

Article 3: Supplemental Development Regulations

Division 4: Planned Development Permit Regulations

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

§143.0401 Purpose of Planned Development Permit Regulations

The purpose of these regulations is to provide flexibility in the application of development regulations for projects where strict application of the base zone development regulations would restrict design options and result in a less desirable project. The intent of the Planned Development Permit regulations is to accommodate, to the greatest extent possible, an equitable balance of *development* types, intensities, styles, site constraints, project amenities, *public improvements*, and community and City benefits. The regulations in this division provide the standards and guidelines by which applications for Planned Development Permits will be evaluated.

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

§143.0402 When Planned Development Permit Regulations Apply

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

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

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process⁽¹⁾
Residential <i>development</i> requesting deviations from applicable zone regulations ⁽²⁾	143.0403, 143.0410, 143.0420	PDP/Process 4
Commercial and Industrial <i>development</i> requesting deviations from applicable zone regulations	143.0403, 143.0410, 143.0460	PDP/Process 4
<i>Developments</i> within <i>land use plans</i> where a Planned Development Permit is recommended when other discretionary actions are requested	143.0403, 143.0465	PDP/Process 3
<i>Development</i> that complies with the applicable <i>land use plan</i> designation, but contains uses that are not permitted in the underlying base zone	143.0403	PDP/Process 3
<i>Multiple dwelling unit development</i> requesting <i>density</i> greater than the <i>density</i> identified in an adopted <i>land use plan</i> ⁽³⁾	143.0403, 143.0410, 143.0455, 143.0915	PDP/Process 4
Rural cluster <i>development</i> in the AR and OR zones	143.0403, 143.0410, 143.0420, 143.0440	PDP/Process 4
Rural cluster <i>development</i> with increased <i>density</i> in the AR-1-1 and OR-1-2 zones within <i>Proposition A Lands</i> ⁽⁴⁾	143.0403, 143.0410, 143.0420, 143.0450	PDP/Process 5
Residential <i>development</i> in RS zones of <i>urbanized Communities</i> where a Planned Development Permit is requested	143.0403, 143.0410, 143.0420, 143.0430	PDP/Process 4

Footnotes for Table 143-04A

¹ The Planned Development Permit shall be decided in accordance with the highest level decision process that could have applied to the *development*.

- 2 A Planned Development Permit may not be requested for a *single dwelling unit* on an individual, *single dwelling unit lot*.
- 3 A *development* that is affordable housing, an in-fill project, and/or a sustainable building as described in Section 143.0915 may be permitted with a Neighborhood Development Permit in accordance with Process Two.
- 4 Rural cluster development with increased *density* is not available to properties within the Del Mar Mesa Specific Plan area. Refer to the Del Mar Mesa Specific Plan adopted on May 27, 1997, by O-18337 for the applicable development regulations.

(Amended 1-9-2001 by O-18910 N.S.; effective 8-8-2001.)
(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 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)
(Amended 9-15-2017 by O-20856 N.S.; effective 10-20-2017.)

§143.0403 Permitted Uses with a Planned Development Permit

The following regulations apply to all Planned Development Permits.

- (a) The following uses may be permitted within any Planned *Development*.
- (1) Any use permitted in the base zone or the applicable *land use plan*. Unlawful uses on any portion of the *premises* shall be terminated or removed as a requirement of the Planned Development Permit.
 - (2) *Accessory uses* associated with any permitted use may be permitted as long as the *accessory use* serves only the occupants and guests of the proposed *development*.
 - (3) Uses permitted by Neighborhood Use Permit or Conditional Use Permit within the base zone. A separate use permit shall accompany, and will be processed concurrently with, an application for a Planned Development Permit. Conditions relating to the particular use will be included in the applicable use permit and may also be referenced in the Planned Development Permit. An amendment to a use permit need not be accompanied by an amendment to the Planned Development Permit unless the amendment involves exterior modifications to the *premises* that are not in *substantial conformance* with the approved Planned Development Permit.

- (b) Changes of use on a *premises* will not require an amendment of the approved Planned Development Permit, if the proposed use is permitted in the applicable zone and no exterior modifications to the existing *structures* or associated exterior facilities will be required to accommodate the proposed use change. Proposed changes of use that will result in exterior modifications to the existing *structures* require an amendment to the approved Planned Development Permit when the modifications are not in *substantial conformance* with the approved Planned Development Permit.
- (c) After construction of a *development* in accordance with a Planned Development Permit proposed uses that require a Neighborhood Use Permit or Conditional Use Permit may be permitted without an amendment to the Planned Development Permit unless the amendment involves exterior modifications to the *premises* that are not in *substantial conformance* with the approved Planned Development Permit.

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

§143.0410 General Development Regulations for Planned Development Permits

- (a) Deviations
 - (1) The base zone development regulations apply to all *developments* except to the extent that deviations are included as part of the approved Planned Development Permit.
 - (2) In accordance with the purpose of this division, deviations from the applicable base zone development regulations may be requested in order to provide flexibility in achieving a zone-equivalent project design that will be consistent with the intent of the base zone. Significant deviations from the base zone regulations that are not consistent with the purpose of this division require a variance in conjunction with the approval of the Planned Development Permit.
 - (3) A Planned Development Permit may not be used to request deviations from any of the following regulations:
 - (A) Maximum building height of 30 feet for the area in the Coastal Height Limit Overlay Zone as identified in Section 132.0502;
 - (B) *Floor area ratio* for the entire *premises* except as permitted in the Kearny Mesa Community Plan;

- (C) Residential *density* unless an affordable housing density bonus is obtained in accordance with Chapter 14, Article 3, Division 7 (Affordable Housing Regulations);
 - (D) Residential *density* unless the residential component is part of a mixed-use (commercial/residential) project and the applicable *land use plan* establishes a higher *density* than the base zone;
 - (E) Applicable supplemental regulations identified in Table 143-04A;
 - (F) The regulations in Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations); and
 - (G) The regulations in Chapter 14, Article 3, Division 2 (Historical Resources Regulations).
- (b) *Density* and Intensity
- (1) The number of dwelling units or total *gross floor area* to be built on the *premises* shall not exceed that set forth by the applicable zone and the applicable *land use plan* except as permitted by 143.0410(a)(3)(D), and shall be based on the area of the entire *premises*. The dwelling units or *gross floor area* may be distributed without regard to the proposed *lot* boundaries.
 - (2) If the *premises* is located in two or more zones, the maximum number of dwelling units or the *gross floor area* permitted on the *premises* shall be the sum of the dwelling units or the *gross floor area* permitted in each of the zones and may be distributed without regard to the zone boundaries.
 - (3) If the Planned Development Permit includes property that is shown as part of a designated open space system in the applicable *land use plan*, and is accepted by the City as dedicated open space, that portion of the property may be included in the calculation of the overall project *density* by using the *density* of the base zone.
 - (4) The areas of the *premises* that are designated for public or private streets may not be utilized in the calculation of maximum *density*.
 - (5) The areas of the *premises* that are designated for private drives may be used in the calculation of maximum *density*.

(c) Public Transportation

Access to or improvements for public transportation shall be provided as required by the Metropolitan Transit Development Board.

(d) Parking and Access

- (1) *Off-street parking spaces* shall be sufficient in size and quantity to accommodate all of the proposed uses on the *premises*.
- (2) Parking areas and access drives should be located to avoid conflicts with internal pedestrian circulation, *street* systems, and adjacent properties.
- (3) The circulation plan shall indicate the location of vehicular and pedestrian access on the site between the *public right-of-way*, building entrances, sidewalks, public transit facilities, and loading/service facilities. Pedestrian access to the surrounding *streets* should be maximized.

(e) Landscaping

- (1) All landscaping shall comply with requirements of Chapter 14, Article 2, Division 4 (Landscape Regulations).
- (2) The pattern of landscaping and the materials used in the *development* should be generally consistent in species, quantity, and size with that of the surrounding area unless otherwise specified in the applicable *land use plan*.

(f) *Fences* and Walls

Fences and walls on individual *lots* should be located within the developed portion of the *premises* and should not be located in a manner that will encroach into or enclose or isolate portions of the *premises* designated to be preserved as open space.

(g) *Signs*

A preliminary concept *sign* program, including criteria for the location and design of all *signs* to be used on the *premises*, shall be submitted. All *signs* shall comply with Chapter 14, Article 2, Division 12 (Sign Regulations).

(h) *Accessory Structures*

- (1) The *development* may include accessory commercial, office, utility, maintenance, and recreational facilities provided the facilities are limited in size, use, and capacity to serve only the needs of the occupants and guests of the *development*.
- (2) *Accessory structures*, including trash enclosures, shall be architecturally compatible in style and building materials with the primary buildings on the *premises*.

(i) Shadow Plan

When it is determined that the *structures* or landscaping within a proposed *development* may have an impact on an adjacent property's access to solar exposure, a shadow plan will be required to ensure that potential impacts will be minimized.

(j) Criteria For *Development* Design

The following design criteria will be used to evaluate proposed *developments* in conjunction with the required *findings*.

- (1) The overall *development* design should be comprehensive and should demonstrate the relationships of the proposed *development* on-site with existing *development* off-site.
- (2) The scale of the project should be consistent with the neighborhood scale as represented by the dominant *development* pattern in the surrounding area or as otherwise specified in the applicable land use plan.
- (3) Buildings should avoid an overwhelming or dominating appearance as compared to adjacent *structures* and *development* patterns. Abrupt differences in scale between large commercial buildings and adjacent residential areas should be avoided. Instead, gradual transitions in building scale should be incorporated.
- (4) Larger *structures* should be designed to reduce actual or apparent bulk. This can be achieved by using pitched roof designs, separating large surface masses through changes in exterior treatment, or other architectural techniques.

- (5) Buildings, *structures*, and facilities on the *premises* should be well integrated into, oriented towards, and related to, the topographic and natural features of the site.
- (6) Proposed *developments* should avoid repetitious *development* patterns that are inconsistent with the goals of the applicable *land use plan*.
- (7) To the greatest extent possible, landscaping should be used to soften the appearance of blank walls and building edges and enhance the pedestrian scale of the *development*.
- (8) Elements such as street trees, curbside landscaping, varied *setbacks*, and enhanced paving should be used to enhance the visual appearance of the *development*.
- (9) Roof forms should be consistent in material, design, and appearance with existing *structures* in the surrounding neighborhood.
- (10) Plant materials and other design features should be used to define and enhance the appearance of roof spaces, especially flat roofs that are visible from higher elevations.
- (11) Building material and color palettes should be consistent with applicable guidelines in the applicable *land use plan*, if provided.

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

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

(Amended 11-13-2008 by O-19801 N.S.; effective 12-13-2008.)

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

(Amended 3-22-2018 by O-20916 N.S.; effective 4-21-2018.)

§143.0420 Supplemental Planned Development Permit Regulations for Residential Development

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

(a) Open Space

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

Table 143-04B

Open Space Requirements for Planned Development Permits

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

RM-2-5	190 sq. ft.	190 sq. ft.
RM-2-6	155 sq. ft.	155 sq. ft.
RM-3-7	125 sq. ft.	125 sq. ft.
RM-3-8	100 sq. ft.	100 sq. ft.
RM-3-9	90 sq. ft.	90 sq. ft.
RM-4-10	75 sq. ft.	75 sq. ft.
RM-4-11	75 sq. ft.	75 sq. ft.
RM-5-12	125 sq. ft.	125 sq. ft.

Footnotes for Table 143-04B

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

- 2) The minimum required open space shall be based on the total number of dwelling units on the entire *premises* and may be located without regard to existing or proposed *lot* lines.
- (3) If the *premises* is located in two or more zones, the amount of open space required in the Planned *Development* shall be the sum of the open space required in each of the zones applied to the dwelling units at the same percentage that the site area is occupied by each zone. The open space may be located without regard to the zone boundaries.
- (4) The usable open space required in Table 143-04B, shall be generally contiguous and moderately level, with an overall gradient not exceeding 10 percent. Usable open space shall not include land occupied by buildings, *structures*, *streets*, driveways, or parking areas but may include outdoor recreational facilities.
- (5) All common open space on the project site, including recreational facilities, shall be readily accessible to all occupants and should, wherever possible, be physically connected to other common open space areas on the *premises*.

- (6) If an Affordable Housing Density Bonus Agreement or a Density Bonus and Affordable Housing Deviation has been approved for the *development*, the open space area requirement shall be the total of the following:
 - (A) Open space based on the zone in which the property is located, multiplied by the number of dwelling units permitted in that zone; plus
 - (B) Open space based on the next more dense residential zone, multiplied by the number of dwelling units in excess of the number permitted in the zones in which the property is located.
- (b) Recreational Facilities in *Multiple Dwelling Unit Zones*:

Proposed *multiple dwelling unit developments* exceeding 10 dwelling units shall include, within the common open space, at least one of the following recreational amenities: a tot lot, a barbecue area with picnic tables and shade *structure*, a sport court or field, a swimming pool, or a golf course.

- (c) *Fences and Walls*

Fences or walls that are generally parallel to the public right-of-way and that exceed 100 feet in length shall be articulated with vertical elements spaced at no more than 25 feet on center. The vertical elements shall be made an integral part of the *fence* or wall and shall be a minimum of 12 inches wide.

- (d) Building Coverage

Building coverage shall not exceed 60 percent of the site area.

(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.)

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

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

(a) *Density*

- (1) *Density* may not exceed the average *density* of all similarly zoned *single dwelling unit* properties within a 500-foot radius of the site.
- (2) For *developments* that combine land zoned for both *single dwelling unit* and *multiple dwelling unit* use, that portion of the property zoned for *single dwelling unit* use shall not exceed the *density* for that area as calculated by the *single dwelling unit* zone, the land use designation of the applicable land use plan, or the 500-foot radius analysis whichever is less.
- (3) For *density* purposes, vacant or unimproved legal *lots* zoned for *single dwelling unit* use within the 500-foot radius analysis area shall be calculated for one dwelling unit.
- (4) Similarly zoned properties approved or developed pursuant to discretionary permits before October 16, 1989, shall be excluded from the calculation of average *density*.

(b) Bulk and Scale

- (1) Building mass and bulk shall be similar to the surrounding neighborhood as evaluated within a 500-foot radius of the proposed *development*.
- (2) Buildings may vary by up to 50 percent of the average *floor area ratio* of the existing neighborhood for individual *lots*, but may not exceed the maximum *floor area ratio* permitted by the base zone for the entire *premises*.
- (3) Buildings may vary on the maximum diagonal plan dimension.
- (4) The overriding objective is that the project average of bulk and scale be consistent with the existing surrounding neighborhood as evaluated within a 500-foot radius of the proposed *development*.

(c) Infill Design

Development design shall incorporate architectural elements that have a pronounced importance in establishing compatible infill design.

(d) Deviations

Deviations from applicable zone development regulations permitted in accordance with Section 143.0410(a) , shall be permitted only if it is shown that similar situations exist within the surrounding neighborhood or that the modifications to the regulations are beneficial to the neighborhood because of unique circumstances pertaining to the subject 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.)

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

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

(a) *Density*

- (1) Within the AR zones, the maximum residential *density* permitted shall be as specified in the applicable zone, with the units clustered to preserve the remainder of the *premises* in its natural state until and if complete *development* at urban *densities* is ever deemed appropriate. Within *Proposition A Lands*, the reservation of future *development* potential will require the use of covenants, conditions, restrictions, or other mechanisms as determined by the City Manager to insure that the undeveloped portion of the property remains undeveloped until the *Proposition A Lands* are shifted to a *Planned Urbanized Community*.
- (2) Within the OR zones, the maximum residential *density* permitted shall be as specified in the applicable zone, with the units clustered and located with the allowable *development* area in accordance with Section 131.0250. The remainder of the *premises* shall remain in its natural state as a condition of the Planned Development Permit approval.
- (3) Conditions and requirements that are consistent with the applicable zone corresponding to the *density* of the *development* in the clustered portion of the *premises* may be imposed on the planned *development*.

- (4) Within *Proposition A Lands* and outside the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0440(c)(4) may be used in the calculation of total permitted residential *density*.

(b) *Subdivision Requirement*

With a Planned Development Permit, a *subdivision* is not required for clustered dwelling units on a single existing *lot*, unless subsequent use of the dwelling units would require a *subdivision* pursuant to the *Subdivision Map Act*.

(c) *Open Space Requirement*

- (1) The total open space required for the *premises* shall be based on Table 143-04B. The required open space may be distributed throughout the proposed *development* and need not be provided on each *lot*.
- (2) Any usable open space provided shall be located within or adjacent to the clustered *development* portion of the *premises*.
- (3) For *developments* in the OR Zones, the remainder of the *premises* not being developed shall be offered to the City for *dedication* as park land.
- (4) Recreational facilities shall be designed to serve only the occupants and guests of the *development*. However, within *Proposition A Lands* and outside the Coastal Overlay Zone, golf courses open to the public and their customary incidental, supportive facilities (excluding lodging facilities) need not be restricted provided that a permanent and irrevocable open space easement is established that covers the area of the golf course. A golf course open to the public means a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or that offers memberships to the public.
- (5) Within *Proposition A Lands* and outside the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0440(c)(4) may be used in the calculation of total required open space.

(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.)

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

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, the following regulations apply to all residential rural cluster *developments* requesting increased *density* that are located in the AR-1-1 and OR-1-2 zones within *Proposition A Lands*. Approval of a proposed *development* in accordance with this section shall require the *findings* in Section 126.0405(b) to be made.

(a) *Density*

- (1) Within the AR-1-1 and OR-1-2 zones within *Proposition A Lands*, except within the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance No. O-18337, the maximum permitted *density* with the increased *density* rural cluster alternative is one *dwelling unit* per 4 acres with the *dwelling units* clustered. The remainder of the *premises* where no *development* is proposed shall be maintained in its natural state with no future *development* potential. The utilization of this increased *density* alternative shall require the provision of housing within the *premises*, affordable to *low* or *very low income families*, in accordance with Section 143.0450(d). For *development* within the Del Mar Mesa Specific Plan area the *development* regulations identified in the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance O-18337 apply.
- (2) Conditions and requirements may be imposed on the planned *development* that are consistent with the base zone corresponding to the *density* of the *development* in the clustered portion of the *premises*.
- (3) Except within the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0450(c)(6) may be used in the calculation of total permitted residential *density*.

(b) *Subdivision Requirement*

With a Planned Development Permit, a *subdivision* is not required for clustered dwelling units on a single, existing *lot*.

(c) Open Space Requirements

- (1) The total open space required for the *premises* is 2 acres per dwelling unit. There is no usable open space requirement. The required open space may be distributed throughout the proposed *development* and need not be provided on each *lot*.
- (2) Any usable open space provided shall be located within or adjacent to the clustered *development* portion of the *premises*.
- (3) The increased *density* rural cluster alternative will require that the Planned *Development* use covenants, conditions, and restrictions or other mechanisms, including *dedication*, that are acceptable to the City Manager to insure that the undeveloped portion of the *premises* remains undeveloped in perpetuity.
- (4) Increased *density* rural cluster *developments* shall be designed to incorporate an open space element that visually or physically connects to a planned or existing open space system or an environmental resource corridor as identified in the applicable *land use plan*. Rural cluster *developments* that incorporate an open space element that effectively achieves a physical or visual connection to a planned or existing open space system or an environmental resource corridor may deviate from the open space requirements in Table 143-04B and Section 143.0450(c)(1).
- (5) Increased *density* rural cluster *developments* that are not visually or physically connected to a planned or existing open space system or an environmental resource corridor shall incorporate a design that maximizes open space opportunities consistent with the open space requirements of the applicable *land use plan*.
- (6) Recreational facilities shall be designed to serve only the occupants and guests of the planned *development*. However, within *Proposition A Lands* and outside the Coastal Overlay Zone, golf courses open to the public and their customary incidental, supportive facilities (excluding lodging facilities) need not be restricted provided that a permanent and irrevocable open space easement is established that covers the area of the golf course. A golf course open to the public shall mean a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or that offers memberships to the public.

- (7) Except within the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0450(c)(6) may be used in the calculation of total required open space.
- (d) Affordable Housing Requirement for Increased *Density* Rural Cluster *Development*:

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

- (1) The affordable housing obligation may be fulfilled by one of the following:
 - (A) A set-aside of no less than 20 percent of the units for occupancy by, and at rates affordable to, *families* earning no more than 65 percent of the median area income, adjusted for *family size*; or
 - (B) A *dedication* of developable land of equivalent value.
- (2) Affordable housing shall be appropriately designed and integrated into the overall *development* plan.
- (3) *Development* incentives available through government programs, including a *density* bonus in accordance with Chapter 14, Article 3, Division 7 (Affordable Housing Regulations), where appropriate, may be used to meet all or a portion of this obligation.
- (4) Units restricted under this section shall remain affordable for the remaining life of the housing unit, which is presumed to be a minimum of 55 years.
- (e) Subarea Plan Requirement in the North City Future Urbanizing Area

- (1) Within the North City Future Urbanizing Area that is within *Proposition A Lands*, a subarea plan shall be prepared pursuant to the General Plan. The subarea plan shall be developed consistent with the North City Future Urbanizing Area Framework Plan, as approved by the California Coastal Commission on May 14, 1993. Alternatively, the *applicant* must demonstrate that, at a minimum, all public facilities within the subarea (as designated by the General Plan) have been sited; a Purchase Agreement for the public facility sites has been completed; mixed use centers within the subarea have been sited; the *street* system to access the mixed use centers and public facilities has been aligned; a financing plan for the project area, subarea, or larger planning area has been completed; and open space boundaries have been refined if the project deviates from the *MHPA* boundaries shown in the General Plan.
- (2) Except within the Coastal Overlay Zone, Section 143.0450(e)(1) shall not apply to any project for which an application was *deemed complete* on or before December 10, 1990, and which includes a golf course that is open to the public provided, however, that any such project shall fully participate in the Public Facilities Financing Plan, Interim Fees, and the *school* Facilities Master Plan, and that a development agreement shall be executed for the project.

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

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

(Amended 9-15-2017 by O-20856 N.S.; effective 10-20-2017.)

(Amended 3-22-2018 by O-20916 N.S.; effective 4-21-2018.)

§143.0455 Supplemental Planned Development Permit Regulations for Multiple Dwelling Unit Residential Development with Increased Density per the Adopted Land Use Plan

In addition to the general regulations for all Planned Development Permits in Section 143.0410(j)(5) through (11), the following regulations apply to *multiple dwelling unit development* that requests approval of increased *density* through a Planned Development Permit and where increased *density* is expressly provided for in the adopted *land use plan*. It is the intent of these regulations to provide increased density in pedestrian-friendly *development* that is consistent with the planned character of the neighborhood per the adopted *land use plan*.

(a) *Density*

- (1) The minimum and maximum *density* for utilization of the increased *density* provision in Section 143.0455 shall be as specified in the adopted *land use plan* and shall not require processing of a deviation.
- (2) Utilization of this increased *density* alternative per the adopted *land use plan* shall not preclude the use of the state density bonus program, where applicable.

(b) The relationship of the proposed *development* to the *public right-of-way* and neighboring property shall be addressed as follows:

- (1) The *development* shall provide visually interesting building articulation that maintains a sense of scale and transition to buildings lower in height and to the adjacent *public right-of-way* by incorporating the following:
 - (A) Offsetting wall planes, openings, projections, recesses and other building details.
 - (B) Varied building rooflines.
 - (C) One and two story building components with upper-story step backs at the third *floor* and above.
 - (D) *Building facades* that include a main entry and other pedestrian-oriented architectural features such as windows, balconies, trellises, wing walls (attached to the building), garden walls (free standing), porches, fencing, and arbors.

- (2) *Off-street parking spaces* shall be located behind the *building façade* where possible, and shall be provided with access to an *alley* where available.
- (3) The adjacent sidewalk, curb, and gutter shall be provided to City standards, and shall include all improvements necessary to bring existing *public right-of-way* conditions to current standards. Existing curb cuts that exceed current standards shall be removed or reduced to not exceed the maximum dimension identified in Section 142.0560.

(“Supplemental Planned Development Permit Regulations for Multiple Dwelling Unit Residential Development with Increased Density per the Adopted Land Use Plan” added 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

§143.0460 Supplemental Planned Development Permit Regulations for Commercial and Industrial Development

In addition to the general regulations for all *Planned Development Permits*, the following supplemental regulations shall apply to all commercial and industrial *developments*:

(a) *Accessory Structures*

The proposed *development* may include accessory commercial, office, utility, maintenance, and recreational facilities provided these facilities are limited in size, use, and capacity to serve only the occupants and guests of the *development*.

(b) *Maximum Floor Area Ratio*

On an individual *premises*, any *structure* may exceed the permitted *floor area ratio* provided the total *floor area ratio* for the entire *development* does not exceed that permitted by the applicable zone.

(c) *Ground Floor Occupancy*

For commercial *development* within commercial zones that permit retail uses, at least 50 percent of all gross ground *floor* area or principal pedestrian level area shall be used for retail sales and commercial services.

(d) *Fences and Walls*

Fences and walls that are generally parallel to the public right-of-way and exceed 150 feet in length shall be articulated with vertical elements spaced at no more than 50 feet on center. These vertical elements shall be a minimum of 12 inches wide.

(e) *Outdoor Amenities*

- (1) *Industrial developments* should include outdoor eating or recreation areas available to all employees of the *premises*.
- (2) *Commercial developments* should include public open areas or plazas that are accessible to the general public.

(f) *Parking and Access*

- (1) No more than 75 percent of all required parking on the site should be located between the *public right-of-way* fronting the property and the *structure* on the site located closest to the *public right-of-way*.
- (2) No vehicle parking aisles should end without providing an area in which vehicles may turn around or providing vehicular access to an adjacent driveway or *public right-of-way*, unless otherwise determined appropriate by the City Manager.

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

§143.0465 Supplemental Planned Development Permit Regulations for Planned Development Permits Recommended by a Land Use Plan

Within *land use plans* that recommend a Planned Development Permit in conjunction with any other discretionary action, and when no deviations from the applicable zone regulations are requested, the proposed *development* shall be subject to all development regulations of the applicable zone.

When any deviation is requested, the proposed *development* is subject to Section 143.0410 and Section 143.0420 or Section 143.0460, as appropriate for the type of *development* proposed.

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

§143.0473 Maintenance Requirements for Planned Development Permits

All approved Planned Development Permits must be maintained in compliance with the following regulations:

- (a) All *developments* shall be constructed and maintained in accordance with the approved plans and conditions contained within the approved Planned Development Permit.
- (b) If a proposed *development* includes open areas or recreational facilities to be used by the residents or employees of the *development*, the approved permit shall include a plan for the preservation of the common elements of the property that is acceptable to the City Manager.

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

§143.0475 Phased Planned Development Permits

Construction of *developments* requesting a Planned Development Permit may be phased subject to the following regulations pertaining to each phase of *development*.

- (a) Where construction pursuant to a Planned Development Permit is to be phased over a period of time, plans corresponding to each phase shall be provided by the *applicant* at the time of Planned Development Permit submittal and shall include a proposed construction schedule and an illustration of the various phases of *development*.
- (b) The plans corresponding to each phase shall clearly delineate all fundamental project elements integral to implementation of that particular phase, including landscaping, open space, parking, and recreational facilities. Each phase must assure that the provision of fundamental project elements will correspond with the demand to provide the associated site facilities and improvements necessary to support the density/intensity of each phase of *development*.
- (c) The phasing program shall address the interim use of all areas where *development* will occur at a later date, including identification of the interim landscape and irrigation measures to be used to assure that portions of the site that may be graded or disturbed in the initial phase of project implementation but not be developed until a later phase, will be adequately mitigated.

- (d) Where construction pursuant to a Planned Development Permit is to be phased over a predetermined period, the phasing program shall be based upon the projected population growth and availability of public facilities of the designated economic support area.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§143.0480 Master Planned Development Permit Criteria

- (a) A Master Planned Development Permit may be processed for any proposed *development* that will comply with the primary and supplemental regulations of this division and proposes to incorporate conceptual *development* criteria for portions of the *premises* intended for future or phased *development*. *Development* criteria for the Master Planned Development Permit shall include standards, in text and graphic form, for the following project elements, which would be applicable over the entire Master Planned Development Permit area at the time of submittal and would become effective upon recordation of the Master Planned Development Permit.
 - (1) Conceptual site plan indicating the location of all proposed *lots*, building pads, *streets*, driveways, *grading* areas, landform alteration quantities, and existing and proposed public facilities.
 - (2) Landscaping that complies with Chapter 14, Article 2, Division 4.
 - (3) Parking and relevant design criteria to provide adequate parking facilities, configurations, and dimensions pursuant to requirements of Chapter 14, Article 2, Division 5 (Parking Regulations).
 - (4) Building orientation requirements of the applicable Planned Development Permit primary and supplemental regulations.
 - (5) Public transportation facilities consistent with adopted plans and programs of the Metropolitan Transit Development Board.
 - (6) Recreational facilities.
 - (7) Traffic and pedestrian circulation plans.
 - (8) Conceptual plans for and/or descriptions of structural designs, building materials, architectural themes, criteria to achieve minimum articulation, and measures to achieve compatibility with existing and future *development* on the site.

- (9) A site *density* transfer chart and corresponding information to accurately reflect and record the subsequent transfer of units or *gross floor area* throughout the *development*.
- (b) Where specific site or building plans may not be included for any portion of the *development* at the time of approval of a Master Planned Development Permit, subsequent phases of *development* to include these portions of the Master Permit area will be required to demonstrate compliance with the criteria established by the applicable guidelines of this division.
- (c) Unless otherwise specified in the Planned Development Permit, an evaluation of subsequent *development* proposals' conformance with the minimum standards of the Master Planned Development Permit shall be performed by the City Manager in accordance with the *substantial conformance* review process in Section 126.0112.
- (d) If the proposed *development* or elements of the proposed *development* are to be phased over a period of time, the *applicant* must provide the City Manager with information and criteria relevant to project compliance with Section 143.0475 before approval of the Master Planned Development Permit.

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