with processing the appeal.
- (e) Notwithstanding Section 112.0504, an *applicant* may appeal the denial of an application for a *construction permit* for an electric vehicle charging station to the Planning Commission by filing an application for a Process Two appeal hearing with the City Manager no later than 12 *business days* after the *decision date*. The application shall include the contents for appeal identified in Section 112.0510(a).
- (1) Grounds for Appeal. A denial may only be appealed on the grounds that the stated *findings* to deny the *construction permit* are not supported by substantial evidence.

- (2) Scheduling an Appeal Hearing. The City Manager shall assign a date for an appeal hearing before the Planning Commission no later than 30 calendar days after the date on which an application for the appeal hearing is filed with the City Manager.
- (3) Power to Act on the Decision at Appeal Hearing. The Planning Commission may affirm, reverse, or modify the decision to deny an electric vehicle charging station in accordance with the following:
 - (A) A decision to affirm the Building Official decision requires a *finding* based on substantial evidence in the record that the proposed electric vehicle charging station would have a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. In addition, the *finding* shall include the basis for rejection of potential feasible alternatives to prevent the adverse impact.
 - (B) If the Planning Commission determines that there is not substantial evidence in the record that the proposed electric vehicle charging station could have a specific, adverse impact upon the public health or safety, then the decision shall be reversed and the *construction permit* shall be approved.
 - (C) If the Planning Commission determines that conditions of approval would mitigate the specific, adverse impact upon the public health or safety, then the decision shall be reversed and the *construction permit* shall be conditionally approved. Any conditions imposed shall mitigate at the lowest cost possible.

(“Electric Vehicle Charging Stations” added 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

§141.0420 Wireless Communication Facilities

Wireless communication facilities are permitted as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the regulations in Section 141.0420. *Wireless communication facilities* that do not comply with Section 141.0420(c)(1) or are in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) may also be permitted with a Neighborhood Use Permit, subject to the regulations in Section 141.0420(d). *Wireless communication facilities* may also 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), except that *wireless communication facilities* in areas described in Section 141.0420(f) 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) The following uses are exempt from the provisions of Section 141.0420:
 - (1) Amateur (HAM) radio facilities.
 - (2) One single dish *antenna* 24-inches or less in diameter or one remote panel *antenna* 24-inches or less in length and width, except when associated with a *wireless communication facility*.
- (b) General Rules for Wireless Communication Facilities
 - (1) Every application for a permit shall include documentation, satisfactory to the City Manager:
 - (A) That the *wireless communication facility* complies with federal standards for radio frequency radiation in accordance with the Telecommunication Act of 1996 and subsequent amendments and any other requirements imposed by state or federal regulatory agencies, and
 - (B) Describing the location type, capacity, field strength or power density and calculated geographic service of the *wireless communication facility*.
 - (2) *Wireless communication facilities* shall be maintained in a graffiti-free condition.

- (3) Prior to January 31 of every calendar year, each *wireless communication facility* provider shall submit documentation, satisfactory to the City Manager, identifying the location of each *wireless communication facility* in its City of San Diego network. The documentation shall include *wireless communication facilities* that are approved, but not yet built, *wireless communication facilities* that are currently operating and locations containing non-operating *wireless communication facilities*.
 - (4) If the permit(s) for any *wireless communication facility* includes an expiration date, upon expiration of the permit, the facilities and improvements authorized therein shall be removed from the site by the owner of such facilities and improvements, and said owner shall restore the property to its original condition, all at the owner's or permittee's sole cost and expense. In addition, the owner or permittee shall, at its sole cost and expense, remove or replace any *wireless communication facility* if the City Manager determines that the facility or components of the facility are non-operational or no longer used. If the owner or permittee does not remove such facilities and restore the property as required herein, the City may remove the facilities and restore the property at the cost and expense of the owner or permittee, jointly and severally.
 - (5) Coastal Development Permit. Within the coastal overlay zone, the coastal development permit regulations, beginning with Section 126.0701 of the Land Development Code, shall also apply.
- (c) Limited Use Regulations
- (1) *Wireless communication facilities* are permitted as a limited use subject to the following regulations:
 - (A) Except as provided in Section 141.0420(d), *wireless communication facilities* in Industrial Zones.
 - (B) Except as provided in Section 141.0420(d), *wireless communication facilities* in Commercial Zones.

- (C) Collocation of *wireless communication facilities* to existing monopoles that do not increase the area occupied by the *antennas* by more than 100 percent of the originally approved *wireless communication facilities* and do not increase the area occupied by an outdoor equipment enclosure more than 150 square feet beyond the originally approved *wireless communication facilities*.
- (2) *Wireless communication facilities* in the *public right-of-way* within or adjacent to City owned property, dedicated in perpetuity, for park or recreation purposes, may be permitted with a Neighborhood Use Permit.
- (d) Neighborhood Use Permit Regulations
 - (1) *Wireless communication facilities* on premises containing residential or mixed uses in a Commercial or Industrial Zone.
 - (2) *Wireless communication facilities* on premises containing a non-residential use within a Residential zone where the *antennas* associated with the *wireless communication facility* are located more than 100 feet from the property line of the following primary uses: day care, elementary and middle schools, single or multi-unit residences. The 100 feet shall be measured from the two closest points.
 - (3) *Wireless communication facilities* in Agricultural Zones where the *antennas* associated with the *wireless communication facility* are located more than 100 feet from the property line of the following primary uses: day cares, elementary and middle schools, single or multi-unit residences. The 100 feet shall be measured from the two closest points.
 - (4) *Wireless communication facilities* proposed in dedicated parkland where the *antennas* associated with the *wireless communication facility* are located more than 100 feet from the property line of the following primary uses: day cares, elementary and middle schools, single or multi-unit residences. The 100 feet shall be measured from the two closest points.

- (e) Conditional Use Permit Regulations (Process Three)
 - (1) *Wireless communication facilities* on *premises* containing a non-residential use within a Residential Zone.
 - (2) *Wireless communication facilities* in Agricultural Zones.
 - (3) *Wireless communication facilities*, with above ground equipment, in the *public right-of-way*.
- (f) Conditional Use Permit Regulations (Process Four)
 - (1) Except as provided in Section 141.0420(d)(4), *wireless communication facilities* proposed in dedicated parkland.
 - (2) Except as provided in Sections 141.0420(d)(2) and 141.0420(e)(1), *wireless communication facilities* proposed in Residential Zones.
 - (3) *Wireless communication facilities* proposed in Open Space Zones.
- (g) Design Requirements

The following regulations apply to all *wireless communication facilities*:

- (1) *Wireless communication facilities* shall utilize the smallest, least visually intrusive *antennas*, components and other necessary equipment.
- (2) The applicant shall use all reasonable means to conceal or minimize the visual impacts of the *wireless communication facilities* through integration. Integration with existing *structures* or among other existing uses shall be accomplished through the use of architecture, landscape and siting solutions.
- (3) The *wireless communication facility's* equipment shall be located within an existing building envelope, whenever possible. If a new equipment enclosure is necessary, it shall be of a height minimally necessary to accommodate the equipment, not to exceed 250 square feet, unless a Process Two Neighborhood Development Permit is granted in accordance with Section 126.0402.
- (4) Overhead wires connecting the *antennas* to the equipment are not permitted.

- (5) Equipment located on the roof of an existing *structure* shall be set back or located to minimize visibility, especially from the *public right-of-way* or public places.
- (6) Faux landscaping may be used on *premises* where natural vegetation similar in size and species exist or where landscaping similar in size and species is proposed as part of the *development*. The *applicant* shall provide sufficient samples, models or other means to demonstrate the quality, appearance, and durability of the faux vegetation.
- (7) If trees with a trunk width of 4 inches or more (measured by caliper, 4 feet above grade) are removed or significantly trimmed for the installation or operation of the *wireless communication facility*, then replacement trees of a similar size shall be planted to the satisfaction of the City Manager.
- (8) Panel *antennas* shall be mounted no more than 12 inches away from a *building façade* and shall appear as an integral part of the building, except as set forth in Section 141.0420(h). Panel *antennas* may be mounted up to 18 inches away from a *building façade* when the *applicant* provides evidence demonstrating that the *wireless communication facility* cannot operate without incorporating a tilt greater than 12 inches. Each panel *antenna* shall fit into the design of an existing *façade* and shall be no longer nor wider than the portion of the *façade* upon which it is mounted. The *antennas* shall not interrupt the architectural lines of the *façade*. Associated mounting brackets and coaxial cable shall be concealed from view. Any pipes or similar apparatus used to attach panel *antennas* to a *building façade* shall not extend beyond the length or width of the panel *antenna*. No exposed mounting apparatus shall remain on a *building façade* without the associated *antennas*.
- (9) Vertical elements, designed as flagpoles or light standards, shall replicate the design, diameter and proportion of the vertical element they are intending to imitate. Flagpoles shall maintain a tapered design.

(h) *Public Right-of-Way Installations*

Wireless communication facilities may be installed in the *public right-of-way* in the area between the face of the curb and the adjacent property line.

Wireless communication facilities located in the *public right-of-way* are subject to Chapter 6, Article 2, and the following regulations:

- (1) All equipment associated with *wireless communication facilities* shall be undergrounded, except for small service connection boxes or as permitted in Section 141.0420(e)(3).
- (2) Panel *antennas* shall be vertically mounted to the pole in compliance with any applicable separation requirements and shall not exceed 6 inches in distance from the pole.
- (3) No more than four panel *antennas* or two omni-directional *antennas* shall be mounted on any utility pole by any one *wireless communication facilities* provider.
- (4) *Antennas* shall be painted to match the color of the surface of the pole on which they are attached.

(i) *Park Site Installations*

In addition to the design guidelines set forth in Section 141.0420(g), the following design requirements apply to *wireless communication facilities* in city parks.

- (1) Where practicable, *antennas* shall be mounted on sports field light poles, security light poles, or inside foul line poles or flagpoles. *Antennas* shall not be mounted above the light source on any light poles. All *antennas* on flagpoles or foul line poles shall be concealed within the pole.

- (2) If the proposed *wireless communication facility* would be located on city-owned property that has been formally dedicated in perpetuity by ordinance for park, recreation, or cemetery purposes, equipment enclosures shall be placed underground unless the Park and Recreation Director determines that an above-ground equipment enclosure would not violate Charter section 55 and a Process Two Neighborhood Development Permit is granted in accordance with Section 126.0402.

(“Wireless Communication Facilities” added 8-10-2004 by O-19308 N.S.; effective 4-11-2007.)

(Amended 5-3-2005 by O-19369 N.S.; effective 4-11-2007.)

(Amended 9-29-2006 by O-19545 N.S.; effective 4-11-2007.)

(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

§141.0421 **Placemaking on Private Property**

Placemaking on private property is permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations:

- (a) Written permission from the *record owner* of the property is required.
- (b) *Off-street parking spaces* are not required, but may be permitted as an *accessory use* to serve the *placemaking* use if the square footage designated for the *off-street parking spaces* does not exceed 25 percent of the total square footage designated for the *placemaking* use.
- (c) A Temporary Use Permit shall be obtained in accordance with Section 123.0402.
- (d) At the expiration of the term of the Temporary Use Permit, the *placemaking* project shall be removed and the *permit holder* shall return the *premises* to its original condition, to the satisfaction of the City Manager. Removal shall not be required if a new Temporary Use Permit is obtained prior to its expiration.
- (e) The Temporary Use Permit *permit holder* shall be responsible for maintaining the *placemaking* project. Maintenance shall include, but not be limited to, posting of the name, phone number, and email address of the party responsible for the *placemaking* project in a location visible from the *public right-of-way*, keeping the *placemaking* project area free of litter, and preventing litter attributable to the *placemaking* project from occurring on adjacent properties.

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- (f) A *placemaking* project shall only occur on *premises* that are vacant at the time the Temporary Use Permit application is submitted.
- (g) A *placemaking* use that also qualifies as another separately regulated use shall also be subject to those separately regulated use regulations. A *placemaking* use that contains elements governed by other laws and regulations shall also be subject to those laws and regulations.
- (h) *Placemaking* on private property in Commercial Base Zones shall also be subject to the following regulations:
 - (1) The *placemaking* project shall not include retail or commercial services uses except as *accessory uses* to serve the *placemaking* use, and shall not operate except between the hours of 7:00 a.m. and 10:00 p.m., unless a separate Temporary Use Permit is obtained.
 - (2) Commercial Base Zone regulations for *setbacks* and minimum *lot coverage* shall not apply.
- (i) *Placemaking* on private property in Open Space and Residential Base Zones shall not include commercial services or assembly and entertainment uses as *accessory uses*.

(“*Placemaking on Private Property*” added 5-22-2018 by O-20928 N.S.; effective 6-21-2018.)

[Editors Note: Amendments as adopted by O-20928 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20928-SO.pdf]