

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-21164 (NEW SERIES)

DATE OF FINAL PASSAGE JANUARY 8, 2020

AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 1, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 11.0301; AMENDING CHAPTER 2, ARTICLE 2, DIVISION 40 BY REPEALING SECTION 22.4035; AMENDING CHAPTER 9, ARTICLE 8, DIVISION 2 BY AMENDING SECTION 98.0202; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 6 BY AMENDING SECTIONS 112.0601, 112.0602, 112.0603, AND 112.0604; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2 BY REPEALING SECTION 113.0210 AND AMENDING SECTION 113.0234; AMENDING CHAPTER 12, ARTICLE 3, BY REPEALING DIVISION 5, SECTIONS 123.0501, 123.0502, 123.0503, 123.0504, 123.0505, AND 123.0506; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 1 BY AMENDING SECTION 126.0108; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 4 BY AMENDING SECTION 126.0402; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTIONS 126.0502 AND 126.0504; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTION 126.0707; AMENDING CHAPTER 12, ARTICLE 8, DIVISION 3 BY AMENDING SECTION 128.0311; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112; AMENDING CHAPTER 13, ARTICLE 1 DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 131.0422, 131.0431, 131.0447, 131.0449, AND REPEALING SECTION 131.0457; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTIONS 131.0507 AND 131.0522; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 131.0602, 131.0622, AND 131.0623; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 4 BY AMENDING SECTION 132.0402; AMENDING CHAPTER 13, ARTICLE 2, BY REPEALING DIVISION 9, SECTIONS 132.0901, 132.0902, AND 132.0905; AMENDING CHAPTER 14,

ARTICLE 1, DIVISION 3 BY AMENDING SECTION 141.0303; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 141.0407; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 141.0505; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 141.0602 AND 141.0612; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 8 BY ADDING NEW SECTION 141.0803; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 9 BY REPEALING SECTION 141.0901; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 1 BY AMENDING SECTION 142.0103; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 142.0402, 142.0403, 142.0404, 142.0405, 142.0408, AND 142.0413; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 142.0505, 142.0520, 142.0525, 142.0527, 142.0528, 142.0540, AND 142.0555; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTION 142.0640; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12 BY AMENDING SECTION 142.1210; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1 BY AMENDING SECTIONS 143.0110 AND 143.0141; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 2 BY AMENDING SECTIONS 143.0210, 143.0240, AND 143.0260; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0302; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0253; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTIONS 156.0307 AND 156.0309; AMENDING CHAPTER 15, ARTICLE 7, DIVISION 2 BY AMENDING SECTION 157.0202; AMENDING CHAPTER 15, ARTICLE 10, DIVISION 1 BY AMENDING SECTION 1510.0102, RELATING TO THE 12th UPDATE (PHASE TWO) OF THE LAND DEVELOPMENT CODE.

§11.0301 Service of Notices

- (a) Whenever a notice is required to be given under the Municipal Code for enforcement purposes, the notice shall be served by any of the following methods unless different provisions are otherwise specifically stated to apply:
- (1) through (3) [No change in text.]

(4) Electronic service by electronic notification or transmission with consent of the parties or in conjunction with another method of notice listed in this section.

(b) Service by certified or regular mail in the manner described above shall be effective on the date of mailing. Electronic service shall be effective on the date of the electronic notification or transmission if the parties have consented to electronic service.

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

~~§22.4035~~ ~~Unlawful to Display Signs in Special Event Venue~~

~~It is unlawful for any Person to place, post, paint, erect, display, secure, or maintain any Sign or advertising in violation of those provisions of Chapter 9 and 10 of this Code, regulating Signs and advertising displays.~~

§98.0202 Mobilehomes, Recreational Vehicles and Commercial Coaches Located Outside Licensed Mobilehome and Special Occupancy Parks— Special Permit— Fee

(a) No person shall use or occupy any mobilehome, commercial coach or recreational vehicle on private property not licensed as a mobilehome park or special occupancy park except as follows:

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

~~(5) For residential uses authorized by Conditional Use Permit pursuant to the provisions of Chapter X, Article 1, Division 5 of this Code.~~

~~(6)~~(5) For strictly temporary and transient, nonresidential use limited to not more than 16 hours at any one location and not in violation of any other regulation provided by law regarding recreational vehicles, mobilehomes and commercial coaches.

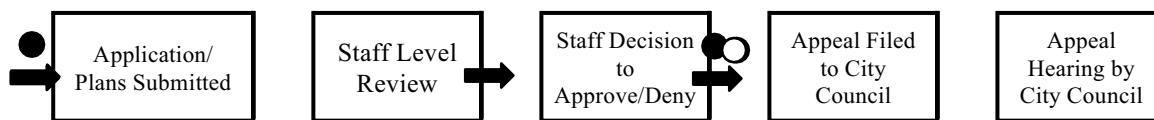
(b) through (d) [No change in text.]

§112.0601 Overview of Decision Process

Applications for *capital improvement program projects* or public projects requiring a Site Development Permit in accordance with the Environmentally Sensitive Lands Regulations and Historical Resources Regulations or a City-issued Coastal Development Permit shall be acted upon in accordance with one of the two decision processes established in this division and depicted on Diagram 112-06A. The subject matter of the *development* application determines the process that shall be followed for each application. The provisions of Chapter 12 that pertain to each permit, map, or other matter describe the decision process in more detail. Diagram 112-06A is provided for convenience of reference only and does not define, describe, or limit the scope, meaning, or intent of any provision of the Land Development Code. This diagram does not describe the decision processes that may be required by other agencies, such as the State Coastal Commission.

Diagram 112-06A
Decision Processes for Capital Improvement Program Projects and Public Projects

PROCESS CIP/Public Project -Two



PROCESS CIP/Public Project -Five



Key



Public Notice to all Property Owners, Tenants, Community Planning Groups within 300 Feet of the *development*, and Anyone Requesting Notice



Public Notice to Applicant, Community Planning Groups within 300 feet, and Anyone Requesting Notice

§112.0602 Process CIP/Public Project-Two

An application for a Site Development Permit for a *capital improvement program project* or a *public project* determined to be in compliance with the

Environmentally Sensitive Lands Regulations and Historic Resources Regulations without deviation, or a City-issued Coastal Development Permit in the non-*appealable area* of the Coastal Overlay Zone ~~for a *capital improvement program project*~~, shall be acted upon in accordance with Process CIP/Public Project-Two.

An application for a Process CIP/Public Project-Two decision may be initially approved, conditionally approved, or denied by a staff person designated by the City Manager pursuant to Section 111.0205. A public hearing will not be held. An appeal hearing is available upon written request, in accordance with Section 112.0603. A Process CIP/Public Project-Two decision shall be made in the following manner.

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

§112.0603 Process CIP/Public Project-Two Appeal Hearing

The City Council shall hear appeals of Process CIP/Public Project-Two decisions subject to the following requirements.

(a) Persons Who Can Appeal. The following persons may request an appeal hearing after the designated staff person's decision:

- (1) [No change in text.]
- (2) Any other person who files an application for a Process CIP/Public Project-Two appeal hearing in accordance with Section 112.0603(b).

(b) Request for a Process CIP/Public Project-Two Appeal Hearing. A Process CIP/Public Project-Two decision may be appealed by filing an application for a Process CIP/Public Project-Two appeal hearing with the City Clerk no later than 10 *business days* after the *decision date*.

(c) Grounds for Appeal. A Process CIP/Public Project-Two decision may be appealed on any of the following grounds:

- (1) through (4) [No change in text.]

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

§112.0604 Process CIP/Public Project-Five

An application for a Site Development Permit for a *capital improvement program project* or a *public project* that deviates from the Environmentally Sensitive Land Regulations or Historic Resources Regulations, or a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone, shall be acted upon in accordance with Process CIP/Public Project-Five. An application for a Process CIP/Public Project-Five decision may be approved, conditionally approved, or denied by the City Council. A Process CIP/Public Project-Five decision shall be made in the following manner.

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

§113.0103 Definitions

Abutting property through Atrium [No change in text.]

Attic means a portion of the space immediately below a ~~pitched~~ sloped roof that has a pitch of at least 3:12 (3 vertical feet to 12 horizontal feet) and is above the highest finished floor. See ~~Section 113.0210 for additional information on determining attic.~~

Awning through Public park [No change in text.]

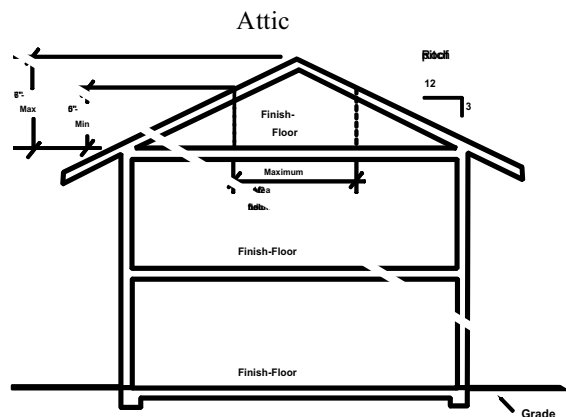
Public project means any *development* located on a *premises* owned, leased or maintained by the City.

Public right-of-way through Yard [No change in text.]

§113.0210 ~~Determining Attic~~

~~An attic is the area under a sloped roof that has a pitch of at least 3:12 (3 vertical feet to 12 horizontal feet) with a height of at least 5 feet and no more than 7 feet, 6 inches, measured from the highest finish floor elevation to the finish roof above. The floor area of an attic shall not exceed one-half of the floor area of the nearest full story below. This is illustrated in Diagram 113-02A.~~

Diagram 113-02A



§113.0234 Calculating Gross Floor Area

Gross floor area is calculated in relationship to the *structure* and *grade* adjacent to the exterior walls of a building. The elements included in the *gross floor area* calculation differ according to the type of *development* proposed and are listed in Section 113.0234(a)-(c). *Gross floor area* does not include the elements listed in Section 113.0234(d). The total *gross floor area* for a *premises* is regulated by the *floor area ratio* development standard.

- (a) [No change in text.]
- (b) Additional Elements Included in *Gross Floor Area* in Residential Zones and for Residential Development in Other Zones. (Section 113.0234(b) does not apply to commercial *development*.)
 - (1) through (3) [No change in text.]
 - (4) *Gross floor area* includes any projected *floor area* and other phantom *floors* within the building's exterior walls where specified dimensions are met. Phantom *floors* are located within the space above or below actual *floors* within a building, and are measured separately above each actual *floor* or below the lowest actual *floor* for under *floor area*, described as follows:
 - (A) Phantom *Floors*. When the vertical distance between the finish-*floor* elevation and the finish-*floor* or flat roof immediately above does not exceed 15 feet, the area of one *floor* (the actual *floor*) is included in *gross floor area*, as shown in Diagram 113-02Q.

Diagram 113-02Q

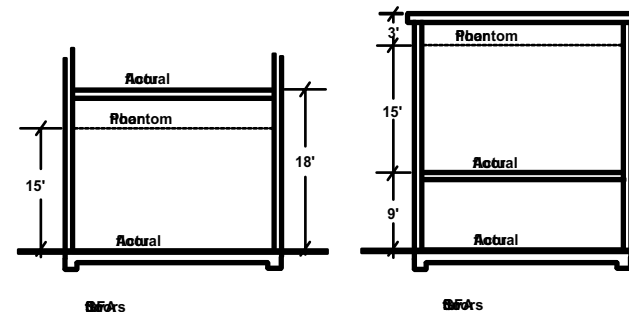
One Floor Below Actual Floor and Flat Roof

[No change in text.]

When the vertical distance between the finish-*floor* elevation and the finish-*floor* or roof elevation immediately above exceeds 15 feet, *gross floor area* includes the area of the actual *floor* plus the area of a phantom *floor* at 15 feet of height increments, or portion thereof, of height above the 15-foot height, as shown in Diagram 113-02R.

Diagram 113-02R

Multiple Floors below Actual Floor and Flat Roof



Gross floor area excludes those portions of actual *floors* and phantom *floors* where there is less than 5 feet of vertical distance between the actual or phantom *floor* and the ~~elevation~~ ceiling of the roof immediately above.

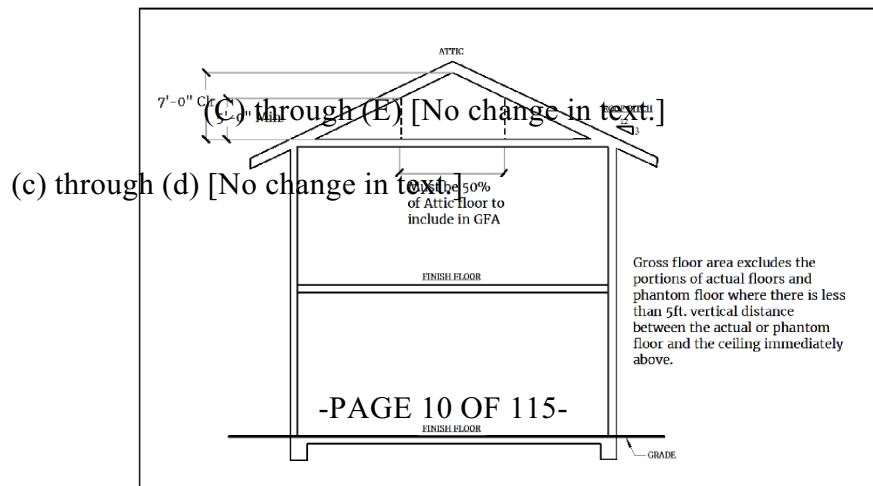
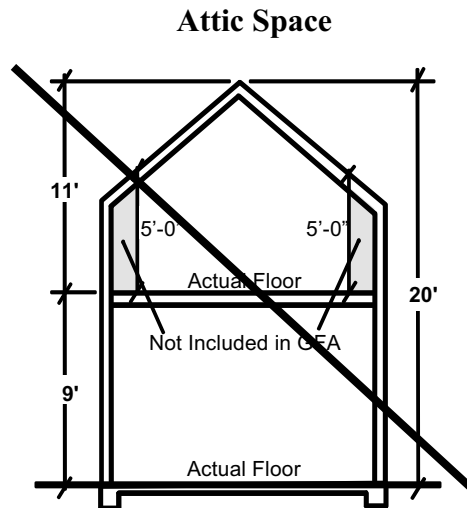
Diagram 113-02S

Multiple Floors Below Sloped Roof

[No change in text.]

- (B) *Attic Space.* Gross floor area includes the *attic space* as shown in Diagram 113-02T, where there are at least 5 feet of vertical distance between the *attic floor* and the roof elevation immediately above. The location of any ceilings immediately below the roof does not affect the measurement of phantom *floors* above the highest finish-*floor* elevation.

Diagram 113-02T



Chapter 12: Land Development Reviews

Article 3: Zoning

Division 5: Residential High Occupancy Permit

§123.0501 Purpose of Residential High Occupancy Permit

~~The purpose of these procedures is to provide for annual review of high-occupancy *single dwelling units* for conformance with the applicable zoning regulations by ensuring that high occupancy units provide adequate parking and minimize impacts to adjacent properties.~~

§123.0502 When a Residential High Occupancy Permit Is Required

- ~~(a) A Residential High Occupancy Permit is required for a *single dwelling unit* when the occupancy of the *dwelling unit* would consist of six or more persons eighteen years of age and older residing in the *dwelling unit* for a period of 30 or more consecutive days.~~
- ~~(1) Prior to the rental or sale of a *single dwelling unit*, the property owner shall disclose the requirement for a Residential High Occupancy Permit to prospective tenants or buyers.~~
- ~~(2) The Residential High Occupancy Permit requirement shall apply to a *single dwelling unit* described in Section 123.0502(a) regardless of whether six or more persons eighteen years of age and older resided in the *dwelling unit* prior to the effective date of this ordinance.~~

- (b) ~~Housing for senior citizens, residential care facilities, and transitional housing facilities are exempt from the requirement for a Residential High Occupancy Permit, but are otherwise subject to the use regulations in Chapter 14, Article 1.~~

§123.0503 ~~How to Apply for a Residential High Occupancy Permit~~

- (a) ~~Within 30 days of an increase in *single dwelling unit* occupancy that results in six or more persons eighteen years of age and older residing in a *single dwelling unit* for a period of 30 or more consecutive days, a property owner shall apply for a Residential High Occupancy Permit in accordance with Section 112.0102.~~
- (b) ~~The Residential High Occupancy Permit application and applicable fees shall be resubmitted annually by the property owner to ensure compliance with the provisions of this division.~~
- (c) ~~A fee waiver for economic hardship may be requested with the permit application and shall be granted in accordance with Process One where a property owner demonstrates to the satisfaction of the City Manager that their annual income is less than the Area Median Income.~~
- (d) ~~It is unlawful for any Responsible Person to violate any requirement of this Division.~~

§123.0504 ~~Decision on a Residential High Occupancy Permit~~

- (a) ~~A decision on an application for a Residential High Occupancy Permit shall be approved in accordance with Process One.~~

- (b) ~~The applicant shall demonstrate on submitted plans that one off-street parking space per occupant eighteen years of age and older, less one will be accommodated on the premises. In cases where an occupant eighteen years of age and older does not have a vehicle or a valid driver's license, the applicant shall provide evidence to the satisfaction of the City Manager to demonstrate the need for a lower parking requirement, which shall be documented in the permit record.~~
- (e) ~~In case of conflict between the requirements of this section and the Parking Impact Overlay Zone, the higher of the applicable parking requirements shall apply.~~
- (d) ~~Parking spaces shall conform to regulations in Chapter 14, Article 2.~~

§123.0505 Issuance of a Residential High Occupancy Permit

- (a) ~~The City Manager shall issue the Residential High Occupancy Permit when the required fees have been paid (or a fee waiver is granted), a copy of the lease agreement(s) has been provided where applicable, and the permit has been approved.~~
- (b) ~~A Residential High Occupancy Permit shall not be issued to a property with a pending code violation case.~~
- (e) ~~The permit shall be valid for a 12-month period, except that an increase in occupancy or the number of vehicles in excess of that authorized under the permit shall require a new permit application and fees.~~

§123.0506 Enforcement and Administrative Remedies

- ~~(a) Violations of this Division are subject to the judicial and administrative enforcement remedies identified in Section 121.0311 of this Code.~~
- ~~(b) Violations of this Division may also result in the revocation of a previously approved Residential High Occupancy Permit, in the event of two or more code violations, within the last twelve months, have been determined to exist either prior to or pursuant to the final adjudication of any of the enforcement remedies available under Section 123.0311 of this Code.~~

§126.0108 Utilization of a Development Permit

- (a) through (c) [No change in text.]
- (d) *Development permits for capital improvement program projects or public projects* are exempt from the permit utilization requirement of Section 126.0108(a), except that:
 - (1) through (2) [No change in text.]

§126.0402 When a Neighborhood Development Permit Is Required

- (a) through (m) [No change in text.]
- ~~(n) A Neighborhood Development Permit is required for *development* proposing to count tandem parking spaces as two parking spaces towards the off-street parking requirement as described in Section 132.0905(a)(5).~~
- ~~(n)~~ (n) A Neighborhood Development Permit is required for *development* of a college, university, vocational, or trade school on a *premises* identified as Prime Industrial Land in a *land use plan* as described in Section 141.0407(e)(2).

~~(p)~~(o) A Neighborhood Development Permit is required for *development* on a site that contains a *designated historical resource, traditional cultural property, important archaeological site*, or a designated contributing resource to a *historical district* and includes a specific historic preservation *development* incentive as described in Section 143.0240.

~~(q)~~(p) A Neighborhood Development Permit is required for *development* that proposes deviations to the development regulations within the mixed-use zones. A Neighborhood Development Permit may not be used to request deviations listed in Section 131.0710(c).

§126.0502 When a Site Development Permit is Required

(a) A Site Development Permit decided in accordance with Process Three is required where *environmentally sensitive lands* are present for the following types of *development*, except that if the *development* is affordable housing, an in-fill project, and/or a sustainable building, as described in Section 143.0915, it shall be processed in accordance with Section 126.0503:

~~(1) City public works projects, except for *capital improvement program projects*, on a premises containing *environmentally sensitive lands*, as described in Section 143.0110.~~

~~(2)~~(1) *Single dwelling unit development* that involves any of the following:

(A) *Development on a premises containing sensitive coastal bluffs or coastal beaches*, as described in Section 143.0110;

(B) *Development on lots greater than 15,000 square feet containing sensitive biological resources or steep hillsides*— as described in Section 143.0110; or

(C) *Development on lots less than or equal to 15,000 square feet that are joined in ownership to a contiguous lot so that the total area of contiguous ownership exceeds 15,000 square feet where sensitive biological resources or steep hillsides are present, as described in Section 143.0110.*

~~(3)~~(2) Multiple unit residential *development on a premises containing environmentally sensitive lands*, as described in Section 143.0110.

~~(4)~~(3) Commercial *development on a premises containing environmentally sensitive lands*, as described in Section 143.0110.

~~(5)~~(4) Industrial *development on a premises containing environmentally sensitive lands*, as described in Section 143.0110.

(b) [No change in text.]

(c) A Site Development Permit decided in accordance with Process Three is required for the following types of *development*.

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

(6) *Development of manufactured slopes at a gradient steeper than 25 percent (4 horizontal feet to 1 vertical foot) and a height of 25 feet or more as described in Section 142.0103, except that if the grading is for underground parking, then a Site Development Permit is not required.*

(7) through (8) [No change in text.]

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

(f) A Site *Development* permit in accordance with Process CIP/Public Project-Two is required for the following types of *development*.

(1) *Capital improvement program projects* or public projects on a premises containing *environmentally sensitive lands* or that deviate from the Environmentally Sensitive Lands Regulations pursuant to Section 143.0110, Table 142-01A. ~~where the development is determined to be in compliance with the Environmentally Sensitive Lands Regulations without a deviation.~~

(2) *Capital improvement program projects* or public projects on a premises containing *historical resources* where the *development* ~~is determined to be in compliance~~ complies with the Historical Resources Regulations without deviation, unless exempt under Section 143.0220.

(g) A Site Development Permit in accordance with Process CIP/Public Project-Five is required for ~~the following types of~~ *development*.

(1) ~~*Capital improvement program projects* on a premises containing environmentally sensitive lands that deviate from the Environmentally Sensitive Lands Regulations.~~

(2) ~~*Capital improvement program projects*~~ *or public projects* on a premises containing *historical resources* that deviate from the

Historical Resources Regulations, unless exempt under Section
143.0220.

§126.0504 Decision Processes for Site Development Permits

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

(d) Process CIP/Public Project-Two

A decision on an application for a Site Development Permit for the types of *development* listed in Section 126.0502(f) shall be made in accordance with Process CIP/Public Project-Two.

(e) Process CIP/Public Project-Five

A decision on an application for a Site Development Permit for the types of *development* listed in Section 126.0502(g) shall be made in accordance with Process CIP/Public Project-Five.

§126.0707 Decision Process for a Coastal Development Permit

(a) A decision on an application for a City-issued Coastal Development Permit in the ~~non~~ non-appealable area of the Coastal Overlay Zone shall be made in accordance with Process Two, except that a decision on an application for a capital improvement program project or public project in the ~~non~~ non-appealable or the appealable area of the Coastal Overlay Zone shall be made in accordance with Section 126.0707(c). The decision may be appealed to the Planning Commission in accordance with Section 112.0504.

(b) A decision on an application for a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone shall be made

in accordance with Process Three, except that a decision on a *capital improvement program project or public project* in the ~~appealable area~~ appealable area of the Coastal Overlay Zone shall be made in accordance with Section 126.0707(c) and a decision on a *companion unit* shall be made in accordance with Section 126.0707(a). The decision may be appealed to the Planning Commission in accordance with Section 112.0506.

- (c) A decision on an application for a City-issued Coastal Development Permit for a *capital improvement program project or public project* shall be made as follows:
- (1) ~~In the non non-~~non-*appealable area* of the Coastal Overlay Zone, the decision shall be made in accordance with Process CIP/Public Project-Two. The decision may be appealed to the City Council in accordance with Section 112.0603.
 - (2) In the *appealable area* of the Coastal Overlay Zone, the decision shall be made in accordance with Process CIP/Public Project-Five.

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

§128.0311 ~~Certification of~~ Decision on an Environmental Document

- (a) Consistent with CEQA and the State CEQA Guidelines, ~~Except as~~ provided in Section 128.0311(b) ~~and (c) through (d)~~, before approving a *development permit* or other discretionary action, the decision maker shall certify that:

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

- (b) ~~If the environmental document has been previously certified because the decision is being heard on appeal, because the City is acting as a Responsible Agency, or because of reuse of a previously certified document, subsequent discretionary approvals on the same project shall not require recertification of any previously certified environmental document prepared in connection with the project. In this case, the decision maker need not certify as required by Section 128.0311(a)(1) but shall state the information contained in Section 128.0311(a)(2) for the record. Nothing in this section shall be deemed to preclude the Planning Director from reviewing the previously certified document to determine whether any supplemental information or document may be necessary.~~
- When an EIR has been certified or a Negative Declaration has been adopted for a project, no subsequent EIR shall be prepared for that project unless required under CEQA and the State CEQA Guidelines.
- (c) If the decision maker is acting as a Responsible Agency, the decision maker shall act on the environmental document in accordance with CEQA and the State CEQA Guidelines.
- ~~(e)~~(d) If the decision maker denies the project, the environmental document need not be certified.

§131.0112 Description of Use Categories and Subcategories

- (a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the

purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).

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

(10) Industrial use Category

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

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

(D) Research and Development – Uses engaged in scientific research including computational modeling, bio-informatics, and testing leading to the development of new products and processes.

(E) [No change in text.]

(F) Trucking and Transportation Terminals – Uses engaged in the dispatching ~~and long-term or short-term storage~~ of large vehicles to collect or deliver goods or materials, or to transport people. Minor repair, ~~and~~ maintenance, and storage of fleet vehicles stored used on the *premises* is also included.

(11) [No change in text.]

(b) [No change in text.]

§131.0222 Use Regulations Table for Open Space Zones

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

Legend for Table 131-02B

[No change in text.]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹⁾ -
	3rd >>	1-	2-	1-	1-	1-	
	4th >>	1	1	1	1	2	1
Open Space through Vehicle & Vehicular Equipment Sales & Service, Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses: Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> [No change in text.]	[No change in text.]						
<u>Vehicle Storage Facilities as a <i>Primary Use</i></u>	-	-	-	-	-	-	
Distribution and Storage through Separately Regulated Distribution and Storage Uses: [No change in text.]	[No change in text.]						
Impound Storage Yards	-	-	-	-	-	-	
Junk Yards through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]	[No change in text.]						

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

§131.0322 Use Regulations Table for Agricultural Zones

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

Legend for Table 131-03B

[No change in text.]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Vehicle & Vehicular Equipment Sales & Service, Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses: Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> [No change in text.] [No change in text.]	[No change in text.]				
<u>Vehicle Storage Facilities as a <i>Primary Use</i></u>	-		-		
Distribution and Storage through Separately Regulated Distribution and Storage Uses [No change in text.]	[No change in text.]				
<u>Impound Storage Yards</u>	-		-		
Junk Yards through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]	[No change in text.]				

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

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B

[No change in text.]

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

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																						
	1st & 2nd >>	RE-	RS-												RX-		RT-							
	3rd >>	1-	1-												1-		1-							
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Open Space through Vehicle & Vehicular Equipment Sales & Service, Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses, Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> [No change in text.]	[No change in text.]																							

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																						
	1st & 2nd >>	RE-	RS-												RX-		RT-							
	3rd >>	1-	1-												1-		1-							
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
<u>Vehicle Storage Facilities as a Primary Use</u>		=	=												=		=							
Distribution and Storage through Separately Regulated Distribution and Storage Uses [No change in text.]		[No change in text.]																						
Impound Storage Yards		-	-												-		-							
Junk Yards through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																						

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones														
	1st & 2nd >>	RM-														
	3rd >>	1-			2-			3-			4-		5-			
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12			
Open Space through Residential, Shopkeeper Units [No change in text.]		[No change in text.]														
Single Dwelling Units		P ⁽⁺²⁾⁽¹¹⁾			P ⁽⁺²⁾⁽¹¹⁾			P ⁽⁺²⁾⁽¹¹⁾			P ⁽⁺²⁾⁽¹¹⁾		P ⁽⁺²⁾⁽¹¹⁾			
Separately Regulated Residential Uses through Companion Units [No change in text.]		[No change in text.]														
Continuing Care Retirement Communities		€ <u>L</u>			€ <u>L</u>			L			L		L			
Employee Housing: through Garage, Yard, & Estate Sales [No change in text.]		[No change in text.]														
Guest Quarters		L ⁽⁺⁰⁾⁽⁹⁾			-			-			-		-			
Home Occupations through Commercial Services, Separately Regulated Commercial Services Uses, Camping Parks [No change in text.]		[No change in text.]														
<i>Child Care Facilities:</i>																
Child Care Centers		€ <u>L</u>			€ <u>L</u>			€ <u>L</u>			€ <u>L</u>		- <u>L</u>			
Large Family Child Care Homes		L			L			L			L		-			
Small Family Child Care Homes		L			L			L			L		-			
Eating and Drinking Establishments with		[No change in text.]														

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones												
	1st & 2nd >>	RM-												
	3rd >>	1-			2-			3-			4-		5-	
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	
a Drive-in or Drive-through Component through Massage Establishments, Specialized Practice [No change in text.]														
Mobile Food Trucks	-	L ⁽⁺⁺⁾ (10)			L ⁽⁺⁺⁾ (10)			L ⁽⁺⁺⁾ (10)		L ⁽⁺⁺⁾ (10)				
Nightclubs & Bars over 5,000 square feet in size through Vehicle & Vehicular Equipment Sales & Service, Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses , Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> [No change in text.]		[No change in text.]												
<u>Vehicle Storage Facilities as a <i>Primary Use</i></u>	=	=			=			=		=				
Distribution and Storage through Separately Regulated Distribution and Storage Uses [No change in text.]		[No change in text.]												
Impound Storage Yards	-	-			-			-		-				
Junk Yards through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]		[No change in text.]												

Footnotes for Table 131-04B

¹ through ⁸ [No change in text.]

⁹ ~~A Residential High Occupancy Permit is required in accordance with Section 123.0502 for a *single dwelling unit* when the occupancy of the *dwelling unit* would consist of six or more persons eighteen years of age and older residing in the *dwelling unit* for a period of 30 or more consecutive days.~~

⁽⁺⁺⁾ A guest quarters or habitable accessory building is permitted in accordance with Section 141.0307 only as an *accessory use* to a *single dwelling unit*.

⁽⁺¹⁰⁾ Mobile food trucks are permitted by right on the property of a *school*, university, hospital, religious facility, *previously conforming commercial premises* in a residential zone, or construction site. Mobile food trucks on any other *premises* are subject to the limited use regulations set forth in Section 141.0612.

⁽⁺¹¹⁾ *Development* of a small *lot subdivision* is permitted in accordance with Section 143.0365.

§131.0431 Development Regulations Table for Residential Zones

The following development regulations apply in the residential zones as shown in Tables 131-04C, 131-04D, 131-04E, 131-04F, and 131-04G.

- (a) [No change in text.]
- (b) RS Zones

**Table 131-04D
Development Regulations for RS Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
		RS-						
	1st & 2nd >>							
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
Max permitted density (DU per lot)		1	1	1	1	1	1	1
Min lot area (sf)		40,000	20,000 (7)	15,000	10,000	8,000	6,000	5,000
Min lot dimensions through Supplemental requirements [See Section 131.0464(a)] [No change in text.]		[No change in text.]						
Bedroom regulation ⁽⁸⁾ [See Section 131.0457]		applies	applies	applies	applies	applies	applies	applies
		=	=	=	=	=	=	=
Refuse and Recyclable Material Storage [See Section 142.0805] through Visibility Area [See Section 113.0273] [No change in text.]		[No change in text.]						

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	8	9	10	11	12	13	14
Max permitted density (DU per lot) through Supplemental requirements [See Section 131.0464(a)] [No change in text.]	[No change in text.]							
Bedroom Regulation ⁽⁸⁾ [See Section 131.0457]	applies	applies	applies	applies	applies	applies	applies	
	=	=	=	=	=	=	=	
Refuse and Recyclable Material Storage [See Section 142.0805] through Visibility Area [See Section 113.0273] [No change in text.]	[No change in text.]							

Footnotes for Table 131-04D

¹ through ⁶ [No change in text.]

⁷ In the Encanto and Southeastern San Diego Community Planning areas the lot size shall be a minimum of 5,000 square feet.

⁸ On lots less than 10,000 square feet, a single-dwelling unit shall be limited to a maximum of six bedrooms.

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

§131.0447 Maximum Paving and Hardscape in RS Zones

Paving and *hardscape* on *single dwelling unit lots* located in the RS zones shall be minimized as follows:

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

(c) In order to maintain the character of the RS zone, paving and *hardscape* for vehicular use on lots less than 10,000 square feet, shall be further limited ~~as follows:~~ to off-street parking spaces for a maximum of 4 vehicles. Additional paving and hardscape shall be permitted for non-

vehicular use or where necessary to provide vehicular access to garage parking.

- ~~(1) A maximum of four off-street parking spaces not located within a garage shall be permitted on lots less than 10,000 square feet;~~
- ~~(2) A maximum of six off-street parking spaces not located within a garage shall be permitted on lots 10,000 square feet and greater;~~
- ~~(3) Additional paving and hardscape shall be permitted for non-vehicular use or where necessary to provide vehicular access to garage parking;~~
- ~~(4) For purposes of this subsection, notwithstanding Section 113.0237, unless development only occurs on the RS-1-1 zoned portion of a lot, the lot size shall not include the RS-1-1 zoned portion of a lot with more than one zoning designation.~~

§131.0449 Garage Regulations in Residential Zones

- (a) [No change in text.]
- (b) Garages in RT Zones
 - (1) [No change in text.]
 - (2) ~~Notwithstanding Chapter 13, Article 2, Division 9 (Residential Tandem Parking Overlay Zone), a~~ A two-car garage may provide parking in tandem spaces.
 - (3) through (10) [No change in text.]

§131.0457 Bedroom Regulation in RS Zones

~~To maintain the character of the RS zone, single dwelling units in the RS zones shall be subject to the following regulations:~~

- (a) ~~On lots less than 10,000 square feet, a single dwelling unit shall be limited to a maximum of six bedrooms.~~
- (b) ~~Within the College Area Community Plan area, except in the RS-1-1 zone, the following additional regulations shall apply:~~
- (1) ~~On lots less than 10,000 square feet, a single dwelling unit shall be limited to a maximum of five bedrooms.~~
- (2) ~~On lots 10,000 square feet or greater, a single dwelling unit shall be limited to a maximum of six bedrooms.~~
- (3) ~~The combined gross floor area of all bedrooms shall not exceed 60 percent of the gross floor area, excluding any garage.~~
- (e) ~~For purposes of this Section, notwithstanding Section 113.0237, unless development only occurs on the RS-1-1 zoned portion of a lot, the lot size shall not include the RS-1-1 zoned portion of a lot with more than one zoning designation.~~

§131.0507 Purpose of the CC (Commercial--Community) Zones

- (a) [No change in text.]
- (b) The CC zones are differentiated based on the uses allowed and regulations as follows:
- (1) [No change in text.]
- (2) The following zones allow community-serving uses with ~~no~~ limited residential uses:
- CC-2-1 is intended to accommodate *development* with strip commercial characteristics

- CC-2-2 is intended to accommodate *development* with high intensity, strip commercial characteristics
- CC-2-3 is intended to accommodate *development* with an auto orientation
- CC-2-4 is intended to accommodate *development* with a pedestrian orientation
- CC-2-5 is intended to accommodate *development* with a high intensity, pedestrian orientation

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

§131.0522 Use Regulations Table for Commercial Zones

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

Legend for Table 131-05B

[No change in text.]

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

Use Categories/Subcategories	Zone Designator	Zones														
		CN ⁽¹⁾ -						CR-		CO-			CV-		CP-	
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	1-						1-	2-	1-	2-	3-	1-	1-		
	3rd >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	1
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	1
Open Space through Residential, Separately Regulated Residential Uses, Companion Units [No change in text.]		[No change in text.]														
Continuing Care Retirement Communities		e ⁽²⁾ L		eL		-	eL		-	eL		e ⁽²⁾ L		-		
Employee Housing: through Institutional, Separately Regulated Institutional Uses, Historical Buildings Used for Purposes Not Otherwise Allowed [No change in text.]		[No change in text.]														
Homeless Facilities:																
Congregate Meal Facilities		C ⁽⁺⁾		C	-	C	C	C	C	C	C ⁽⁺⁾	-				
Emergency Shelters		C ⁽⁺⁾		C	-	C	C	C	C	C ⁽⁺⁾	-					
Homeless Day Centers		C ⁽⁺⁾		C	-	C	C	C	C	C ⁽⁺⁾	-					

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																
	1st & 2nd >>	CN ⁽¹⁾ -			CR-		CO-			CV-		CP-						
	3rd >>	1-			1-	2-	1-	2-	3-	1-	1-							
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2
Hospitals, Intermediate Care Facilities & Nursing Facilities through Commercial Services, Tasting Rooms [No change in text.]	[No change in text.]																	
Visitor Accommodations	P	P	P	-	-	P	P	-										
Separately Regulated Commercial Services Uses through Vehicle & Vehicular Equipment Sales & Service, Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses, Outdoor Storage & Display of New, Unregistered Motor Vehicles as a Primary Use <u>Primary Use</u> [No change in text.]	[No change in text.]																	
<u>Vehicle Storage Facilities as a Primary Use</u>	=	=	=	=	=	=	=	=										
Distribution and Storage through Separately Regulated Distribution and Storage Uses [No change in text.]	[No change in text.]																	
Impound Storage Yards	-	-	€	-	-	-	-	-										
Junk Yards through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]																	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																										
	1st & 2nd >>	CC-																										
	3rd >>	1-			2-			3-			4-			5-														
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6	
Open Space through Residential, Separately Regulated Residential Uses, Companion Units [No change in text.]		[No change in text.]																										
Continuing Care Retirement Communities		€	⏟	-	€	⏟	-	€	⏟	-	€	⏟	-	€	⏟	-	€ ⁽⁴⁵⁾	⏟	-									
Employee Housing: through Vehicle & Vehicular Equipment Sales & Service, Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses , Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> [No change in text.]		[No change in text.]																										
<u>Vehicle Storage Facilities as a Primary Use</u>		=		=	=		=	=		=	=		=	=		=	=		=									
Distribution and Storage through Separately Regulated Distribution and Storage Uses [No change in text.]		[No change in text.]																										
<u>Impound Storage Yards</u>		-		-	-		-	€		€	€		€	€		€	€		€									
Junk Yards through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]		[No change in text.]																										

Footnotes for Table 131-05B

¹ through ³ [No change in text.]

⁴ Live entertainment ~~or the sale of intoxicating beverages other than beer and wine after 12:00 midnight~~ is not permitted in the Commercial-Neighborhood (CN) zones, unless approval of a deviation is granted ~~via~~ with a Planned Development Permit in accordance with Section 126.0602(b)(1). ~~Within the North Park Community Plan area, the sale of intoxicating beverages are permitted in the CN zones.~~ All uses or activities shall be conducted entirely within an enclosed building and front onto the primary street with no uses or commercial activities conducted outdoors in the rear *yard* adjacent to residentially-zoned properties.

⁵ through ¹⁹ [No change in text.]

§131.0602 Purpose of the IP (Industrial--Park) Zones

- (a) The purpose of the IP zones is to provide for high quality science and business park *development*. The property *development* standards of this zone are intended to create a campus-like environment characterized by comprehensive site design, ~~and~~ substantial landscaping, and amenities that

serve the surrounding *development* in a manner that preserves the industrial nature of the zones. Restrictions on permitted uses and signs are provided to minimize commercial influence.

(b) [No change in text.]

§131.0622 Use Regulations Table for Industrial Zones

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

Legend for Table 131-06B

[No change in text.]

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

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones									
	1st & 2nd >>		IP-			IL-			IH-		IS-	IBT-
	3rd >>		1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>		1	1	1	1	1	1	1	1	1	1
Open Space through Agriculture, Agricultural Processing [No change in text.]	[No change in text.]											
Aquaculture Facilities	<u>p⁽¹⁹⁾</u>	<u>p⁽¹⁹⁾</u>	<u>p⁽¹⁹⁾</u>	P	P	P	P	P	P	P	-	
Dairies [No change in text.]	[No change in text.]											
Horticulture Nurseries & Greenhouses	<u>p⁽¹⁹⁾</u>	<u>p⁽¹⁹⁾</u>	<u>p⁽¹⁹⁾</u>	P	<u>p</u>	P	P	P	P	-	-	
Raising & Harvesting of Crops through Retail Sales, Building Supplies & Equipment [No change in text.]	[No change in text.]											
Food, Beverages and Groceries	<u>p^(13, 20)</u>	<u>p^(13, 20)</u>	<u>p^(13, 20)</u>	<u>p^(13, 20)</u>	<u>p^(13, 20)</u>	P ⁽¹³⁾	-	-	-	-	-	
Consumer Goods, Furniture, Appliances, Equipment through Pets & Pet Supplies [No change in text.]	[No change in text.]											
Sundries, Pharmaceuticals, & Convenience Sales	<u>p^(5, 13)</u>	P ^(5,13)	P ^(5,13)	P ^(5,13)	P ^(5,13)	P ⁽¹³⁾	P ^(5,13)	P ^(5,13)	P ^(4,13)	-	-	

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Wearing Apparel & Accessories through Separately Regulated Retail Sales Uses, Agriculture Related Supplies & Equipment [No change in text.]	[No change in text.]										
Alcoholic Beverage Outlets	-	-	-	-	-L	L	-	-	-	-	
Farmers' Markets											
Weekly Farmers' Market	-L	-L	-L	-L	-L	L	-	-	-	-	
Daily Farmers' Market Stands	-	-	-	-L	-L	L	-	-	-	-	
<i>Marijuana Outlets</i> through Commercial Services, Building Services [No change in text.]											
Business Support	- p ⁽⁸⁾	p ⁽⁸⁾	p ⁽⁸⁾	p ⁽⁸⁾	P	P	-	p ⁽⁸⁾	P	p ⁽⁸⁾	
Eating & Drinking Establishments	- p ^(7,16)	p ^(7,16)	p ^(7,16)	p ^(7,16)	p ^(7,16)	p ⁽¹⁶⁾	-	p ⁽⁷⁾	p ^(4,16)	p ^(7,16)	
Financial Institutions	-	P	-	-P	P	P	-	-	P	P	
Funeral & Mortuary Services [No change in text.]	[No change in text.]										
Instructional Studios	- p ⁽¹⁴⁾	- p ⁽¹⁴⁾	- p ⁽¹⁴⁾	- p ⁽¹⁴⁾	- p ⁽¹⁴⁾	p ⁽¹⁴⁾	-	-	P	-	
Maintenance & Repair through Off-site Services [No change in text.]	[No change in text.]										
Personal Services	- p ⁽⁹⁾	- p ⁽⁹⁾	- p ⁽⁹⁾	- p ⁽⁹⁾	p ⁽⁹⁾	p ⁽⁹⁾	-	-	-	-	
Radio & Television Studios [No change in text.]	[No change in text.]										
Tasting Rooms	p ⁽¹⁸⁾	p ⁽¹⁸⁾	-p ⁽¹⁸⁾	p ⁽¹⁸⁾	p ⁽¹⁸⁾	p ⁽¹⁸⁾	p ⁽¹⁸⁾	p ⁽¹⁸⁾	p ⁽¹⁸⁾	p ⁽¹⁸⁾	
Visitor Accommodations through Separately Regulated Commercial Services Uses, Sexual Encounter Establishment [No change in text.]	[No change in text.]										
Assembly and Entertainment Uses, Including Places of Religious Assembly	-L	-L	-L	-L	L	L	-	-	L	-	
Bed & Breakfast Establishments:											
1-2 Guest Rooms through 6+ Guest Rooms [No change in text.]	[No change in text.]										

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Boarding Kennels/Pet Day Care Facilities	- <u>N</u>	N	- <u>N</u>	N	L	L	N	N	N	N	
Camping Parks through Vehicle & Vehicular Equipment Sales & Service, Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses , Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> [No change in text.]	[No change in text.]										
<u>Vehicle Storage Facilities as a Primary Use</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	
Distribution and Storage through Separately Regulated Distribution and Storage Uses [No change in text.]	[No change in text.]										
Impound Storage Yards	-	-	-	P	P	P	P	P	P	-	
Junk Yards through Industrial , Testing Labs [No change in text.]	[No change in text.]										
Trucking & Transportation Terminals	- <u>P</u>	- <u>P</u>	- <u>P</u>	P	- <u>P</u>	P	P	P	P	P	
Separately Regulated Industrial Uses through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]	[No change in text.]										

Footnotes for Table 131-06B

¹ through ¹³ [No change in text.]

¹⁴ ~~Instructional Studios are not permitted on a premises that is identified as Prime Industrial Land in a land use plan. See Section 131.0623(n).~~

¹⁵ through ¹⁸ [No change in text.]

¹⁹ ~~Funeral & Mortuary Services are not permitted within floodplains located in the Coastal Overlay Zone. See Section 131.0623(l).~~

²⁰ See Section 131.0623(m).

§131.0623 Additional Use Regulations of Industrial Zones

The additional use regulations identified in this Section are applicable to uses where indicated in Table 131-06B. In addition to the use-specific regulations below, the combined gross floor area for the uses identified in Sections 131.0623(a), (b), (d), (h), (k), (m), and (n) shall not exceed 35 percent of the allowable gross floor area of the premises.

- (a) [No change in text.]
- (b) Eating and drinking establishments are permitted subject to the following:
 - (1) The dining and serving area of individual establishments are limited to 3,000 square feet of *gross floor area*, except where provided in accordance with Section 131.0623(i);
 - (2) through (4) [No change in text.]
- (c) through (d) [No change in text.]
- (e) Light manufacturing and assembly uses in the IP-1-1 and the IP-3-1 zones are limited to the following:
 - (1) through (6) [No change in text.]
 - (7) Manufacturing of scientific, engineering, and medical instruments; ~~and~~
 - (8) [No change in text.]
- (f) through (i) [No change in text.]
- (j) Residential uses in the IP-3-1 zone are permitted subject to the following:
 - ~~(A)~~(1) Residential *development* is permitted in accordance with the Business Park - Residential Permitted CPIOZ of the applicable community plan;
 - ~~(B)~~(2) Residential *development* comprises no more than 49 percent of the total *lot* area within the Business Park - Residential Permitted CPIOZ; and
 - ~~(C)~~(3) Residential *development* complies with the *development* regulations of the residential zone identified in the Business Park -

Residential Permitted CPIOZ of the applicable community plan, except that the *lot area*, *lot dimensions*, *floor area ratio*, and *setback* requirements of the IP-3-1 zone shall apply.

- (k) Physical fitness facilities are permitted subject to the following:
- ~~(A)~~(1) The physical fitness facility is located within a *development* that is greater than 20,000 square feet of *gross floor area* in an industrial zone;
 - ~~(B)~~(2) The physical fitness facility is ~~exclusively~~ primarily used by employees of the *premises* as an *accessory use*; and
 - ~~(C)~~(3) The physical fitness facility does not exceed 25 percent of the *gross floor area* of the *structures* on the *premises*.
- (l) Aquaculture Facilities and Horticulture, Nurseries & Greenhouses are permitted in IP zones subject to the following:
- (1) The aquaculture facility, horticulture facility, nursery or greenhouse shall directly support the research and *development* uses on the *premises*; and
 - (2) The aquaculture facility, horticulture facility, nursery or greenhouse shall be excluded from the *gross floor area* calculation of the *structures* on the *premises*.
- (m) Food, Beverages and Groceries are permitted if individual establishments are limited to 20,000 square feet of *gross floor area*.
- (n) Instructional Studios are permitted subject to the following:

- (1) Individual establishments are limited to 5,000 square feet of gross floor area;
- (2) The total area occupied by these uses shall not exceed 25 percent of the gross floor area of the building in which they are located;
and
- (3) The instructional studio shall be primarily used by employees of the premises as an accessory use and shall not be a minor-oriented facility.

§132.0402 Where the Coastal Overlay Zone Applies

- (a) [No change in text.]
- (b) Table 132-04A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone. Coastal Development Permit procedures are provided in Chapter 12, Article 6, Division 7.

**Table 132-04A
Coastal Overlay Zone Applicability**

Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) <i>Coastal development</i> that is categorically excluded pursuant to order of the Coastal commission or that is exempted by Section 126.0704	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	No permit required by this division
(2) <i>Any coastal development</i> within this overlay zone that is partially or completely within the Coastal	See use and development regulations of the base zone and	Coastal Development Permit(s) are issued by the Coastal Commission and the City for their

Commission Permit Jurisdiction or the Deferred Certification Area	Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	respective jurisdictions
(3) <i>Coastal development, except a capital improvement program project or public project, in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table</i>	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	Coastal Development Permit/Process Two or Three
(4) <i>Coastal development for a capital improvement program project or public project, in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table and is in the non non-appealable area of this overlay zone</i>	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	Coastal Development Permit/Process CIP/ <u>Public Project</u> -Two
(5) <i>Coastal development for a capital improvement program project in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table and is in the appealable area of this overlay zone</i>	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	Coastal Development Permit/Process CIP-Five

DIAGRAM 132-04A

[No change in text.]

Chapter 13: Zones

Article 2: Overlay Zones

Division 9: Residential Tandem Parking Overlay Zone

~~§132.0901 Purpose of the Residential Tandem Parking Overlay Zone~~

~~The purpose of the Residential Tandem Parking Overlay Zone is to identify the conditions under which tandem parking may be counted as two parking spaces in the calculation of required parking.~~

§132.0902 ~~Where the Residential Tandem Parking Overlay Zone Applies~~

- (a) ~~This overlay zone applies to property shown on Map No. C-994, filed in the office of the City Clerk under Document No. OO-21014. These areas are shown generally on Diagram 132-09A.~~
- (b) ~~Table 132-09A shows the sections that contain the supplemental regulations for specific types of *development* proposals in this overlay zone.~~

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

Type of Development Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
Any <i>development</i> proposing tandem parking in a <i>single dwelling unit</i> or <i>multiple dwelling unit</i> zone located within this overlay zone	See Section 132.0905	No permit required by this division

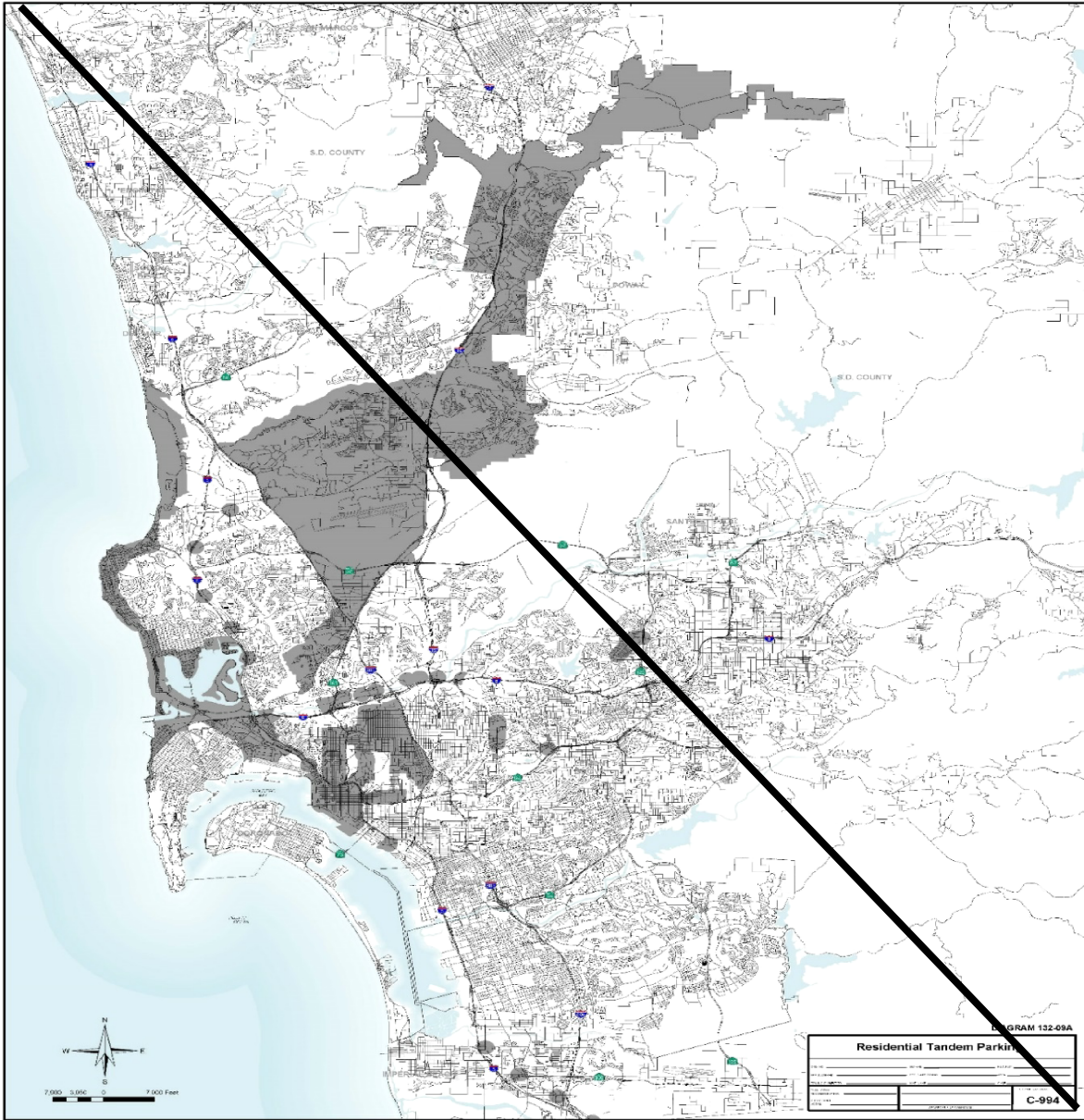


DIAGRAM 132-09A

Residential Tandem Parking

This is a reproduction of Map No. C-994 for illustration purposes only.

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

- (a) Tandem parking may be counted as two parking spaces toward the off-street parking required by Chapter 14, Article 2, Division 5 (Parking Regulations) only in the following locations and circumstances:
- (1) In the Golden Hill Community Plan area, the La Jolla Community Plan area, the Mission Beach Precise Plan area, the Mission Valley Community Plan area, the North Park Community Plan area, the Uptown Community Plan area, the Mira Mesa Community Plan area, the Scripps Miramar Ranch Community Plan area, the Miramar Ranch North Community Plan area, the Sabre Springs Community Plan area, the Carmel Mountain Ranch Community Plan area, the Rancho Bernardo Community Plan area, the San Pasqual Community Plan area, the Midway-Pacific Highway Community Plan area, and the Old Town San Diego Community Plan area.
 - (2) In the City Heights neighborhood of the Mid-City Community Plan Area only for *structures* with one or two dwelling units.
 - (3) If at least 25 percent of the project area is located within the Transit Area Overlay Zone as shown in Diagram 132-10A and the project area is not located in the Pacific Beach Community Plan area, the Southeast San Diego Community Plan area, the Skyline/Paradise Hills Community Plan Area, or the Mid-City

~~Communities Plan area other than the City Heights-
neighborhood.~~

~~(4) Within the beach impact area of the Parking Impact Area Overlay
Zone where access is provided to the tandem space from an
abutting alley.~~

~~(5) If a Neighborhood Development Permit is granted in accordance
with Section 126.0402 to count tandem parking as two parking
spaces toward the off-street parking requirement in any location
not provided for in Section 132.0905(a)(1) through (4).~~

~~(b) At least one of the two parking spaces shall be within a completely
enclosed structure.~~

~~(c) Both of the tandem spaces shall be assigned to the same dwelling unit.~~

~~(d) The tandem parking spaces shall be assigned, and the use restrictions shall
be enforced, by the owner of the premises or the owner's assigned
representative.~~

§141.0303 Continuing Care Retirement Communities

Continuing ~~e~~Care ~~r~~Retirement ~~e~~Communities (CCRCs) are licensed by the state as both a ~~r~~Residential ~~e~~Care ~~f~~Facility for the ~~e~~Elderly and a ~~s~~Skilled ~~n~~Nursing ~~f~~Facility, regulated under the California Health and Safety Code, and overseen by the California Department of Social Services. They provide residents with multiple living environments based on the changing level of care required by the resident. The communities typically provide independent living dwelling units, assisted living dwelling units, and convalescent and memory care rooms. A

CCRC is a distinct residential use and should not be considered a sum of separate, multiple uses when determining compliance with permitted land uses.

~~Continuing care retirement communities~~ CCRCs 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), or 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.

- (a) ~~Continuing care retirement communities~~ CCRCs are not permitted in agricultural zones in *Proposition A Lands*.
- (b) through (c) [No change in text.]
- (d) ~~The number of vehicle trips shall be determined as follows:~~
 - (1) ~~Four trips per dwelling unit; and~~
 - (2) ~~Three trips per room for convalescent and memory care rooms.~~
- (e)(d) ~~Continuing care retirement communities~~ CCRCs shall be subject to the landscape regulations for commercial *development* in Table 142-04A.
- (f)(e) ~~Permitted Density~~ As a distinct, separately regulated residential use, CCRCs are not subject to the density limitations of the applicable community plan and underlying base zone.
 - (1) ~~The density shall comply with the base zone.~~
 - (2) ~~Only independent and assisted living dwelling units shall be used to calculate density.~~
 - (3) ~~The density shall be calculated using the area of the entire development.~~

§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) [No change in text.]
- (b) Schools for Kindergarten to Grade 12
 - (1) through (2) [No change in text.]
 - (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) Outside of a Transit Priority Area, 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) Within a Transit Priority Area, the facility design shall not accommodate more than 600 students, except that a new

school may replace an existing school with current enrollment over 600 students if the result is no increase in the number of students.

~~(B)~~(C) Parking shall be provided in accordance with Table 142-05G.

~~(C)~~(D) 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) through (5) [No change in text.]

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

§141.0505 Plant Nurseries

For the purpose of Section 141.0504, plant nurseries are commercial establishments where plants are cultivated and grown for transplant, distribution, and sale that have a sales transaction area greater than 300 square feet. Plant nurseries are permitted in the zones indicated with a “P” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones). Plant nurseries 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) through (c) [No change in text.]

- (d) Section 141.0504~~5~~ shall not apply to the sale of plants from a garden center or other retail store, which is permitted in zones that allow the sale of consumer goods.

§141.0602 Assembly and Entertainment Uses, Including Places of Religious Assembly

This use category applies to facilities designed to accommodate at least 25 people at a time for recreation, physical fitness, entertainment, or other assembly, including places of religious assembly. Assembly and entertainment uses are permitted as a limited use in accordance with Process One in zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and are subject to the regulations in Sections 141.0602(a) and (b). Assembly and entertainment uses may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and are subject to the regulations in Sections 141.0602(a) and (c).

(a) General Regulations

(1) Assembly and entertainment uses are not permitted:

- (A) Within the *MHPA*; and
- (B) Within *floodplains* located in the Coastal Overlay Zone; ~~or,~~
- ~~(C) On a premises that is identified as Prime Industrial Land in a land use plan.~~

(2) through (3) [No change in text.]

(b) Limited Use Regulations

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

~~(3) Parking shall be accommodated on-site.~~

~~(4)~~(3) Deviations from Section 141.0602(b) may be permitted with a Conditional Use Permit decided in accordance with Process Three.

(4) On a premises that is identified as Prime Industrial Land in a land use plan, the following regulations apply:

(A) Auditoriums that are an accessory use to a professional office of an industrial development are permitted.

(B) Other assembly and entertainment uses are permitted as accessory uses provided that:

(i) The use occurs outside of normal business or operating hours and a majority of the uses shall not include minor-oriented uses or activities;

(ii) The use consists of temporary, non-permanent special events or activities; and

(iii) The space utilized shall not exceed 25 percent of the gross floor area of the structure or structures in which the ancillary use is located.

(c) [No change in text.]

§141.0612 Mobile Food Trucks

Mobile food trucks are temporarily parked, operable motorized vehicles that function as transportable retail food and beverage facilities that move daily. This use category includes mobile food trucks that provide sales to the general public of food and beverage (pre-packaged or prepared and served from the vehicle or an

attached trailer) for consumption on or off of the *premises*. They are health regulated businesses subject to Chapter 4, Article 2, Division 1. This use category does not include pushcarts as described in Section 141.0619, farmers' markets as described in Section 141.0503, or off-site food and beverage delivery services.

(a) [No change in text.]

(b) General Regulations.

Mobile food truck operators shall comply with all of the following:

(1) through (7) [No change in text.]

(8) no *signs* other than those exhibited on or in the mobile food truck, except for one temporary *ground sign*, located entirely on private property, with a maximum display area of six square feet, in compliance with Section 141.0612(b)(15) and (16);

(9) through (12) [No change in text.]

(13) no furniture, ~~umbrellas~~, except for a maximum of two standing tables and a shade canopy with maximum dimensions of 10 feet by 10 feet, located entirely on private property, generators, objects or *structures* outside of the vehicle except for *signs* as allowed in Section 141.0612(b)(8);

(14) through (16) [No change in text.]

(c) [No change in text.]

(d) Mobile Food Trucks on Private Property.

Property owners and *permit holders* shall comply with all of the following:

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

- (5) mobile food trucks shall operate as follows:
- (A) [No change in text.]
 - (B) ~~one a~~ mobile food truck ~~may operate on the site for every~~
~~525 square foot paved area of at least~~ requires a minimum
paved area of 35 feet by 15 feet in dimension. ~~Mobile food~~
~~trucks greater than 27 feet in length require a space~~ and at
least 70 feet by 15 feet for mobile food trucks greater than
27 feet in length; and
 - (C) [No change in text.]
- (e) through (f) [No change in text.]

§141.0803 Vehicle Storage Facilities as a Primary Use

This use includes short or long-term storage of all types of operable motor vehicles as a *primary use*. This use may be 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) This use shall only occur upon a *premises* where every *street frontage* is improved to the current standards of the City of San Diego as determined by the City Engineer.
- (b) The facility shall be *screened* from the *public right-of-way* by a *solid fence* with a minimum height of 6 feet. The fencing shall be screened with plant material that includes 24-inch box evergreen canopy form trees separated by a maximum distance of 30 feet along the *street frontage*.

- (c) The facility shall be screened from adjacent properties by 10-foot wide landscape strips that include 24-inch box evergreen species separated by a maximum distance of 30 feet along the side and rear yards. Landscape strips shall not be required along the side or rear yards abutting parcels zoned as Open Space or Agricultural. This screening requirement does not apply to abutting lots, if both lots are occupied by a use in this same land use sub-category.
- (d) The entire surface of the facility, excluding required landscape areas, shall be paved with asphalt, concrete, compacted gravel, compacted decomposed granite, or similar surface paving material of at least four inches in depth.
If compacted gravel, compacted decomposed granite, or similar materials are used to pave any surface of the facility upon which vehicles are stored or driven, then a 6-inch thick reinforced concrete or asphalt driveway of not less than 25 feet in length for automobile storage or 50 feet in length for truck storage from the public right-of-way shall be required.
- (e) One or more commercial coaches, or other accessory use structures, shall be located on the premises for facility staff to provide for security, inventory control, or other directly related administrative functions and shall be placed or built upon a concrete slab or other permanent foundation in compliance with the Construction permit.
- (f) No vehicles shall be stored until a Certificate of Occupancy has been issued for the accessory use structure.

- (g) Vehicles shall be stored in an orderly manner in accordance with the site plan approved by the *Construction permit*.
- (h) The following activities may be permitted as *accessory uses* on the premises:
 - (1) Auctioning of vehicles from inventory provided there is no dismantling of vehicles for the purposes of selling parts.
 - (2) Performing minor repairs to vehicles held in inventory if there is no discharge of fluids.
- (i) Vehicle components that may contain oil, grease, or similar ground water contaminants shall not be washed except if the facility is equipped, as authorized by the *Construction permit*, to prevent the contaminants from leaching into the water table.
- (j) The parking stalls for visitor and employee parking shall be subject to the landscape regulations in Section 142.0402.

~~§141.0901 Impound Storage Yards~~

~~Impound storage yards 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) Storage of the following vehicles may be permitted: motor vehicles that are being held in legal custody and incidental storage of other vehicles and tow equipment.~~

- ~~(b) Automobile access to the facility shall be at points of low pedestrian activity and shall be located away from any adjacent residentially zoned property.~~
- ~~(c) The facility shall be screened from adjacent development and from the public right-of-way by fences or walls and landscaping.~~
- ~~(d) Limitations on the operation of the facility will be imposed by the decision-maker to minimize impacts on surrounding development from noise and lights.~~
- ~~(e) Measures shall be taken to ensure that the ground water table is not adversely affected by the increase of impermeable surfaces due to the development of the facility.~~
- ~~(f) Measures shall be taken to ensure that water quality is not adversely affected by runoff containing fuel and lubricants or other pollutants.~~

§142.0103 When a Permit Is Required for Grading

- (a) [No change in text.]
- (b) A Site Development Permit is required for any *grading* that results in the creation of a slope with a gradient steeper than 25 percent (4 horizontal feet to 1 vertical foot) and a height of 25 feet or more in accordance with Chapter 12, Article 6, Division 5 (Site Development Permits), except that a Site Development Permit is not required for grading for underground parking.

§142.0402 When Landscape Regulations Apply

- (a) [No change in text.]

- (b) Table 142-04A provides the applicable regulations ~~and type of permit~~ required by this division for the landscaping required in conjunction with the specific types of *development* proposals. Any project that proposes more than one of the types of *development* shown is subject to all of the regulations for each type of *development*.

Table 142-04A
Landscape Regulations Applicability

Type of Development Proposal			Applicable Regulations	Required Permit Type/ Decision Process
Column A	Column B	Column C ⁽¹⁾		
1. New <i>structures</i> that equal or exceed the <i>gross floor area</i> shown (Column B), and are proposing the type of <i>development</i> shown (Column C)	1,000 square feet	<i>Multiple Dwelling Unit Residential Development, Mixed-Use Development, or Commercial Development</i>	142.0403-142.0407, 142.0409, and 142.0413	Building Permit/ Process One
	5,000 square feet	<i>Industrial Development</i>		
2. Additions to <i>structures</i> or additional <i>structures</i> on developed properties that exceed the <i>gross floor area</i> shown or that increase the <i>gross floor area</i> by the percent shown (Column B), and are proposing the type of <i>development</i> shown (Column C)	1,000 square feet or a 20 percent increase in <i>gross floor area</i>	<i>Multiple Dwelling Unit Residential Development, or Residential Components of Mixed-Use Development</i>	142.0403-142.0407, 142.0409, 142.0410(a), and 142.0413	Building Permit/ Process One
	1,000 square feet or a 10 percent increase in <i>gross floor area</i>	<i>Commercial Development, or Commercial Components of Mixed-Use Development</i>		
	5,000 square feet or a 20 percent increase in <i>gross floor area</i>	<i>Industrial Development</i>		
3. New permanent parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a <i>single lot</i> in <i>single dwelling unit</i> zones and <i>small lot subdivisions</i> in accordance with Section 143.0365			142.0403, 142.0406-142.0409, and 142.0413	Construction Permit/ Process One
4. New temporary parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a <i>single lot</i> in <i>single dwelling unit</i> zones			142.0403, 142.0408, 142.0409, and 142.0413	Construction Permit/ Process One

Type of Development Proposal	Applicable Regulations	Required Permit Type/ Decision Process
5. Additions or modifications to existing permanent or temporary parking and <i>vehicular use area</i> that increase the number of parking spaces by four or more	142.0403, 142.0408, 142.0409, 142.0410 (b), and 142.0413	Construction Permit/ Process One
6. <i>Single dwelling unit</i> residential use projects proposing new private or <i>public rights-of-way</i>	142.0403, 142.0409, and 142.0413	Construction Permit/ Process One
7. Projects proposing slopes with gradients steeper than 4:1 (4 horizontal feet to 1 vertical foot) that are 5 feet or greater in height	142.0403, 142.0411, and 142.0413	Construction Permit/ Process One
8. Projects creating disturbed areas of bare soils, or projects with existing disturbed areas	142.0403, 142.0411, and 142.0413	No permit required by this division
9. All City owned property, dedicated in perpetuity for park or recreation purposes, within 100 feet of a structure.	142.0403, 142.0412, 142.0413	No permit required by this division if work is performed in accordance with applicable regulations
10. Publicly or privately owned <i>premises</i> , that are within 100 feet of a <i>structure</i> , and contain native or naturalized vegetation.	142.0403, 142.0412, and 142.0413	No permit required by this division if work is performed in accordance with applicable regulations
11. New <i>structures</i> , additions to <i>structures</i> , or subdivisions that create <i>lots</i> where new <i>structures</i> could be located on <i>premises</i> adjacent to native or naturalized vegetation	142.0403, 142.0412, and 142.0413	Building Permit/ Process One

12. New Trees or shrubs planted in the <i>public right-of-way</i>	62.0603, 129.0702, 142.0403 142.0409 and 142.0610	Public Right-of-Way Permit or Street Tree Permit/ Process One
13. <i>Condominium Conversions</i>	142.0403, 142.0404, 142.0405 (b)(1) 142.0409 (a), 142.0412, and 142.0413	No permit required by this division
14. Commercial <i>development</i> with at least 1,000 square feet of landscape area	142.0403 142.0413	No permit required by this division
15. Small <i>Lot Subdivision</i>	142.0403 142.0404 142.0413	No permit required by this division

Footnote to Table 142-04A [No change in text.]

§142.0403 General Planting and Irrigation Requirements

All planting, irrigation, brush management, and landscape-related improvements required by this ~~D~~ivision must comply with the regulations in Section 142.0403 and with the Landscape Standards in the Land Development Manual.

(a) Plant Point Schedule

Table 142-04B assigns plant points based on plant type and size and applies where plant points are required by this division.

**Table 142-04B
Plant Point Schedule**

Proposed Plant Material		Plant Points Achieved per Plant
Plant Type	Plant Size	
Proposed Shrub	1-gallon	1.0
	5-gallon	2.0
	15-gallon or larger	10.0
Proposed Dwarf Palm	Per foot of brown trunk height	5.0
Proposed Tree	5-gallon	5.0
	15-gallon	10.0
	24-inch box	20.0
	36-inch box	50.0
	48-inch box and larger	100.0
Proposed Broad Headed-Feather Palm Tree	Per foot of brown trunk height	5.0
Proposed Feather Palm Tree	Per foot of brown trunk height up to 20 feet in height	3.0 <u>1.5</u>
	each feather palm tree over 20 feet in height	60.0 <u>30.0</u>
Proposed Fan Palm Tree	Per foot of brown trunk height up to 20 feet in height	1.5
	each fan palm tree over 20 feet in height	30.0

Existing Plant Material		Plant Points Achieved per Plant
Plant Type	Plant Size	
Existing Shrub	12-inch to 24-inch spread and height	4.0
	24-inch and larger spread and height	15.0
Existing Native Tree	2-inch caliper measured at 4 feet above <i>grade</i>	100.0
	each additional inch beyond 2 inches	50.0
Existing Non-Native Tree	2-inch caliper measured at 4 feet above <i>grade</i>	50.0
	each additional inch beyond 2 inches	25.0
Existing Broad Headed-Feather Palm Tree	Per foot of brown trunk height	5.0
Existing Feather Palm Tree	Per foot of brown trunk height up to 20 feet in height	3.0 <u>1.5</u>
	each feather palm tree over 20 feet in height	60.0 <u>30.0</u>
Existing Fan Palm Tree	Per foot of brown trunk height up to 20 feet in height	1.5
	each fan palm tree over 20 feet in height	30.0

(b) Plant Material Requirements

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

(5) A minimum distance of 4 feet shall be provided between any canopy tree and building.

~~(5)~~(6) A minimum root zone of 40 square feet in area shall be provided for all trees. The minimum dimension for this area shall be 5 feet. This minimum dimension and root zone area may be reduced with

the use of structural soil or where the combination of soil conditions, root zone area, adjacent improvements, and selected tree species can be demonstrated to provide conditions for healthy tree growth that will not damage adjacent improvements.

~~(6)~~(7) Plant material shall be maintained in a healthy, disease-free, growing condition at all times.

~~(7)~~(8) All pruning shall comply with the standards of the National Arborist Association.

~~(8)~~(9) Any plant material required by this division that dies within 3 years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan. Required shrubs that die 3 years or more after installation shall be replaced with 15-gallon size, and required trees that die 3 years or more after installation shall be replaced with 60-inch box size material. The City Manager may authorize adjustment of the size and quantity of replacement material where material replacement would occur in inaccessible areas or where the existing plant being replaced is larger than a 15 gallon shrub or 60-inch box tree.

~~(9)~~(10) Trees required by this division shall be self-supporting, woody plants with at least one well defined trunk and shall normally attain a mature height and spread of at least 15 feet.

~~(10)~~(11) Trees required by this division shall be maintained so that all branches over pedestrian walkways are 6 feet above the walkway *grade* and so that all branches over vehicular travel ways are 16 feet above the *grade* of the travel way.

~~(11)~~(12) Shrubs required by this division shall be woody or perennial plants that are low branching or have multiple stems.

~~(12)~~(13) Tree root barriers or structural soil shall be installed where trees are placed within 5 feet of *public improvements* including walks, curbs, or *street* pavement or where new public improvements are placed adjacent to existing trees. The City Manager may waive this requirement where the combination of soil conditions, root zone area, adjacent improvements, and selected tree species can be demonstrated to provide conditions for healthy tree growth that will not damage public improvements.

~~(13)~~(14) Native plants shall be locally indigenous.

~~(14)~~(15) Naturalized plant material shall be plantings that can survive without irrigation after initial plant establishment.

~~(15)~~(16) Plant materials shall be grouped into hydrozones that consist of plant species having similar water demand and by their soil, sun, and shade requirements.

~~(16)~~(17) Plant material shall be selected to meet a ~~m~~Maximum ~~a~~Applied ~~w~~Water ~~a~~Allowance as determined by the water budget formula and specifications in Section 142.0413(d).

(c) [No change in text.]

(d) Planting Area Requirements

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

(3) Built-in or permanently affixed planters and pots on structural podiums may be counted toward the planting area and points required by this division. Planters and pots for trees shall have a minimum inside dimension of 48 inches. Planters and pots for all other plant material shall have a minimum inside dimension of 24 inches.

~~(3)~~(4) All required planting areas shall be maintained free of weeds, debris, and litter.

§142.0404 Street Yard and Remaining Yard/Common Open Space Planting Area and Point Requirements

When new *structures* or additions to *structures* are subject to this section in accordance with Table 142-04A, the planting area required and the plants necessary to achieve the number of plant points required in Table 142-04C shall be provided. The required planting area is determined by multiplying the total square footage of the *street yard* or *remaining yard/common open space* area on the *premises*, by the percentage shown in Table 142-04C, unless stated otherwise in the table. The required planting points are determined by multiplying the total square footage of the *street yard* or *remaining yard/common open space* area on the *premises*, by the points shown in the table. The required planting area and plant points for the *street yard* shall be located within the *street yard*. The required planting area and plant points for the *remaining yard/common open*

space shall be located within the *remaining yard*/common open space.

Table 142-04C
Street Yard and Remaining Yard/Common Open Space Planting Requirements

Type of Development Proposal ⁽⁶⁾	Type of Yard	Planting Area Required (Percentage of total yard area unless otherwise noted below) ⁽¹⁾	Plant Points Required⁽¹⁾
<i>Multiple Dwelling Unit Residential Development, or Residential Components of Mixed-Use Development</i>	<i>Street Yard</i>	50% ⁽²⁾	0.05 points <u>per square foot of total street yard area</u>
	<i>Remaining Yard/<u>Common Open Space</u></i>	A minimum of 40 square feet shall be provided per required tree See Section 142.0405(b)(2)	60 points shall be provided for each residential building⁽²⁾ See Section 142.0405(b)(2)
<i>Condominium Conversion</i>	<i>Street Yard</i>	50% ⁽⁵⁾	0.05 points <u>per square foot of total street yard area</u>
	<i>Remaining Yard/<u>Common Open Space</u></i>	N/A	N/A
<i>Small Lot Subdivision</i>	<i>Street Yard</i>	50% ⁽⁵⁾	0.05 points per square foot of total <u>street yard area</u>
	<i>Remaining Yard/<u>Common Open Space</u></i>	N/A	
<i>Commercial Development, or Industrial Development in Commercial Zones, or Commercial Component of Mixed-Use Development</i>	<i>Street Yard</i>	25% ⁽³⁾	0.05 points per square foot of total <u>street yard area</u> to be achieved with trees only ⁽³⁾
	<i>Remaining Yard</i>	30% ⁽³⁾	0.05 points per square foot of total <u>remaining yard area</u>
<i>Industrial Development in any zone other than Commercial Zones</i>	<i>Street Yard</i>	25% ⁽⁴⁾	0.05 points per square foot of total <u>street yard area</u>
	<i>Remaining Yard</i>	See Section 142.0405 (d)	0.05 points per square foot of total <u>remaining yard area</u>

Large retail establishments in any Commercial Zone.	Street Yard	100% ⁽³⁾ of minimum building front and street side setbacks (except access points and with encroachments allowed into the landscaped area for building articulation elements as defined in section 143.0355(a)(b)) 25% of the balance of <i>street yard</i>	0.05 points; <u>per square foot of total <i>street yard</i> area</u> , exclusive of palms
	Remaining Yard	30% ⁽³⁾	0.05 points <u>per square foot of total <i>remaining yard</i> area</u>
Large retail establishments in any Industrial Zone.	Street Yard	25% ⁽⁴⁾	0.05 points <u>per square foot of total <i>street yard</i> area</u> exclusive of palms
	Remaining Yard	30%	0.05 points <u>per square foot of total <i>remaining yard</i> area</u>

Footnotes to Table 142-04C [No change in text.]

§142.0405 Additional Yard Planting Area and Point Requirements

- (a) [No change in text.]
- (b) Additional residential *yard* requirements:
 - (1) [No change in text.]
 - (2) Remaining Yard/Common Open Space
 - (A) ~~Residential development with only two dwelling units on a lot shall be subject to a minimum of 60 points in the remaining yard regardless of the number of buildings on the lot.~~ Residential development with four dwelling units or less shall be subject to a minimum of 60 points per residential structure. Planting shall be distributed within a 10-foot offset from the structural envelope or within the

remaining yard.

- (B) ~~Planting for residential *developments* with a single building shall be provided within the *remaining yard* on the side of building access, or where no side access is provided, shall be distributed equally between each side of the building.~~

Residential *development* with five *dwelling units* or more shall be subject to one or more of the following:

- (i) A minimum of 30 percent of the total area within a 10-foot offset from the *structural envelope* of each residential *structure* shall be planting area and shall be planted at a rate of 0.05 points per square foot of total area within the offset.
- (ii) Where common open space areas are provided in the form of plazas, paseos, or courtyard, 20 percent of the total common open space area shall be planting area and shall be planted at a rate of 0.05 points per square foot of the total area.

(C) [No change in text.]

(c) Additional commercial *yard* and *large retail establishment* requirements:

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

- (3) Where setbacks are required for commercial *development* ~~abuts a residential zone~~ abutting residentially zoned properties, a 5-foot wide area along the entire abutting *property line* shall be planted

with trees ~~to achieve~~ for a minimum of 0.05 points per square foot of area in addition to the points required in the *remaining yard*.

(4) [No change in text.]

(d) [No change in text.]

§142.0408 Temporary Vehicular Use Area Requirements

When new temporary *vehicular use areas* are subject to this ~~s~~Section in accordance with Table 142-04A, the planting requirements of this ~~s~~Section shall apply.

(a) *Vehicular use areas* that have a specified time limit for discontinuance that is less than 5 years after the date of ~~Building Permit~~ Construction permit issuance are considered temporary ~~vehicle use areas~~ *vehicular use area*.

(b) [No change in text.]

(c) *Vehicular use areas* that do not have a specified time limit for discontinuance or that are proposed to exist more than 5 years after the date of ~~Building Permit~~ Construction permit issuance, are subject to the requirements for a permanent *vehicular use area* contained in Sections 142.0406 and 142.0407.

§142.0413 Water Conservation

(a) Landscape Area. For the purposes of Section 142.0413, landscape area means the entire *premises*, less the area of building footprints, non-irrigated portions of parking lots, driveways, *hardscapes*, designated

storage areas, and areas designated for habitat preservation or brush management Zone Two.

(b) Lawn Requirements.

(1) [No change in text.]

(2) Lawn areas bounded by impervious surfaces on two or more sides must have minimum dimensions of 810 feet in all directions unless subsurface or low volume irrigation is used.

(3) [No change in text.]

(c) [No change in text.]

(d) Water Budget.

(1) All new *development* with a landscape area of 500 square feet or greater and landscape rehabilitation projects with a landscape area of 2,500 square feet or greater shall be subject to a Maximum Applied Water Allowance (MAWA) Water Budget, except as provided in Section 142.0413(h).

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

(e) Water Meters.

~~(1) Dedicated landscape irrigation meters shall be required in all new *development* with a landscape area greater than or equal to 1,000 square feet; except that this requirement shall not apply to *single dwelling unit development* or to the commercial production of agricultural crops or livestock.~~

~~(2) Landscape irrigation submeters shall be required in the following developments:~~

~~(A) New single dwelling unit development;~~

~~(B) Improvements to existing industrial, commercial and multiple dwelling unit development when:~~

~~(i) The improvement requires a building permit as identified in Table 142-04A; and~~

~~(ii) The landscape area is 1,000 square feet and greater.~~

All new development with a landscape area equal to 500 square feet or greater and landscape rehabilitation projects with a landscape area of 2,500 square feet or greater shall be subject to irrigation meter requirements as follows:

(1) Residential.

(a) Dedicated water meters or private submeters shall not be required for residential landscapes less than 5,000 square feet.

(b) Dedicated water meters or private submeters shall be required for irrigated landscapes of 5,000 square feet or greater.

(2) Non-Residential.

(a) Dedicated water meters or private submeters shall be required for irrigated landscapes between 1,000 and 5,000 square feet.

(b) Dedicated water meters shall be required for irrigated
landscapes greater than 5,000 square feet.

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

§142.0505 When Parking Regulations Apply

These regulations apply in all base zones and planned districts, with the exception of those areas specifically identified as being exempt from the regulations, whether or not a permit or other approval is required.

Table 142-05A identifies the applicable regulations and the type of permit required by this division, if any, for the type of *development* shown.

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

Type of Development Proposal	Applicable Regulations	Required Permit Type/ Decision Process
Any <i>single dwelling unit</i> residential development through <i>Shared parking</i> for non-specified uses [No change in text.]	[No change in text.]	[No change in text.]
Tandem Parking for commercial uses	Section 142.0555(b)	Neighborhood Development Permit/ Process Two

§142.0520 Single Dwelling Unit Residential Uses — Required Parking Ratios

The required number of *off-street parking spaces* for *single dwelling units* and related uses are shown in Table 142-05B.

**Table 142-05B
Minimum Required Parking Spaces for
Single Dwelling Units and Related Uses**

Type of Unit and Related Uses	Number of Required Parking Spaces
All <i>single dwelling units</i> , except those with five or more <i>bedrooms</i> in campus impact areas (See Chapter 13, Article 2, Division 8)	2 spaces per <i>dwelling unit</i> ⁽¹⁾
<i>Single dwelling units</i> with five or more <i>bedrooms</i> in campus impact areas (See Chapter 13, Article 2, Division 8)	1 space per <i>bedroom</i> (<i>previously conforming</i> parking regulations in Section 142.0510(d) do not apply) ⁽²⁾

Type of Unit and Related Uses	Number of Required Parking Spaces
Single dwelling units that have an occupancy that would consist of 6 or more persons eighteen years of age and older residing in the dwelling unit for a period of 30 or more consecutive days, subject to Section 123.0502⁽²⁾	1 space per occupant eighteen years of age and older, less 1 space (previously conforming parking regulations in Section 142.0510(d) do not apply ^{(4), (5)}

Footnotes for Table 142-05B

¹ through ² [No change in text.]

~~³Housing for senior citizens, residential care facilities, and transitional housing facilities in a *single dwelling unit* are not subject to this parking regulation, but are otherwise subject to all other parking regulations.~~

~~⁴This requirement may be reduced if evidence is provided to the satisfaction of the City Manager that an occupant eighteen years of age and older does not have a vehicle or does not have a valid driver's license, in which case, the required number of *off-street parking spaces* shall be one space per occupant eighteen years of age and older with a valid driver's license and a vehicle, less one space.~~

~~⁵In the case of a conflict between this requirement and the requirements set forth in the Parking Impact Overlay Zone, the higher of the applicable *off-street parking space* requirements shall apply.~~

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

- (a) Minimum Required Parking Spaces. The required automobile parking spaces, motorcycle parking spaces, and bicycle parking spaces for *development of multiple dwelling units*, whether attached or detached, and related and *accessory uses* are shown in Table 142-05C. Other allowances and requirements, including the requirement for additional common area parking for some projects, are provided in Section 142.0525(b) through (d).

Table 142-05C
Minimum Required Parking Spaces for
Multiple Dwelling Units and Related Accessory Uses

<i>Multiple Dwelling Unit Type and Related and Accessory Uses</i>	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)				Motorcycle Spaces Required Per Dwelling Unit ⁽²⁾	Bicycle⁽⁶⁾ Spaces Required Per Dwelling Unit⁽⁵⁾
	Basic ⁽¹⁾	Transit Area ⁽²⁾	Parking Standards Transit Priority Area⁽⁹⁾	Parking Impact⁽⁴⁾		
Studio up to 400 square feet through Accessory uses (spaces per square feet⁽⁷⁾) [No change in text.]	[No change in text.]					

Footnotes for Table 142-05C

¹ through ⁹ [No change in text.]

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

§142.0527 Affordable Housing Parking Regulations

The Affordable Housing Parking Regulations establish the minimum number of on site parking spaces required for affordable housing *dwelling units* that meet the criteria in Section 142.0527(a)(3).

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

(e) Supplemental Regulations.

~~(1) All required parking shall be provided in non-tandem parking spaces.~~

~~(2)~~(1) Affordable housing *dwelling units* shall not be subject to the parking regulations of the Transit Overlay Zone and shall not be entitled to parking reductions provided for in Section 142.0550 (Parking Assessment District Calculation Exception).

~~(3)~~(2) The number of accessible parking spaces provided in accordance with Title 24 of the California Code of Regulations (California Building Standards Code) for Housing for Senior Citizens and housing for *disabled persons* shall be the number of spaces required in accordance with the basic parking ratio for multiple *dwelling units* in Table 142-05C.

~~(4)~~(3) An *applicant* that demonstrates compliance with Section 142.0527 shall receive a determination of *substantial conformance* with respect to the parking requirements specified in Section 142.0527 when such a determination is requested in accordance with Section 126.0112, provided that the *applicant* enters into a *shared parking* agreement with respect to the spaces determined to be surplus as a result of the *substantial conformance* review, pursuant to Section 142.0545.

§142.0528 Parking Standards Transit Priority Area Regulations

The Parking Standards Transit Priority Area Regulations establish the parking requirements for *multiple dwelling unit residential development* where all or a portion of the *premises* is located within a Parking Standards Transit Priority Area. For purposes of this section, Parking Standards Transit Priority Area means the area defined in California Public Resources Code Section 21099, as may be amended, or an area within one-half mile of a *major transit stop* that is existing or planned, if the planned *major transit stop* is scheduled to be completed within the ~~planning horizon included in a~~ San Diego Association of Governments

(SANDAG) Regional Transportation Improvement Program (RTIP). The RTIP covers five fiscal years and incrementally implements the long range Regional Transportation Plan for the San Diego region. *Multiple dwelling unit residential development* that involves four or fewer *dwelling units*, or that includes at least 20 percent on-site housing that is affordable to persons with a household income equal to or less than 50 percent of the area median income as determined in accordance with California Health and Safety Code section 50093 and is subject to an affordability restriction for a minimum of 55 years, is exempt from the *unbundled parking* requirement in subsection 142.0528(b)(1). Reasonable accommodations to parking requirements shall be granted if necessary to afford disabled persons equal housing opportunities under state or federal law, in accordance with Section 131.0466. *Multiple dwelling unit residential development* in the Centre City, Gaslamp, and Marina Planned Districts is exempt from the transportation amenity requirement in subsection 142.0528(c).

(a) Parking Requirement.

(1) *Off-street parking spaces* are not required.

(2) Bicycle spaces shall comply with Table 142-05C.

(b) Provided Parking. If one or more *off-street parking spaces* are provided in a *development*, then the following requirements apply:

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

~~(6) Reasonable accommodations to these parking requirements shall be granted if necessary to afford disabled persons equal housing~~

~~opportunities under state or federal law, in accordance with Section
131.0466.~~

(c) [No change in text.]

§142.0540 Exceptions to Parking Regulations for Nonresidential Uses

(a) Commercial Uses on Small Lots. Outside the beach impact area of the Parking Impact Overlay Zone, for *lots* that are ~~to~~ 15,000 square feet or less, that existed before January 1, 2000, the parking requirements set forth in Table 142-05H may be applied to all commercial uses identified in Tables 142-05E, 142-05F, and 142-05G at the option of the *applicant* as an alternative to the requirements set forth in Section 142.0530. The type of access listed in Table 142-05H determines the minimum number of required *off-street parking spaces*.

**Table 142-05H
Alternative Parking Requirement for
Commercial Uses on Small Lots**

[No change in text.]

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

§142.0555 Tandem Parking Regulations

(a) Tandem Parking for Residential Uses. Tandem parking ~~regulations for residential uses are described in Chapter 13, Article 2, Division 9 (Residential Tandem Parking Overlay Zone).~~ shall be counted as two parking spaces toward the off-street parking required by this Division subject to the following requirements:

(1) Within the beach impact area of the Parking Impact Area Overlay Zone, access to the tandem parking space shall be provided from an abutting alley.

(2) The tandem parking spaces shall be assigned to the same dwelling unit. The owner of the premises or the owner's assigned representative shall enforce the use restrictions.

(b) Tandem Parking for Commercial Uses. ~~Tandem parking for commercial uses may be approved through a Neighborhood Development Permit provided the tandem parking is limited to the following purposes: Tandem parking shall be counted as two parking spaces toward the off-street parking required by this Division and only allowed for the following purposes:~~

- (1) Assigned employee parking spaces;
- (2) Valet parking ~~associated with restaurant use;~~ and
- (3) Bed and breakfast establishments.

§142.0640 Impact Fees for Financing Public Facilities

(a) Purpose

The purpose of this Section is to implement the City's General Plan which contains policies related to the maintenance of an effective facilities financing program to ensure the impact of new *development* is mitigated through appropriate fees. This Section applies to communities identified as "Facilities Benefit Assessment" communities and "Development Impact Fee" communities in the City's General Plan. Facilities Benefit-

Assessments (FBAs) and Development Impact Fees (DIFs) are collectively identified as ~~Development Impact Fees~~ DIFs. Nothing in this Section shall be construed to prohibit the City from imposing additional ~~Development Impact Fees~~ DIFs on a particular project.

(b) Payment of Fees

The payment of ~~Development Impact Fees~~ DIFs (as defined in California Government Code Section 66000) shall be required prior to issuance of any Building Permit in areas where ~~Development Impact Fees~~ DIFs have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require the payment of ~~Development Impact Fees~~ DIFs prior to issuance of any *eConstruction permit* issued or required for *development* that would increase demand for public facilities and/or result in the need for new public facilities. ~~Development Impact Fees shall not be required for permanent supportive housing, transitional housing facilities, companion unit or junior unit development.~~ The ~~Development Impact Fee~~ DIFs due shall be determined in accordance with the fee schedule approved by the applicable City Council resolution in effect upon the issuance of a Building Permit, or *eConstruction permit*, as applicable, and may include an automatic increase consistent with Section 142.0640(c).

Exemptions:

(1) Accessory dwelling units, including dwelling units defined as companion units, junior units, or guest quarters are exempt from DIFs.

(2) Permanent Supportive Housing and transitional housing facilities are exempt from DIFs.

(c) Automatic Annual Increases

For communities identified as Development Impact Fee communities in the General Plan, unless otherwise specified in the applicable City Council resolution(s) establishing the ~~Development Impact Fees~~ DIFs, the amount of the ~~Development Impact Fee~~ DIFs shall be increased, starting on July 1, 2010, and on each July 1st thereafter, based on the one-year change (from March to March) in the Construction Cost Index (CCI) for Los Angeles as published monthly in the Engineering News-Record. ~~Such~~ The increases to ~~Development Impact Fees~~ DIFs consistent with the Construction Cost Index in Los Angeles shall be automatic and shall not require further action of the City Council. If the one-year change in the CCI for any given year is less than 0.2 percent, the City Manager or designee may elect to keep the DIFs for Development Impact Fee communities unchanged. For communities identified as Facilities Benefit Assessment communities in the General Plan, the ~~Development Impact Fee~~ DIFs shall be the amount identified in the applicable fee schedule adopted by City Council resolution.

(d) Fee Deferral

Notwithstanding Section 142.0640(b), Building Permits or ~~e~~Construction permits, as applicable, may be issued if the City Manager defers payment of the ~~Development Impact Fees~~ DIFs in accordance with this Subsection. ~~Development Impact Fees~~ DIFs due pursuant to the City's Regional Transportation Congestion Improvement Program shall not be deferred under any circumstance.

- (1) Payment of ~~Development Impact Fees~~ DIFs may be deferred for a maximum period of two years from the effective date of a Fee Deferral Agreement, or until a final inspection is requested, whichever occurs earlier. A final inspection shall not occur until the applicable ~~Development Impact Fees~~ DIFs are paid.
- (2) Payment of ~~Development Impact Fees~~ DIFs shall not be deferred unless and until a Fee Deferral Agreement is entered into to the satisfaction of the City Manager. The Fee Deferral Agreement shall be recorded against the applicable property in the Office of the San Diego County Recorder and shall constitute a lien for the payment of the ~~Development Impact Fee~~ DIFs. The Fee Deferral Agreement shall be binding upon, and the benefits of the agreement shall inure to, the parties and all successors in interest to the parties to the Fee Deferral Agreement.
- (3) Payment of ~~Development Impact Fees~~ DIFs shall only be deferred if the applicable administrative processing fee, as adopted by City Council resolution, is paid by the *applicant*.

(4) If payment of the ~~Development Impact Fee~~ DIFs ~~is~~ are deferred, the deferred ~~Development Impact Fee~~ DIFs due shall be determined in accordance with Section 142.0640(b)-(c), except that, if the ~~Development Impact Fee~~ DIFs ~~is~~ are paid prior to the end of the deferral period as set forth in Section 142.0640(d)(1), the amount of the ~~Development Impact Fee~~ DIFs shall be determined by the ~~Development Impact Fee~~ DIFs rate for the year in which the ~~Development Impact Fee~~ DIFs ~~is~~ are actually paid as set forth in the ~~Development Impact Fee~~ DIFs schedule in effect when the Fee Deferral Agreement was executed by the City, or a subsequently-approved ~~Development Impact Fee~~ DIFs schedule, whichever schedule is lower, plus an automatic increase consistent with Section 142.0640(c) if applicable. If the ~~Development Impact Fee~~ DIFs ~~is~~ are not ~~timely paid~~ paid timely as provided for in the Fee Deferral Agreement, the amount of the ~~Development Impact Fee~~ DIFs shall be determined in accordance with the ~~Development Impact Fee~~ DIFs schedule in effect when the ~~Development Impact Fee~~ DIFs ~~is~~ are actually paid, or the schedule in effect at the end of the DIFs deferral period as set forth in Section 142.0640(d)(1), plus automatic increases consistent with Section 142.0640(c), whichever amount is greater.

(e) Waiver, ~~Adjustment~~, or Reduction of Fees

Any party on whom ~~Development Impact Fees~~ DIFs are imposed, may file an application for a waiver, ~~adjustment~~, or reduction of the ~~Development Impact Fees~~ DIFs with the City Manager in accordance with this Subsection. Nothing in this Subsection shall affect the requirements set forth in Section 142.0640(b). The procedures provided in this Subsection are additional to any other procedure authorized by law for protesting or challenging ~~Development Impact Fees~~ DIFs.

- (1) An application for a waiver, ~~adjustment~~, or reduction of ~~Development Impact Fees~~ DIFs shall set forth the factual and legal basis to support the application for a waiver, ~~adjustment~~, or reduction of ~~Development Impact Fees~~ DIFs.
- (2) An application for a waiver, ~~adjustment~~, or reduction of ~~Development Impact Fees~~ DIFs shall only be processed after the applicable fee or amount of deposit, as adopted by City Council resolution, has been paid in full. If a deposit is required, and the deposit as adopted by City Council resolution is insufficient to cover the actual cost to the City to process the application, an additional deposit, in an amount determined by the City Manager, shall be required. Any unused portion of a deposit shall be returned to the applicant. If the City Council grants the application for a waiver, ~~adjustment~~, or reduction of the ~~Development Impact Fees~~ DIFs, then the fee or the amount of the deposit expended shall be

returned to the applicant in full, minus a five-hundred-dollar processing fee.

- (3) An application for a waiver, ~~adjustment~~, or reduction of ~~Development Impact Fees~~ DIFs shall be filed no later than ~~ten (10)~~ calendar days after either the Development Impact Fees are imposed or ten (10) calendar days after the Development Impact Fees DIFs are paid or the associated Fee Deferral Agreement has been fully executed by the City, whichever occurs earlier.
- (4) The decision on an application for a waiver, ~~adjustment~~, or reduction of ~~Development Impact Fees~~ DIFs shall be decided by the City Council within ~~sixty (60)~~ calendar days of the date that the application is received by the City Manager, but failure of the City Council to hold a hearing within this time frame does not limit the authority of the City Council to consider the application. The *applicant* shall bear the burden of presenting evidence to support the application for a waiver, ~~adjustment~~, or reduction of ~~Development Impact Fees~~ DIFs.
- (5) Notice of the time and place of the City Council hearing, including a general explanation of the matter to be considered shall be mailed at least 14 calendar days prior to the hearing to the *applicant*, and any interested party who files a written request with the City Manager requesting mailed notice of all applications for a ~~Development Impact Fee~~ DIFs waiver, ~~adjustment~~, or reduction.

Written requests for ~~such~~ this notice shall be valid for one year from the date on which it is filed unless a renewal request is filed prior to the end of the one-year term. ~~If established by resolution of the City Council, an annual charge for sending notices based on the estimated cost of providing the service, shall be required prior to the requestor's name being placed on a notice list.~~

- (6) An application for a waiver, ~~adjustment~~, or reduction of ~~Development Impact Fees~~ DIFs may only be granted if:
- (A) ~~The~~ City Council makes the following *finding*: there is no reasonable relationship between the amount of the ~~Development Impact Fee~~ DIFs and the cost of the public facilities attributable to the *development* on which the ~~fee is~~ DIFs are imposed.
 - (B) ~~The landowner enters into an agreement with the City providing that an intensification of use of the development shall subject the applicant or landowner to full payment of the Development Impact Fee to the satisfaction of the City Manager. The agreement shall be recorded with the Office of the San Diego County Recorder and shall constitute a lien against the applicable property for the payment of the Development Impact Fee. The agreement shall be binding upon, and the benefits of the agreement shall inure, to the~~

~~parties and all successors in interest to the parties to the agreement.~~

- (7) If an application for a waiver, ~~adjustment~~, or reduction of ~~Development Impact Fees~~ DIFs is granted, any ~~Development Impact Fees~~ DIFs previously paid with respect to the application at issue shall be refunded in accordance with the resolution adopted by the City Council granting the application, ~~plus any interest earned by the City on the fee, as applicable.~~

(f) Adjustments to DIFs for Residential Development

The City Manager or designee is authorized to adjust DIF for residential development to reflect residential uses not identified in the fee schedule approved by the City Council.

~~(f)~~(g) Developer Reimbursement Agreements (DRA)

For purposes of this Division, a ~~developer reimbursement agreement~~ DRA means an agreement to reimburse another entity for all or a portion of the cost of the entity's contracts with consultants and/or contractors for the design and construction of a public works project. The City Manager may enter into a ~~written developer reimbursement agreement~~ DRA for a public works project that contains supplemental size, capacity, number, or length, or will serve communitywide needs, the need for which is not directly attributable to the *development*, provided that the following minimum requirements are satisfied:

- (1) The source of reimbursement shall be limited to ~~Development~~
~~Impact Fee~~ DIF (as defined in Government Code section 66000)
funds.
- (2) [No change in text.]
- (3) Any contract for expenses subject to reimbursement pursuant to a
~~developer reimbursement agreement~~ DRA shall be awarded in
accordance with the City Charter and San Diego Municipal Code
Chapter 2, Article 2, Divisions 27, 30, 31, and 33 through 36. San
Diego Municipal Code Chapter 2, Article 2, Division 32 shall not
apply to consultant contracts that are entered into pursuant to a
~~developer reimbursement agreement~~ DRA.
- (4) The amount of the ~~developer reimbursement agreement~~ DRA shall
not exceed \$30,000,000.

§142.1210 General Sign Regulations

This section is divided into subsections for copy regulations, locational regulations, structural regulations, and *sign* maintenance regulations.

(a) [No change in text.]

(b) Locational Regulations

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

(5) *Signs on Public Property and in Public Rights-of-Way*

(A) through (D) [No change in text.]

~~(E) Signs for street fairs and special events shall be approved by the Police Department or other appropriate permitting agency that is responsible for issuing the permits.~~

~~(F)~~(E) Community entry *signs* within the *public right-of-way* shall conform to Section 141.1101.

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

§143.0110 When Environmentally Sensitive Lands Regulations Apply

This Division applies to all proposed *development* ~~when~~ on a premises where environmentally sensitive lands are present on the premises. Development on a premises that does not contain environmentally sensitive lands but is located adjacent to a premises that contains environmentally sensitive lands is not subject to this Division, except that the development shall comply with Section 143.0110(d).

(a) [No change in text.]

(b) Table 143-01A identifies the appropriate development regulations, the required decision process, and the permitted uses applicable to various types of *development* proposals that propose to encroach into *environmentally sensitive lands* or that do not qualify for an exemption pursuant to Section 143.0110(c).

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

Table 143-01A

Applicability of Environmentally Sensitive Lands Regulations

<i>Environmentally Sensitive Lands Potentially Impacted by Project</i>						
Type of Development Proposal		<i>Wetlands, listed species habitat⁽¹⁾</i>	<i>Other Sensitive Biological Resources other than Wetlands and listed species habitat⁽⁶⁾</i>	<i>Steep Hillides⁽⁶⁾</i>	<i>Sensitive Coastal Bluffs and Coastal Beaches</i>	<i>Floodplains</i>
1. <i>Single dwelling units on individual lots equal to or less than 15,000 square feet⁽²⁾</i>	R	143.0141(a),(b)	143.0141	143.0142 except (a) ⁽⁵⁾	143.0143, 143.0144	143.0145 143.0146
	P	NDP/ Process Two	NDP/ Process Two	NDP/ Process Two	SDP/ Process Three	NDP/ Process Two
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
2. <i>Single dwelling units on lots or multiple lots totaling more than 15,000 square feet</i>	R	143.0141(a),(b)	143.0141	143.0142	143.0143, 143.0144	143.0145
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
3. <i>Multiple dwelling unit and non-residential development and public works projects</i>	R	143.0141(a),(b)	143.0141	143.0142	143.0143, 143.0144	143.0145 143.0146
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
4. <i>Any subdivision of a premises</i>	R	143.0141(a),(b)	143.0141	143.0142 ⁽³⁾	143.0143, 143.0144	143.0145 143.0146
	P	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four

Environmentally Sensitive Lands Potentially Impacted by Project						
Type of Development Proposal		Wetlands, listed species habitat⁽¹⁾	Other Sensitive Biological Resources other than Wetlands and listed species habitat⁽⁶⁾	Steep Hillides⁽⁶⁾	Sensitive Coastal Bluffs and Coastal Beaches	Floodplains
	U	143.0130(d),(e)	--	--	143.0130 (a), (b)	143.0130 (c)
5. Project-specific land use plans	R	143.0141(a),(b), 143.0115	143.0141, 143.0115	143.0142, 143.0115	143.0143, 143.0144, 143.0115	143.0115, 143.0145 143.0146
	P	SDP/Process Four/Five	SDP/Process Four/Five	SDP/Process Four/Five	SDP/Process Four/Five	SDP/Process Four/Five
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
66. Any development that proposes deviations from any portion of the Environmentally Sensitive Lands Regulations, except capital improvement program projects	R	143.0141(a),(b), 143.0150	143.0141, 143.0150	143.0142, 143.0150 ⁽⁴⁾	143.0143, 143.0144, 143.0150	143.0145, 143.0146 143.0150
	P	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four
	U	143.0130(d),(e)-	--	--	143.0130(a), (b)	143.0130(c)
7. Development other than single dwelling units on individual lots, that proposes alternative compliance for development area in steep hillsides.	R	--	--	143.0142 except (a), 143.0151	--	--
	P	--	--	SDP/ Process Four	--	--
	U	--	--	--	--	--
88. Any capital improvement program project or public project determined to be in compliance with the Environmentally Sensitive Lands Regulations without deviation	R	143.0141(a), (b)	143.0141	143.0142	143.0143, 143.0144	143.0145, 143.0146
	P	SDP/ Process CIP/Public Project-Two	SDP/ Process CIP/Public Project-Two	SDP/ Process CIP/Public Project-Two	SDP/ Process CIP/Public Project-Two	SDP/ Process CIP/Public Project-Two
	U	143.0130(d), (e)	--	--	143.0130(a), (b)	143.0130(c)

Environmentally Sensitive Lands Potentially Impacted by Project						
Type of Development Proposal		Wetlands, listed species habitat⁽¹⁾	Other Sensitive Biological Resources other than Wetlands and listed species habitat⁽⁶⁾	Steep Hillides⁽⁶⁾	Sensitive Coastal Bluffs and Coastal Beaches	Floodplains
99 Any capital improvement program project or public project that deviates from the Environmentally Sensitive Lands Regulations	R	143.0141(a), (b), 143.0150	143.0141, 143.0150	143.0142, 143.0150 ⁽⁴⁾	143.0143, 143.0144, 143.0150	143.0145, 143.0146, 143.0150
	P	SDP/ Process CIP/ <u>Public Project- Five Two</u>	SDP/ Process CIP/ <u>Public Project- Five Two</u>	SDP/ Process CIP/ <u>Public Project- Five Two</u>	SDP/ Process CIP/ <u>Public Project- Five Two</u>	SDP/ Process CIP/ <u>Public Project- Five Two</u>
	U	143.0130(d), (e)	--	--	143.0130(a), (b)	143.0130(c)

Legend to Table 143-01A

[No change in text.]

Footnotes for Table 143-01A [No change in text.]

- (c) A Neighborhood Development Permit or Site Development Permit is not required for the following *development* activity:
 - (1) [No change in text.]
 - (2) Outside of the Coastal Overlay Zone, *development* on a *premises* containing *environmentally sensitive lands* where the *development*:
 - (A) through (D) [No change in text.]
 - (E) Would either:
 - (i) Maintain at least a 100 feet separation distance from *sensitive biological resources* and at least a ~~40~~ 20 feet separation distance from the top of slope of *steep hillsides*; or

(ii) [No change in text.]

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

(10) Outside the Coastal Overlay Zone, a *capital improvement project* or *public project* where the City is an *applicant* and the *development* has gone through the applicable California Environmental Quality Act review in accordance with Chapter 12, Article 8 and does not impact *wetlands*, requires a *MHPA* boundary line adjustment or otherwise necessitates a *development permit* to ensure project conditions, if the Development Services Director determines one or more of the following applies:

(A) The *development* will not impact *environmentally sensitive lands*;

(B) The *development* will impact *environmentally sensitive lands* and will implement restoration required in accordance with the Land Development Manual Biology Guidelines;

(C) The *development* has an environmental document that includes a mitigation, monitoring, and reporting program, which will be implemented for impacts to biological resources; or

(D) Public trail *development* that will result in no net loss of biological resources.

- (d) Outside the Coastal Overlay Zone, development on a premises that does not contain environmentally sensitive lands but is located adjacent to a premises that contains environmentally sensitive lands shall comply with the Land Use Adjacency Guidelines in MSCP Subarea Plan Section 1.4.3 and the Avoidance and Minimization Measures in the VPHCP Section 5.2.1. The Land Use Adjacency Guidelines in MSCP Subarea Plan Section 1.4.3 and the Avoidance and Minimization Measures in the VPHCP Section 5.2.1 shall be listed on the construction documents. Compliance notes or conditions, or both, shall be included on the construction plans, as appropriate.
- (e) Outside the Coastal Overlay Zone, a third party local, state, or federal agency that is not subject to the City's discretionary land use authority may elect to utilize the City's land use permitting process for development that is within the City's jurisdictional boundary to gain incidental Take Authorization under the VPHCP. The Certificate of Inclusion, in accordance with Appendix F of the VPHCP, may be issued by the City for development that demonstrates compliance with the terms and conditions of the VPHCP and 10A Permit to extend the City's Take coverage to those agencies for Covered Activities carried out in accordance with the Take Authorization under the 10A Permit.

§143.0141 Development Regulations for Sensitive Biological Resources

Development that proposes *encroachment* into *sensitive biological resources* requires a *development permit* in accordance with Section 143.0110, unless

exempted pursuant to Section 143.0110(c) and is subject to the following regulations and the Biology Guidelines in the Land Development Manual.

(a) General Regulations for *Sensitive Biological Resources*

(1) All *development* occurring in *sensitive biological resources* is subject to a site-specific impact analysis conducted by a qualified Biologist, in accordance with the Biology Guidelines in the Land Development Manual. The impact analysis shall evaluate impacts to *sensitive biological resources* and CEQA sensitive species. The analysis shall determine the corresponding mitigation, where appropriate, and the requirements for protection and management. Mitigation may include any of the following, as appropriate to the nature and extent of the impact:

(A) [No change in text.]

(B) Dedication of a covenant of easement in favor of the City of San Diego, the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service for either:

(i) An off-site location with long-term viability and biological values equal to or greater than the impacted site, and with limited right of entry for habitat management, as necessary; or

(ii) On-site creation of new habitat, preservation of existing habitat outside the Coastal Overlay Zone, or enhancement of existing degraded habitat, with

limited right of entry for habitat management, as necessary. The location of the easement must have long-term viability and biological values equal to or greater than the impacted site.

(iii) In off-site locations or on-site, Zone Two brush management shall be placed within a covenant of easement, but may not qualify for mitigation purposes.

(C) [No change in text.]

(2) through (7) [No change in text.]

(b) [No change in text.]

§143.0210 When Historical Resources Regulations Apply

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

(e) A Neighborhood Development Permit or Site Development Permit is required for the following types of *development* proposals that do not qualify for an exemption in accordance with Section 143.0220:

(1) [No change in text.]

(2) Site Development Permit in Accordance With Process Four.

(A) [No change in text.]

(B) *Multiple dwelling unit* residential, commercial, or industrial *development* on any size *lot*, or any *subdivision* on any size *lot*, or any City public works construction project, other than any *capital improvement program project*, public project, or any project specific *land use plan* when a

historical resource is present.

(C) *Development* that proposes to deviate from the development regulations for *historical resources* as described in this division, except for any *capital improvement program ~~project~~ project* or *public project*.

(3) Site Development Permit in Accordance With Process CIP/Public Project-Two. *Capital improvement program projects* or *public projects* that comply with the regulations of this division without deviation.

(4) Site Development Permit in Accordance With Process CIP/Public Project-Five. *Capital improvement program projects* or *public projects* that deviate from any of the regulations of this division.

(f) [No change in text.]

**Table 143-02A
Applicability of Historical Resources Regulations**

Type of Development Proposal		Historical Resources Potentially Impacted by Project		
		<i>Designated Historical Resources or Historical Districts</i>	<i>Traditional Cultural Properties</i>	<i>Important Archaeological Sites</i>
1. Any project exempt from obtaining a development permit in accordance with Section 143.0220	R	143.0251	143.0251	143.0252
	P	Construction Permit/Process One	Construction Permit/Process One	Construction Permit/Process One
2. <i>Development on single dwelling units</i> on any size <i>lot</i> that is exempt from obtaining a <i>development permit</i> in accordance with Section 143.0220, but includes a historic preservation <i>development</i> incentive in accordance with Section 143.0240	R	143.0240; 143.0251	143.0240; 143.0251	143.0240; 143.0251
	P	Construction Permit/Process One or NDP/Process	Construction Permit/Process One or NDP/Process	Construction Permit/Process One or NDP/Process

		Two ¹	Two ¹	Two ¹
3. <i>Development on multiple dwelling units, non-residential development, subdivisions and public works construction projects on any size lot, other than capital improvement program projects or public projects, that is are exempt from obtaining a development permit in accordance with Section 143.0220, but includes a historic preservation development incentive in accordance with Section 143.0240</i>	R	143.0240; 143.0251	143.0240; 143.0251	143.0240; 143.0251
	P	Construction Permit/Process One or NDP/Process Two ¹	Construction Permit/Process One or NDP/Process Two ¹	Construction Permit/Process One or NDP/Process Two ¹
4. <i>Single dwelling units on any size lot</i>	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	NDP/Process Two	NDP/Process Two
5. <i>Multiple dwelling unit, non-residential development, subdivisions and public works construction projects on any size lot, other than capital improvement program projects or public projects</i>	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	SDP/Process Four	SDP/Process Four
6. <i>Project-Specific Land Use Plans</i>	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	SDP/Process Four	SDP/Process Four
7. <i>Development, other than capital improvement program projects or public projects, that deviates from any of the regulations in this division.</i>	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	SDP/Process Four	SDP/Process Four
8. <i>Capital improvement program projects or public projects that comply with the regulations of this division without deviation</i>	R	143.0251	143.0252	143.0253
	P	SDP/ Process CIP/Public Project-Two	SDP/ Process CIP/Public Project-Two	SDP/ Process CIP/Public Project-Two
9. <i>Capital improvement program projects or public projects that deviate from any of the regulations in this division</i>	R	143.0251	143.0252	143.0253
	P	SDP/ Process CIP/Public Project-Five	SDP/ Process CIP/Public Project-Five	SDP/ Process CIP/Public Project-Five

Footnotes for Table 143-02A [No change in text.]

Legend to Table 143-02A

[No change in text.]

§143.0240 Development Incentives for Preservation of Designated Historical Resources, Historical Districts, Traditional Cultural Properties and Important Archaeological Sites

To facilitate on-site preservation of *designated historical resources, historical districts, traditional cultural properties, and important archaeological sites*, and the continued use or adaptive reuse of *designated historical resources* in a manner consistent with the U.S. Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties, the following historic preservation *development* incentives may be granted, provided that the *development* qualifies for an exemption under Section 143.0220:

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

(c) For *multiple dwelling unit* sites, non-residential *development, subdivisions, and public works construction projects on any size lot, other than capital improvement program projects or public projects*, that contain *designated historical resources, traditional cultural properties, important archaeological sites*, or a designated contributing resource to a *historical district*, the following *development* incentives are provided in accordance with the approval processes indicated:

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

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

§143.0260 Deviations from the Historical Resources Regulations

(a) If a proposed *development* cannot to the maximum extent feasible comply with this division, a deviation may be considered in accordance with decision Process Four, or Process CIP-Five for *capital improvement*

program projects or public projects.

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

§143.0302 When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply

This Division applies to any *development* proposal for which a Neighborhood Development Permit or Site Development Permit is required as described in Sections 126.0402 and 126.0502, in accordance with Table 143-03A.

Legend for Table 143-03A

[No change in text.]

**Table 143-03A
Supplemental Neighborhood Development Permit or Site Development Permit Regulations Applicability**

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
Affordable housing, in-fill projects, and sustainable buildings projects with deviations through Shared Parking for Uses Not Listed in Section 142.0545(c) [No change in text.]	[No change in text.]	[No change in text.]
Commercial Development With Tandem Parking	142.0555(b), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Previously Conforming Parking</i> for a discontinued use through Clairemont Mesa Height Limit Overlay Zone [No change in text.]	[No change in text.]	[No change in text.]

§155.0253 Supplemental Development Regulations

The following additional supplemental development regulations apply in the Central Urbanized Planned District. These regulations shall supersede any regulations contained in Land Development Code Chapter 14, Article 3 that are inconsistent with or not expressly incorporated into the Central Urbanized Planned District regulations.

Table 155-02F
Supplemental Development Regulations Applicability

[No change in text.]

- (a) Residential and Mixed Commercial-Residential Development in Facility-Deficient Neighborhoods. A Site Development Permit decided in accordance with Process 3 is required for residential and mixed residential-commercial projects within the facility deficient neighborhoods as shown on Map Number C-896 and Diagram 155-2AB, that propose the addition of three or more dwelling units per lot, unless:

~~(1) At least three acres of the following improved park acreage in the Mid-City Communities Plan have been added since August 4, 1998:~~

~~(A) City owned improved parkland, except the initial 4 acres of 39th Street Park, the initial 6.9 acres of Park De La Cruz, and the initial 4 acres of Teralta Park; or~~

~~(B) Improved recreational area owned by a governmental entity for which there is a joint use agreement with the City of San Diego for public recreational use; or~~

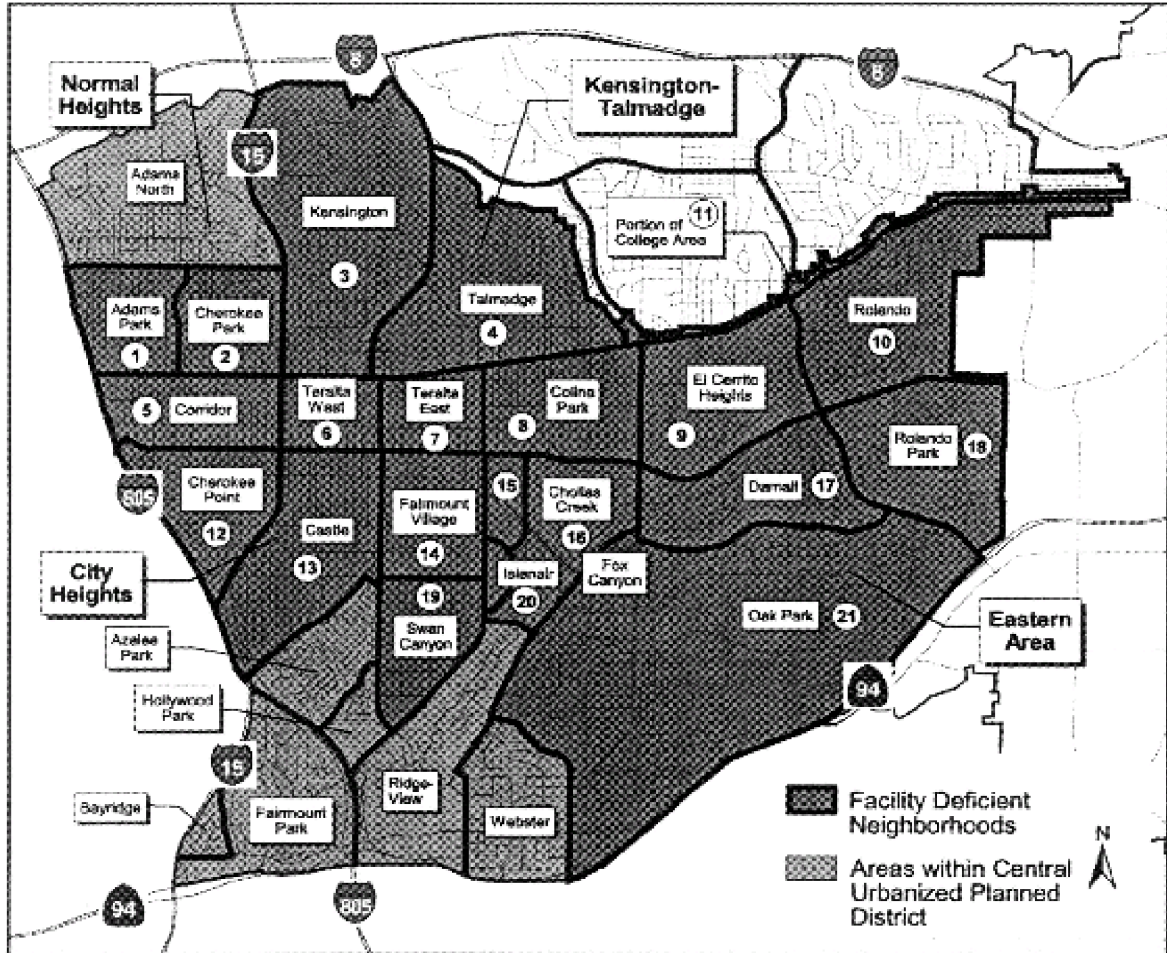
~~(C)~~ ~~Other improved park or recreational use area that is open to the public at no cost.~~

~~(2)~~(1) The proposed development is within 600 feet of a public park, a public school with a joint use agreement with the City of San Diego for public recreational use, or a school that is open during non-school hours for public recreational use.

~~(3)~~(2) When residential and mixed residential-commercial projects are required to obtain a Site Development Permit the proposed development shall:

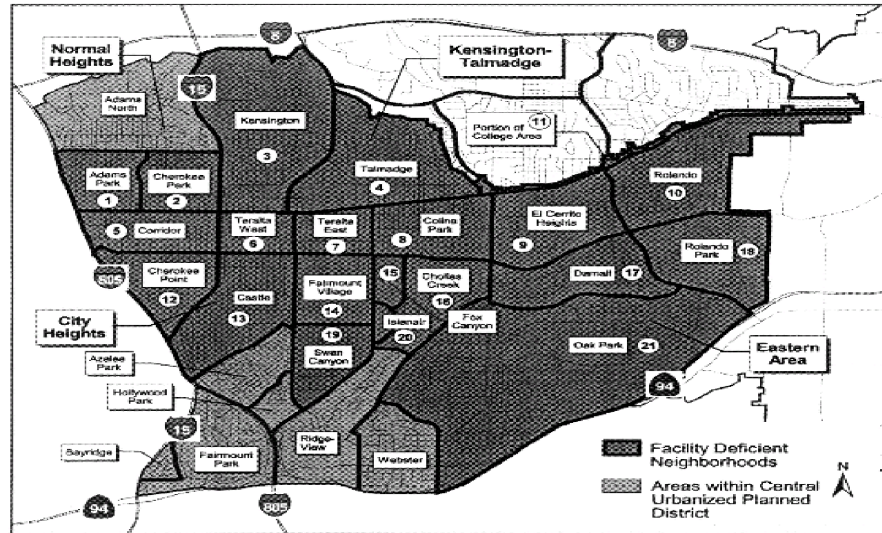
(A) through (B) [No change in text.]

Diagram 155-02B



Facility Deficient Neighborhoods

Diagram 151-02B



Facility Deficient Neighborhoods

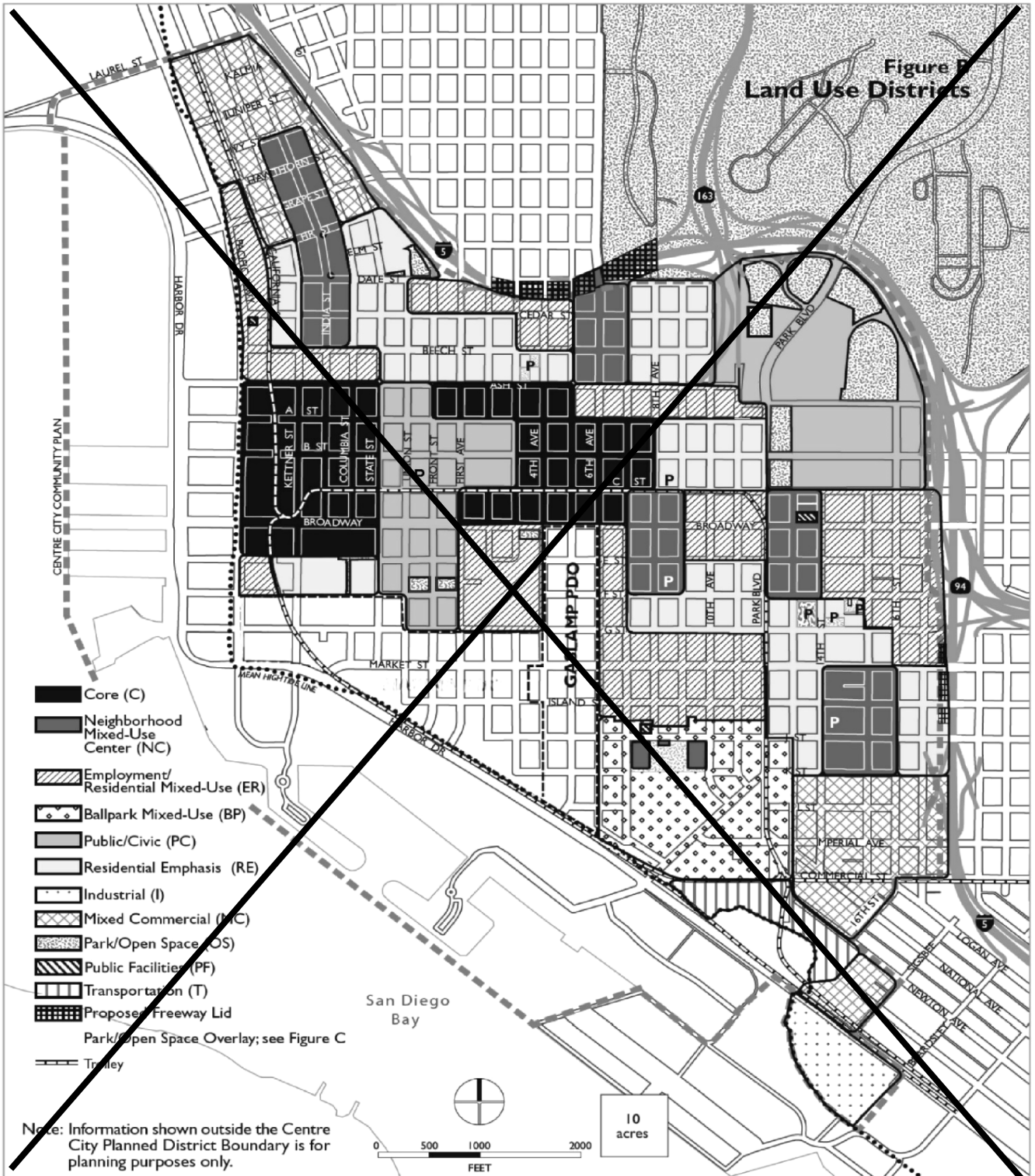
(b) through (f) [No change in text.]

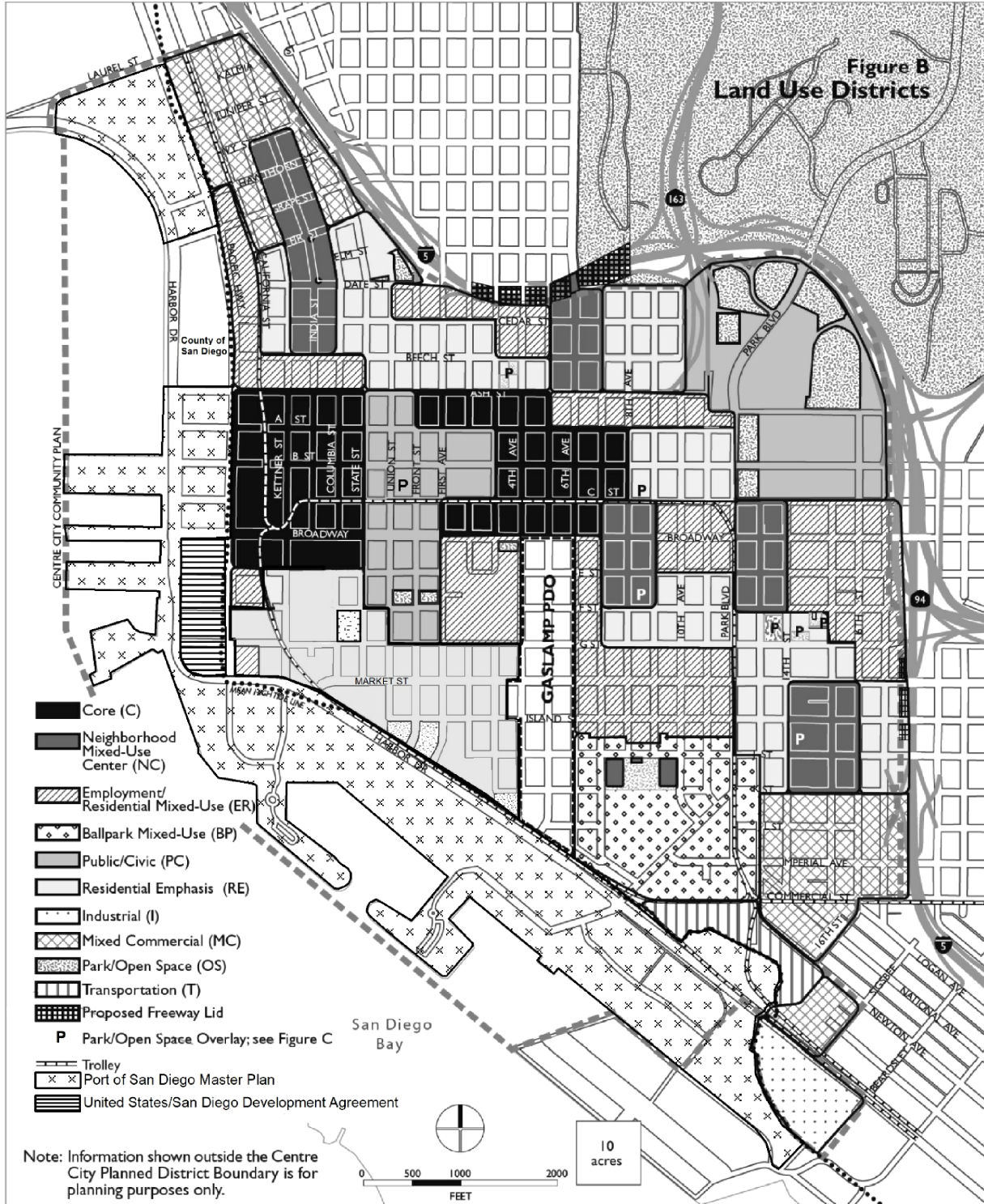
§156.0307 Land Use Districts

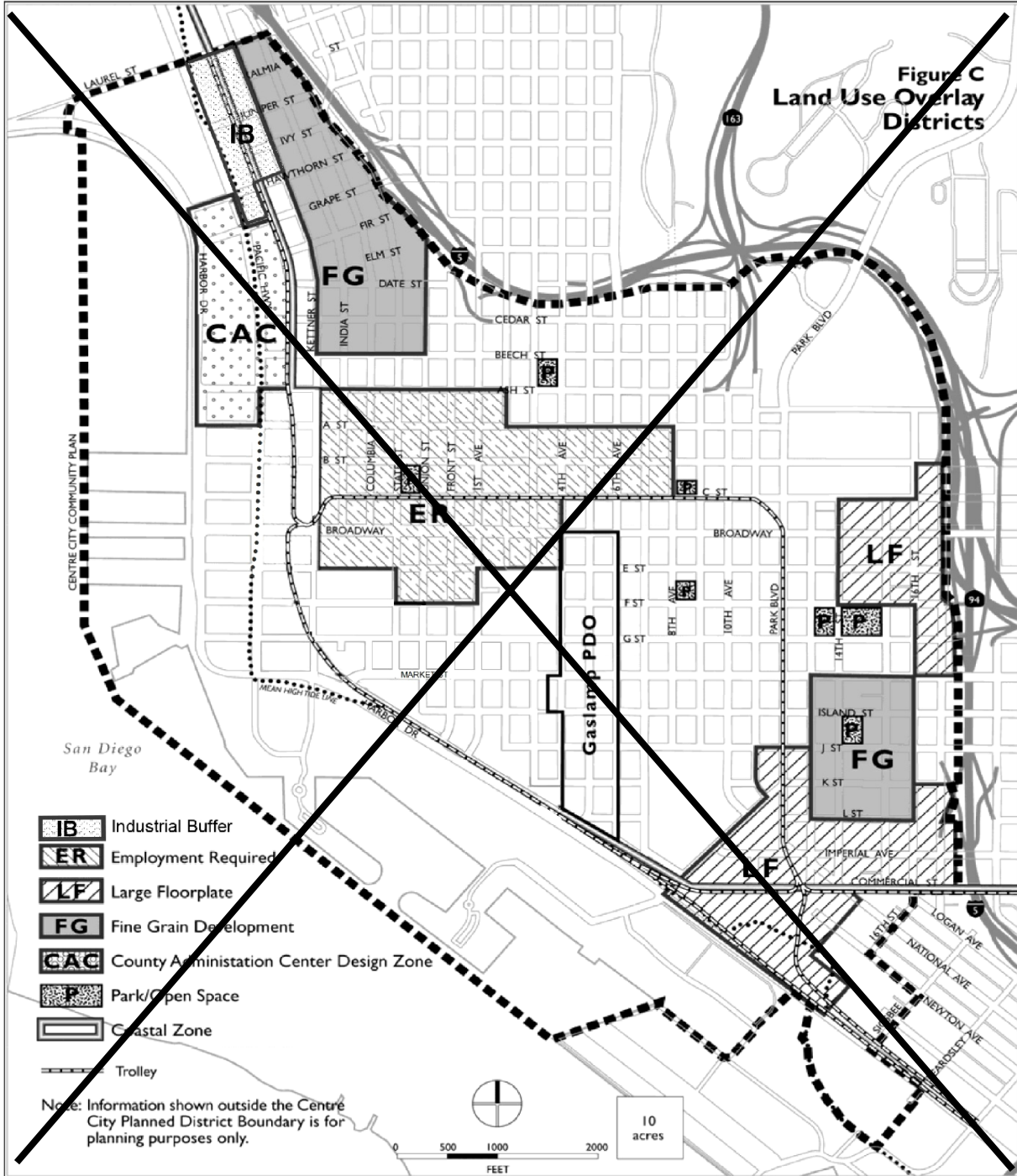
Twelve land use districts, shown in Figure B, define geographic areas that are subject to specific land use classifications. In addition, twelve overlay districts, shown in Figures C, D, and F, establish areas where additional requirements apply. Permitted land use classifications within each land use district are shown

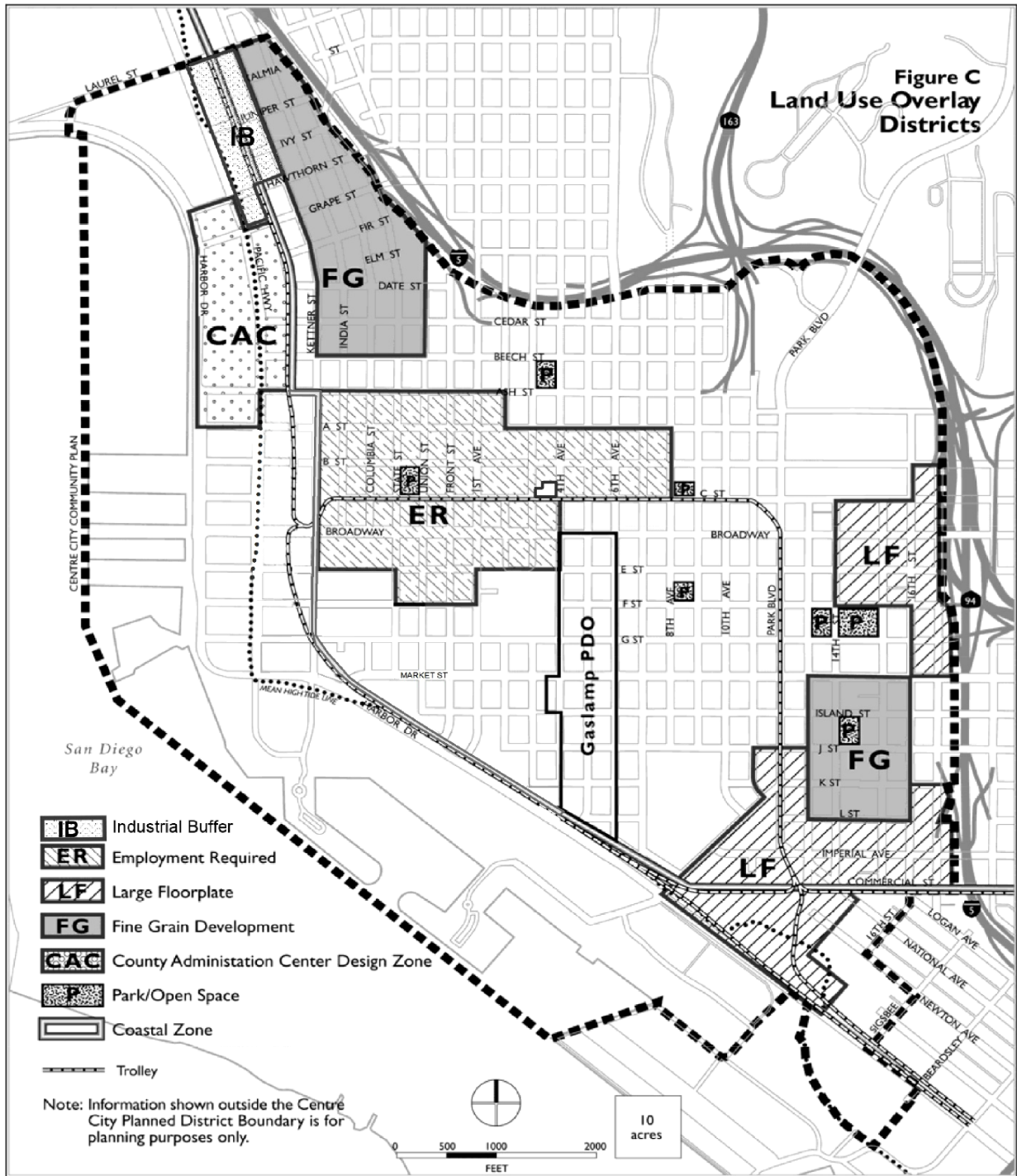
on Table 156-0308-A. Specific requirements for minimum percentages of *active commercial uses* and commercial uses on the ground-floor along *street frontages* are provided.

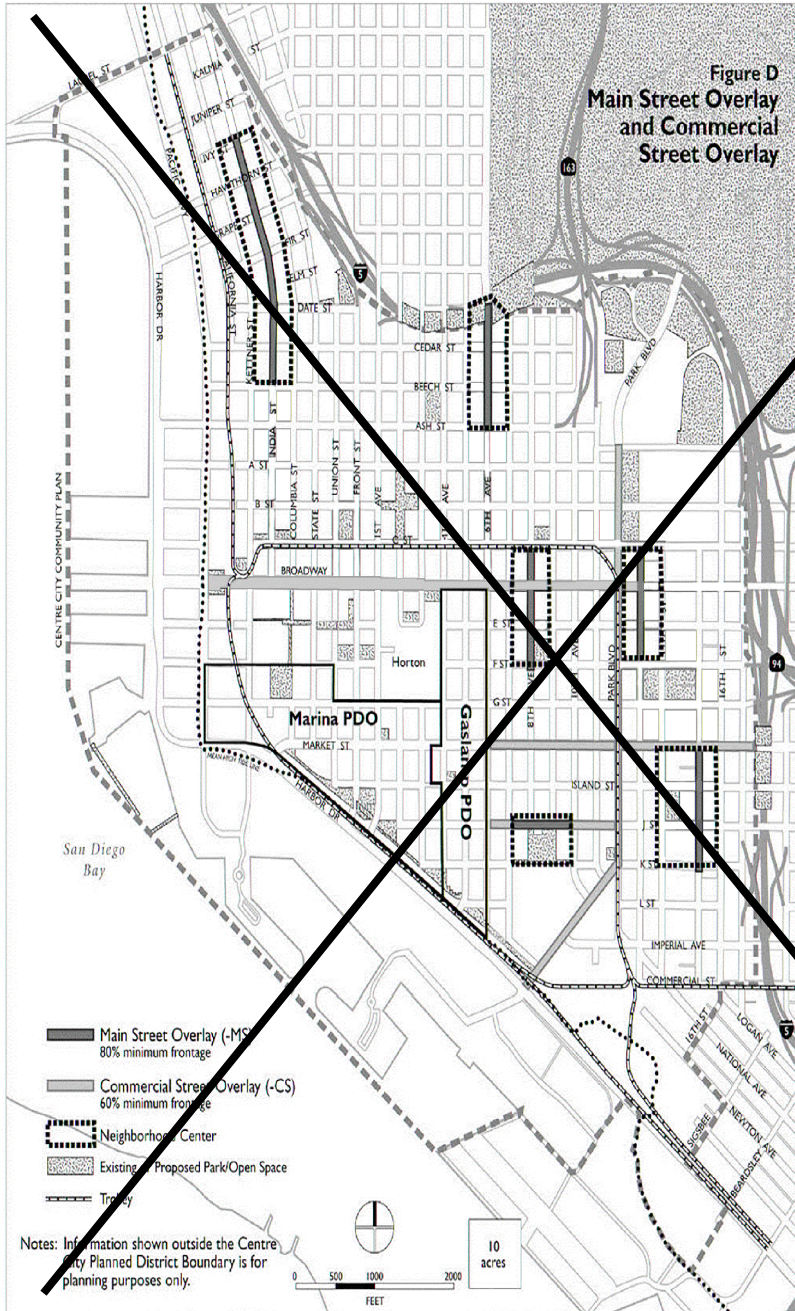
(a) through (b) [No change in text.]

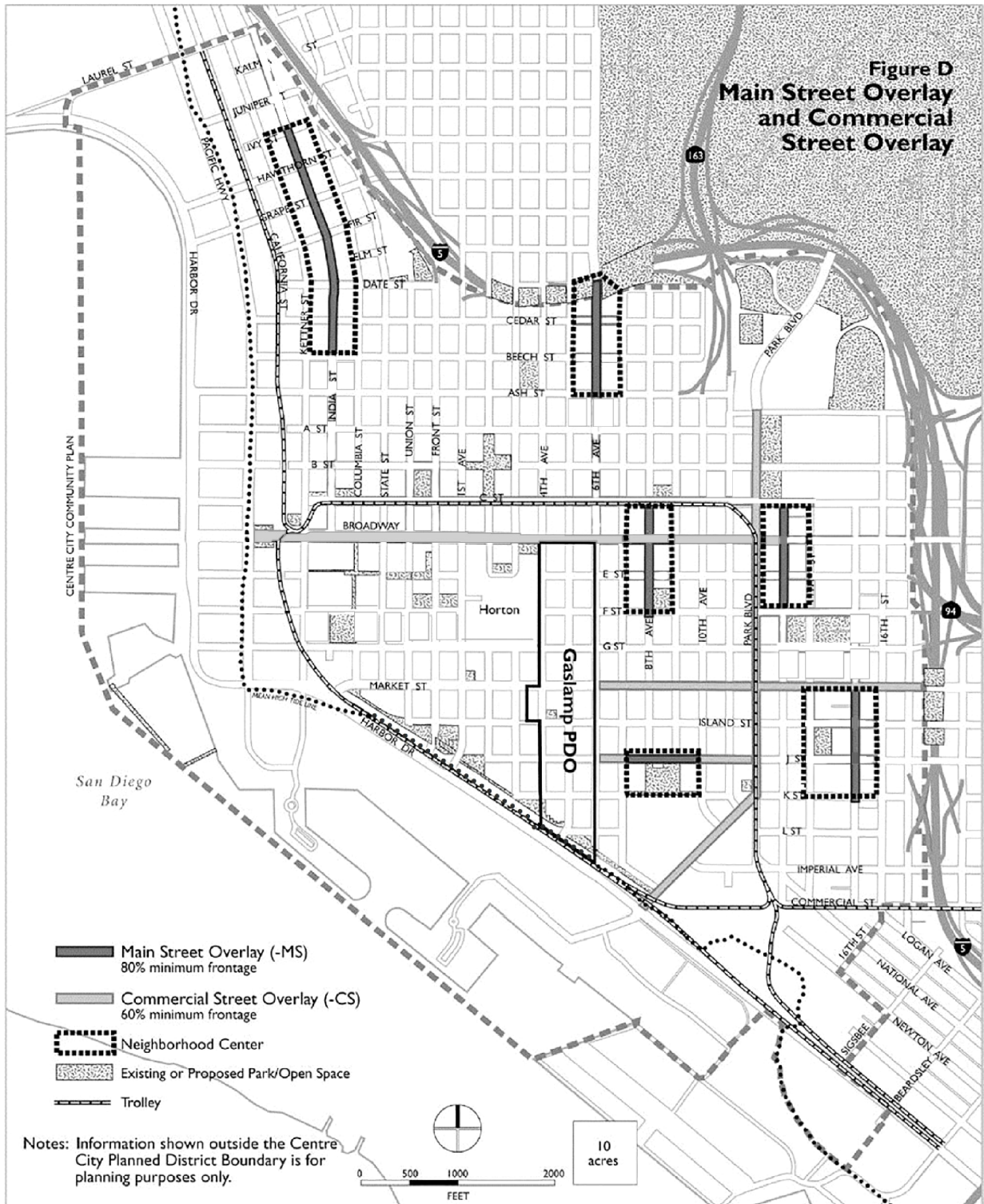












§156.0309 FAR Regulations and TDRs

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

(e) *FAR Bonuses*

Development may exceed the maximum *base FAR* for the site established by Figure H if the *applicant* provides certain public benefits or *development* amenities. Table 156-0309-A shows the maximum amount of *FAR bonus* that may be earned by providing benefits or amenities, and Figure J shows the maximum *FAR bonus* that may be purchased for a site through the *FAR* Payment Bonus Program (exclusive of bonuses for affordable housing as described in Section 156.0309(e)(1)). *Applicants* utilizing the *FAR bonus* program shall have *CC&Rs* recorded on the property, ensuring that the benefits or amenities provided to earn the bonus are maintained in perpetuity, or in the case of affordable housing, for the duration specified in Section 156.0309(e)(1)(B)(iv).

The public benefits and *development* amenities that may earn a *FAR bonus* are the following:

TABLE 156-0309-A: FAR BONUS

[No change in text.]

(1) Affordable Housing. An *applicant* proposing a residential *development* that is entitled to a *density* bonus pursuant to Chapter 14, Article 3, Division 7 of the Land Development Code may increase the permitted *FAR* as specified below, except as set forth in Section 143.0720(i)(7).

In compliance with the State Density Bonus Law (California Government Code Section 65915), *applicants* may earn *FAR bonus* subject to the following:

- (A) [No change in text.]
- (B) *Development* may provide either rental or for-sale affordable units, regardless of whether the market rate units within the *development* are for rent or sale. *Development* under these provisions shall be subject to the following requirements in addition to those in Chapter 14, Article 3, Division 7:

- (i) [No change in text.]
- (ii) The *FAR bonus* for *development* containing affordable housing shall be calculated as follows:
$$\text{Permitted FAR} = \text{Base GSF} - \text{NR GSF} \times \text{Affordable Bonus \%} + \text{Base GSF} / \text{Site Area}, \text{ where:}$$
$$\text{Permitted FAR} = \text{Base Gross Square Feet (GSF)}$$
permitted on the site (maximum *base FAR* from Figure H times the site area) minus the GSF of non-residential (NR) area, multiplied by affordable bonus percentage (%) ~~as specified in Table 156-0309-B~~, plus Base GSF permitted on the site, divided by site area. NR GSF shall not include non-residential area that is earned through one of the

other *FAR Bonus* programs such as *urban open space*, *eco-roofs*, public parking, or *FAR Payment Program*.

(iii) through (iv) [No change in text.]

(2) *Urban Open Space*. Applicants that reserve a portion of their site for the *development* of public *urban open space* may qualify for a *FAR bonus* of 1.0 or 2.0, as specified in Table 156-0309-A, subject to the following criteria:

(A) [No change in text.]

(B) The *urban open space* shall be open to the general public at least between the hours of ~~6~~ 7:00 a.m. and ~~10~~ 9:00 p.m. every day. The *urban open space* area shall have *signs* indicating that the public is welcome and the hours of closure, if applicable.

(C) [No change in text.]

(3) through (8) [No change in text.]

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

§157.0202 Overview of Decision Process

Applications for permits and approvals pursuant to subsections (a) and (b) of Section 157.0201 shall be processed in accordance with one of the Process levels established as follows:

(a) [No change in text.]

(b) Process Two

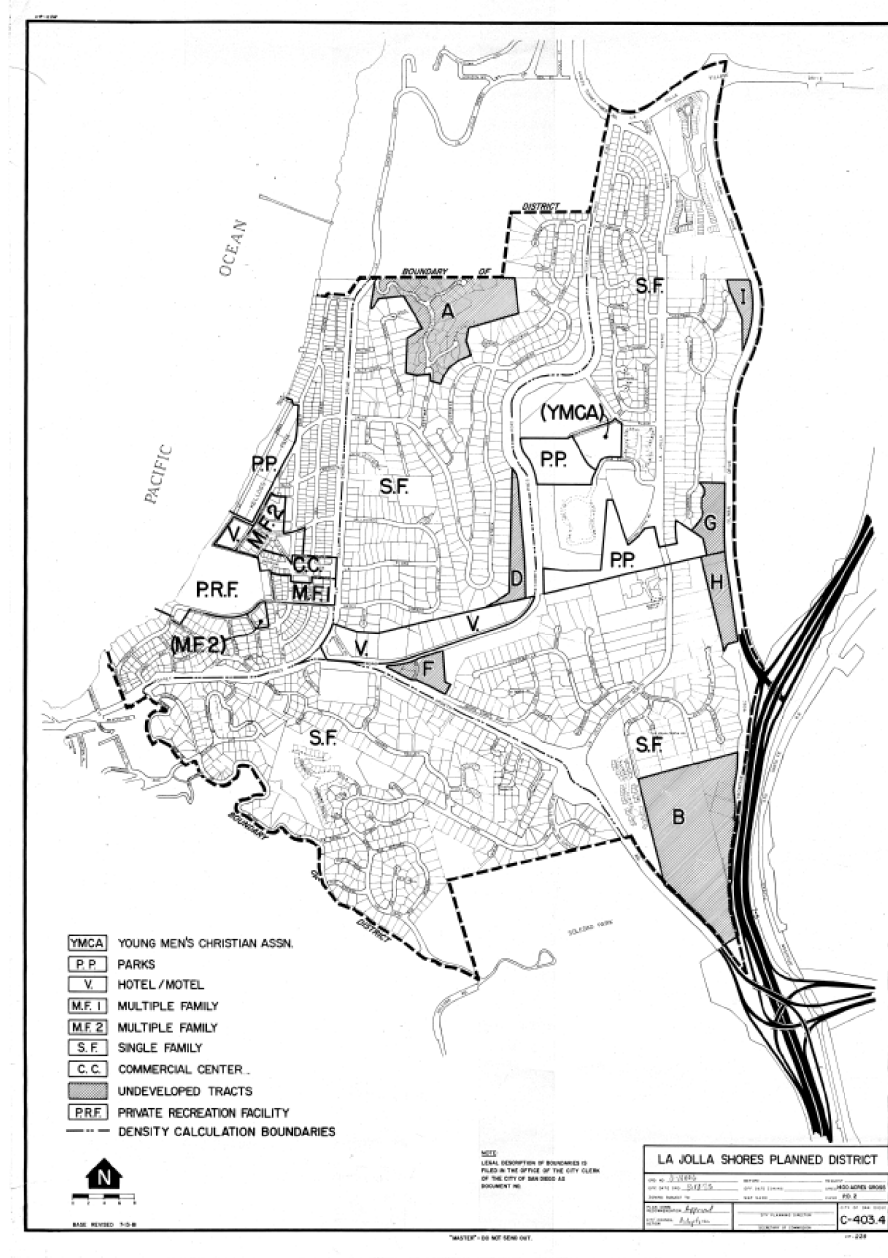
An application for a permit or approval processed in accordance with Process Two may be approved, conditionally approved, or denied by the City Manager, or his or her designee, consistent with Section 112.0503 of the Land Development Code. Applicants may appeal Process Two decisions in accordance with Section 112.0504 of the Land Development Code, ~~but Process Two appeals shall be considered by the City Manager in lieu of the Planning Commission.~~

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

§1510.0102 Boundaries

The regulations as defined herein shall apply in the La Jolla Shores Planned District which is within the boundaries of the La Jolla Shores Area in the City of San Diego, California, designated on that certain Map Drawing No. C-403.4 and described in the appended boundary description, filed in the office of the City Clerk under Document No. OO-16006.

Map Drawing No. C-403.4



LJS:als
 12/02/2019
 12/19/2019 Rev. Copy
 Or.Dept: Planning Dept.

Doc. No.: 2192207_3