

STRIKEOUT ORDINANCE

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

ORDINANCE NUMBER O-21836 (NEW SERIES)

DATE OF FINAL PASSAGE JULY 22, 2024

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 18 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.1801; AMENDING CHAPTER 2, ARTICLE 2, DIVISION 24 BY AMENDING THE TITLE OF DIVISION 24, AND BY RETITLING AND AMENDING SECTION 22.2402; AMENDING CHAPTER 8, ARTICLE 6, DIVISION 21 BY AMENDING SECTION 86.2102; AMENDING CHAPTER 9, ARTICLE 8, DIVISION 6 BY AMENDING SECTION 98.0607; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 1 BY AMENDING SECTION 112.0103; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 3 BY AMENDING SECTION 112.0310; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2 BY AMENDING SECTIONS 113.0222, 113.0234 AND 113.0246; AMENDING CHAPTER 12, ARTICLE 2, DIVISION 1 BY AMENDING SECTION 122.0107; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 4 BY AMENDING SECTION 125.0410; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 9 BY AMENDING SECTION 125.0950; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 10 BY AMENDING SECTION 125.1050; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 1 BY AMENDING SECTIONS 126.0108 AND 126.0113, AND BY ADDING NEW SECTION 126.0109; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0502; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTION 126.0702; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 1 BY ADDING NEW SECTION 129.0122; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 2 BY AMENDING SECTION 129.0203; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTION 129.0742; 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 REPEALING SECTION 131.0402, AMENDING SECTIONS 131.0420 AND 131.0422, RETITLING AND AMENDING

SECTION 131.0423, AND BY AMENDING SECTIONS 131.0431, 131.0442, 131.0443, 131.0445, 131.0446, 131.0449, AND 131.0464; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTIONS 131.0522, 131.0531, 131.0543 AND 131.0546; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 131.0622 AND 131.0631, AND BY ADDING NEW SECTION 131.0632; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 7 BY AMENDING SECTIONS 131.0702, 131.0703, 131.0704, 131.0707, 131.0709 AND 131.0710, AND BY ADDING NEW SECTION 131.0719; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 4 BY AMENDING SECTION 132.0402; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 12 BY AMENDING SECTIONS 132.1202 AND 132.1205; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14 BY AMENDING SECTION 132.1403, AND BY ADDING NEW SECTIONS 132.1404 AND 132.1405; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 15 BY AMENDING SECTIONS 132.1510, 132.1515, AND 132.1550; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 141.0302, 141.0311, 141.0312, AND 141.0314; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY RETITLING AND AMENDING SECTIONS 141.0413 AND 141.0421, AND BY ADDING NEW SECTION 141.0423; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 141.0606, 141.0622, 141.0624, AND 141.0628; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 7 BY AMENDING SECTION 141.0702; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 3 BY AMENDING SECTIONS 142.0305 AND 142.0360, AND BY ADDING NEW SECTION 142.0390; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 142.0510, 142.0520, 142.0525, AND 142.0560; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 9 BY AMENDING SECTION 142.0910; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 10 BY AMENDING SECTION 142.1010; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12 BY AMENDING SECTIONS 142.1230, 142.1235, AND 142.1240; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 13 BY AMENDING SECTION 142.1305; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0350; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 4 BY AMENDING SECTION 143.0420; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 7 BY AMENDING SECTIONS 143.0720, 143.0740, 143.0742, 143.0743, 143.0744, 143.0746, AND BY ADDING NEW SECTION 143.0748; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 10 BY AMENDING SECTIONS 143.1010, 143.1020,

AND 143.1025; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 11 BY AMENDING SECTION 143.1103; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 13 BY AMENDING SECTIONS 143.1303 AND 143.1310; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 14 BY RETITLING DIVISION 14, AND BY AMENDING SECTION 143.1403; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTIONS 155.0231, 155.0238, 155.0242, AND BY ADDING NEW SECTION 155.0243; AMENDING CHAPTER 15, ARTICLE 9, APPENDIX C; AMENDING CHAPTER 15, ARTICLE 10, DIVISION 2 BY AMENDING SECTION 1510.0201; AMENDING CHAPTER 15, ARTICLE 13, DIVISION 3 BY AMENDING SECTION 1513.0304; AMENDING CHAPTER 15, ARTICLE 13, DIVISION 4 BY AMENDING SECTION 1513.0402; AND AMENDING CHAPTER 15, ARTICLE 16, DIVISION 1 BY REPEALING SECTION 1516.0103, AND BY AMENDING SECTIONS 1516.0106, 1516.0112, 1516.0117, 1516.0121, 1516.0122, 1516.0139, AND 1516.0140, RELATING TO THE 2024 LAND DEVELOPMENT CODE UPDATE.

§22.1801 City Departments

- (a) [No change in text.]
- (b) The following are the departments of the City of San Diego within the meaning of the Charter and ordinances of the City:
 - Chief Financial Officer through City Manager [No change in text.]
 - City Planning
 - City Treasurer through Personnel [No change in text.]
 - Planning
 - Police through Transportation [No change in text.]
- (c) [No change in text.]

Chapter 2

Article 2: Administrative Code

Division 24: Development Services Department, City Planning Department, and Economic Development Department

§22.2402 City Planning Department — Powers and Duties of the Planning Director

- (a) The City Planning Department is a City department. The department is responsible for long-range planning of the City's communities and neighborhoods. The department's responsibilities also include historic resource analysis, the multiple species conservation program, and environmental policy and analysis. An environmental section responsible for all California Environmental Quality Act policy in the City shall serve as a section of the department. The Planning Director is the administrative head of the department and shall be appointed by and may be removed by the Mayor.
- (b) [No change in text.]
- (c) The environmental section of the City Planning Department shall maintain that degree of independence in the performance of its functions and duties as will assure the Mayor or City Manager, the City Council, Planning Commission and the people of the City of San Diego that its review and analysis of the environmental consequences of projects under its purview, whether beneficial or detrimental, are independent and wholly objective and are not prepared for the purpose of either supporting or detracting

from any project, plan or position, whether advanced by the City, any other governmental agency, a developer, a citizen or a group of citizens.

§86.2102 Definitions

Defined terms appearing in this division are shown in italics. For the purposes of this division:

Ballpark event through *Legal resident* [No change in text.]

Neighborhood means the following neighborhoods located in the City of San Diego: Sherman Heights, Barrio Logan, Golden Hill and Uptown, the geographic boundaries to be consistent with current maps located in the City's Planning Department.

Owns through *Person* [No change in text.]

§98.0607 Location of Units To Be Assisted With Impact Fees Subaccount Monies

Funds in the impact fee subaccount may be utilized to assist units located anywhere within the boundaries of the City of San Diego. If at any time the Housing Commission determines that, in consultation with the Mayor or his or her designee and the City Planning Department, that City boundaries and transportation facilities have changed such that the geographic nexus between the payors of funds pursuant to this Division and the housing units assisted has been substantially reduced, the Housing Commission shall develop and present to the City Council recommendations which establish maximum distances between assisted housing and development subject to this Division, divide the City into zones, or otherwise ensure a proper geographic nexus.

§112.0103 Consolidating of Processing

- (a) When an *applicant* applies for more than one permit, map, or other approval for a single *development*, the applications shall be consolidated for processing and shall be reviewed by a single decision maker as follows, except as provided in Sections 112.0103(b) ~~and (e)~~ through (d).
(1) through (3) [No change in text.]
- (b) When the California Environmental Quality Act (CEQA) and California Water Code require that the City prepare a Water Supply Assessment (WSA), the WSA shall be considered by the City Council. The associated *development permit* applications ~~are~~ shall not be required to be consolidated for processing with approval of the WSA, as further described below:
(1) though (2) [No change in text.]
- (c) An application for an approval required to comply with a civil penalty Notice and Order related to a code violation ~~is~~ shall not be required to be consolidated for processing with any other application, but may be consolidated at the *applicant's* request.
- (d) An application for a *public right-of-way* vacation in accordance with Chapter 12, Article 5, Division 9, or a *public service easement* vacation in accordance with Chapter 12, Article 5, Division 10, shall not be required to be consolidated for processing with any other approval associated with the *development*, but may be consolidated for processing at the *applicant's* request. The *public right-of-way* vacation or the *public service easement*

vacation must be recorded prior to the approval of any other associated construction permits or building permits in accordance with Sections 125.0950 or 125.1050.

(1) Although an application for a public right-of-way vacation or public service easement vacation is not required to be consolidated for processing with any other approval associated with the development, the whole of the action and the development's potential environmental impacts shall be analyzed in accordance with the California Environmental Quality Act.

§112.0310 Notice of Right to Appeal Environmental Determination

In accordance with Chapter 12, Article 8, Division 2, the Planning Director implements the California Environmental Quality Act (CEQA) and the State CEQA Guidelines within the City of San Diego. While not required by CEQA, in some circumstances the City requires the posting of a Notice of Right to Appeal Environmental Determination for activities that are subject to CEQA.

(a) A Notice of Right to Appeal Environmental Determination shall be posted for an *environmental determination* for the following:

(1) A determination that a project is exempt from CEQA pursuant to a categorical exemption, that an activity is covered by the ~~general rule~~ common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment, or is exempt pursuant to State CEQA Guidelines

Article 12.5 in accordance with State CEQA Guidelines Sections 15061(b)(2), 15061(b)(3), or 15061(b)(5);

- (2) A determination that a project is exempt from CEQA pursuant to a statutory exemption, e.g. State CEQA Guidelines Section 15061(b)(1); and
- (3) A decision to adopt or certify ~~an environmental document~~ a negative declaration, mitigated negative declaration, or environmental impact report that the City Manager approves or decides to carry out without a public hearing in accordance with his powers under City of San Diego Charter Section 28, including ~~environmental documents~~ a negative declaration, mitigated negative declaration, or environmental report for projects decided in accordance with Process Two.

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

§113.0103 Definitions

Abutting property through Permit holder [No change in text.]

Placemaking means the temporary use of *public right-of-way* and private property that activates streetscapes by enhancing the pedestrian experience and providing neighborhood-serving activities, experiences, or spaces and includes temporary, small-scale *development* specifically designed to support that temporary use.

Projects that may qualify as *placemaking* uses include, but are not limited to, those that provide areas for pedestrians to briefly rest (*e.g.*, plazas, shade structures, and benches), promote the use of underutilized space (*e.g.*, landscaping

and decorative lighting), improve and promote pedestrian activity and other uses of the ~~public~~ public right-of-way (e.g., bicycle racks and refuse containers), and activate property parking areas in a ~~transit priority area~~ Sustainable Development Area (e.g., outdoor dining).

Planned Urbanized Communities through Yard [No change in text.]

§113.0222 Calculating Maximum Permitted Density

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

(c) For purposes of calculating *density* for a *development* proposing a *density* bonus pursuant to Chapter 14, Article 3, Division 7, where the maximum *density* of the base zone and the *land use plan* are inconsistent, the ~~maximum density~~ greatest number of *dwelling units* allowed under the base zone or *land use plan* shall prevail. Calculations resulting in any fractional number shall be increased to the next whole number.

§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 Sections 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.]

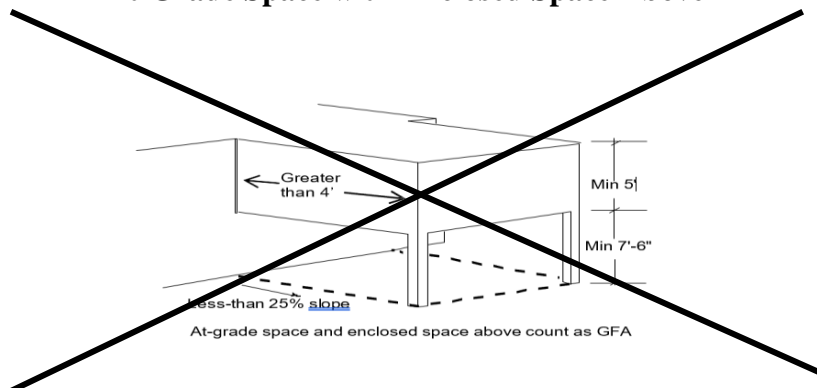
(b) Additional Elements Included in *Gross Floor Area* in Residential Zones and for Residential Development in Other Zones. Section 113.0234(b) does not apply to commercial *development*.

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

~~(3) *Gross floor area* includes any at-grade space that is built with enclosed space above, when there is at least 7-foot 6-inches between grade and finish floor elevation above, and the enclosed space above projects at least 4 feet from the face of the structure and exceeds a height of 5 feet measured from the top of the wall or post supporting the space to the top of the roof above, as shown in Diagram 113-02P. Where the gradient along any edge of the at-grade space shall not be counted as *gross floor area*.~~

~~Diagram 113-02P~~

~~At-Grade Space with Enclosed Space Above~~



~~(4)(3)~~ *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) through (C) [No change in text.]

(D) Interior Balconies, Mezzanines, and Lofts. *Gross floor area* includes the area within a building adjacent to all interior balconies, mezzanines, and lofts, pursuant to the regulations for phantom *floors* in Section 113.0234(b)(4)(~~3~~)(A) as if such elements did not exist adjacent to the space, as shown in Diagram 113-02V. The location of an adjacent interior balcony, mezzanine, or loft does not affect the location of phantom *floors* above the finished-*floor* elevation of the adjacent space.

Diagram 113-02V

Mezzanines

[No change in text.]

(E) *Atriums*. *Gross floor area* includes the area of the horizontal projection into the *atrium* from each adjacent *floor* in plan view. If no adjacent *floors* exist, the regulations for phantom *floors* in Section 113.0234(b)(4)(~~3~~)(A) apply to the space within the *atrium*. This is illustrated in Diagram 113-02W.

Diagram 113-02W

Atriums

[No change in text.]

~~(5)~~(4) *Roof Decks.* *Gross floor area* includes *roof decks* when any portion of the deck's parapet, guardrail, wall, or *fence* (open or solid) enclosing the area exceeds an average of 42 inches in height, or exceeds 54 inches in height at any point.

(c) [No change in text.]

(d) Elements Not Included in *Gross Floor Area*

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

(3) *Parking Structures*

(A) ~~The intent of this section is to facilitate the development of parking facilities for multiple dwelling unit and commercial development. This exclusion from gross floor area does not apply to: garages or carports that serve single dwelling unit or duplex development.~~

(i) Garages or carports that serve single dwelling unit development; or

(ii) Garages or carports that serve multiple dwelling unit development where each multiple dwelling unit has access to its own separate garage or carport.

(B) [No change in text.]

(4) [No change in text.]

§113.0246 Determining Property Lines

The *property lines* define the perimeter of a *lot* or *premises* and separate one *lot* or *premises* from any other *lot* or *premises* or from the *public right-of-way*. These rules for determining *property lines* are for purposes of applying and interpreting development regulations only and are not intended to affect ownership rights or responsibilities. These rules apply regardless of ownership of property extending into the *public right-of-way*. Where *dedications* for *streets* or *alleys* are required in accordance with Section 142.0610, the *property lines* used to calculate *lot area* for the purpose of calculating the maximum permitted *density* and maximum permitted *gross floor area* shall be based on the *property lines* prior to the *dedication*. Where *dedications* for *streets* or *alleys* are required in accordance with Section 142.0610, the *property lines* used to calculate front of *street side setbacks* shall be based on the *property lines* prior to the *dedication*.

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

(e) *Property Lines* that Abut an *Alley*. A ~~property~~ *property line* that abuts an *alley* shall be determined in accordance with Section 113.0246(a) through (d). However, the *property line* that abuts an *alley* shall not be considered a *street property line* for the purpose of determining *setbacks* or *street yards* as indicated below: and as shown in Diagram 113-02CC.

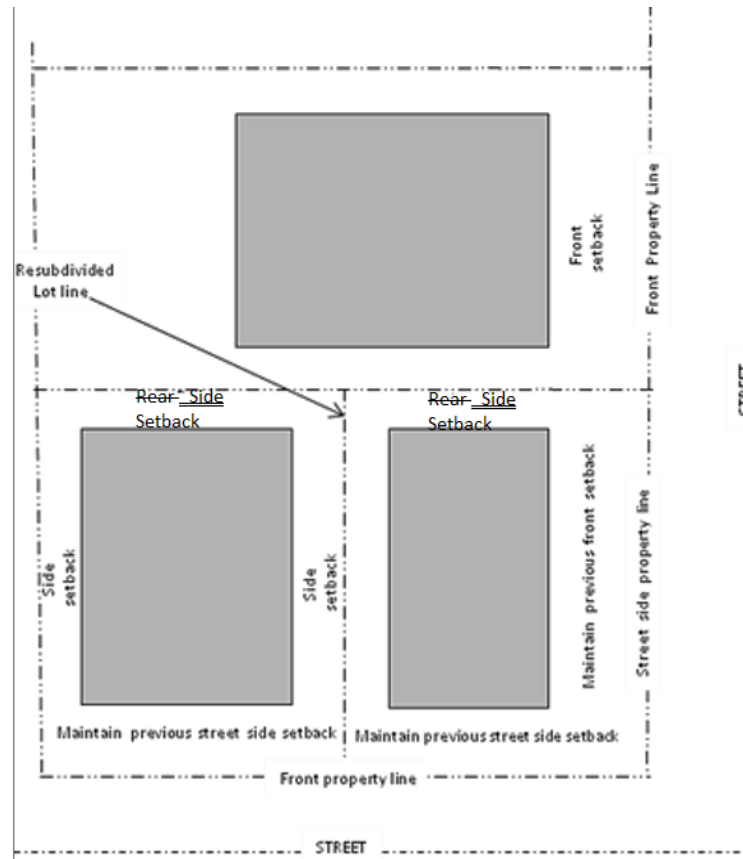
(f) Resubdivided Corner *Lots* in Residential Zones.

In residential zones, *property lines* for resubdivided corner *lots* shall be determined in accordance with Section 113.0246 (a) through (d); however, the *setbacks* along the front *property line* and *street side property line*

shall observe the *setback* requirements placed on the original *lot* configuration and the remaining *property lines* shall observe the required interior side *setback* requirements of the zone, as shown in Diagram 113-02DD.

Diagram 113-02DD

Setbacks for Resubdivided Corner Lots



§122.0107 Required Contents of Specific Plans

- (a) [No change in text.]
- (b) The specific plan shall include the required contents listed in California Government Code Section 65451. The required contents shall be formulated into a policy element and a regulatory element. The policy

element shall contain detailed land use policies for the area covered by the specific plan and the decision process and permit type for subsequent *development* proposals that will implement the specific plan. The specific plan shall not establish new decision processes or permit types, but shall use ~~Processes One through Process Five as~~ the decision process established in Chapter 11 and the permit types described in Chapter 12.

The zoning regulations shall consist of either:

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

(c) [No change in text.]

(d) The specific plan may include supplemental development regulations that are tailored to specific sites located within the specific plan area. The intent of supplemental development regulations is to ensure that *development* proposals are reviewed for consistency with the use and *development* criteria that have been adopted as part of the specific plan. If there is a conflict between the supplemental development regulations and the base zone regulations, the specific plan regulations shall apply.

§125.0410 When a Tentative Map Is Required

~~A tentative map is required for each subdivision of land except for a *parcel map* that creates no additional *lots* or a *lot* created pursuant to Section 143.1315 as an urban *lot split*.~~

(a) A tentative map is required for any *subdivision* of land creating:

(1) Five or more parcels;

- (2) Five or more condominiums as defined in California Civil Code section 738;
- (3) A community apartment project containing five or more parcels as defined in California Civil Code section 4105; or
- (4) The conversion of five or more *dwelling units* to a stock cooperative as defined in California Civil Code section 4190.

(b) A tentative map is not required if any of the following occurs:

- (1) The land before *subdivision* contains less than five acres, each parcel created by the division abuts a public *street* or *freeway* and the *subdivision* does not require any dedications or improvements as determined by the City Engineer;
- (2) Each parcel created by the *subdivision* has a gross area of at least 20 acres and has access to a public *street* or *freeway*;
- (3) The land before *subdivision* has a commercial, mixed-use or industrial base zone, has access to a public *street* or *freeway*, and *street* alignments and widths designed to the satisfaction of the City Engineer;
- (4) Each parcel created by the *subdivision* has a gross area of at least 40 acres and does not have access to a public *street* or *freeway*;
- (5) The land being subdivided is solely for the creation of an environmental subdivision pursuant to California Government Code section 66418.2; or
- (6) For *lots* created pursuant to Section 143.1315 as an urban *lot* split.

(c) A parcel map shall be required for those subdivisions described in Sections 125.0410(b)(1)-(6). Dedications and public improvements in these subdivisions may be required as determined by the City Engineer.

§125.0950 Recording of a Public Right-of-Way Vacation

If the vacation is approved, the City shall provide the resolution and any accompanying documents to the County Recorder for recordation. If the resolution contains conditions, it shall not be provided to the County Recorder for recordation until the City Engineer has determined that all conditions have been met. If consolidating of processing for the vacation is not required in accordance with Section 112.0103(d), the vacation must be recorded prior to the approval of any other associated construction permits or building permits. The recordation of a subdivision map pursuant to Subdivision Map Act Sections 66434(g), 66445(j), 66499.20 1/4 or 66499.20 1/2 shall have the same effect.

§125.1050 Recording of Easement Vacations

If the vacation is approved, the City shall provide the resolution and any accompanying documents to the County Recorder for recordation. If the resolution contains conditions, it shall not be provided to the County Recorder for recordation until the City Engineer has determined that all conditions have been met. If consolidating of processing for the vacation is not required in accordance with Section 112.0103(d), the vacation must be recorded prior to the approval of any other associated construction permits or building permits. The recordation of a subdivision map pursuant to Subdivision Map Act Sections 66434(g), 66445(j), 66499.20 1/4 or 66499.20 1/2 shall have the same effect as filing a resolution of vacation.

§126.0108 Utilization of a Development Permit

(a) *A development permit grants the permit holder 36 months to initiate utilization of the development permit. If utilization does not occur in accordance with this Section with within 36 months after the due date on which all rights of appeal have expired, and an application for an extension of time was not timely filed, the development permit shall be void. Development permits issued for projects utilizing Type 1 construction as defined in Chapter 6 of the California Building Code shall be granted an additional 12 months to initiate utilization of the development permit.*

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

§126.0109 Indemnification for Development Permits

The applicant and record owner for any development shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of any development permit including, but not limited to, any action to attack, set aside, void, challenge, or annul the development permit approval and any environmental determination. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the applicant and record owner for any development shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the

event of a disagreement between the City and applicant and record owner for any development regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant and record owner for any development shall not be required to pay or perform any settlement unless such settlement is approved by applicant and record owner for any development.

§126.0113 Development on a Premises with a Utilized Development Permit

The purpose of this Section is to allow a change in *development* to occur on a *premises* that has a utilized *development permit* in accordance with Section 126.0108, when the proposed *development* is not included within the scope of the utilized *development permit* but complies with the use and *development* regulations of the applicable base zone or overlay zone.

- (a) *Development* that is not included within the scope of a utilized *development permit* may be approved without an amendment to the *development permit* in accordance with Process One, subject to all of the following:
- (1) [No change in text.]
 - (2) The proposed *development* complies with all the *development* regulations of the applicable base zone and overlay zones, except through the use of incentives or waivers as provided in Chapter 14, Article 3, Division 7; or Chapter 14, Article 3, Division 10;
 - (3) through (4) [No change in text.]

(b) [No change in text.]

§126.0502 When a Site Development Permit is Required

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

(e) A Site Development Permit decided in accordance with Process Five is Required for the following types of *development*.

~~(1)~~ ~~In the Airport Approach Overlay Zone, *development* proposals that receive an FAA determination of hazard and that are not exempt, as described in Section 132.0202.~~

~~(2)~~ ~~In the Airport Environs Overlay Zone, *development* for which a City Council override is requested, as described in Section 132.0302.~~

~~(3)~~(1) In the Clairemont Mesa Height Limit Overlay Zone, *development* for which an exception to the height limit is requested, as described in Section 132.1306.

~~(4)~~(2) *Development* within the Airport Land Use Compatibility Overlay Zone proposing deviations from the overlay zone requirements.

~~(5)~~(3) *Development* in accordance with ~~section~~ Section 129.0710(c) that includes major underground or overhead *structures* which extend into the *public right-of way* beyond the ultimate curb line or other *encroachments* which, in the opinion of the City Manager, are of sufficient public interest to warrant City Council approval.

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

§126.0702 When a Coastal Development Permit Is Required

- (a) [No change in text.]
- (b) Permits Issued by the Coastal Commission. A Coastal Development Permit or exemption for all *coastal development* on a project site located completely within the Coastal Commission Permit Jurisdiction or in the Deferred Certification Area must be obtained from the Coastal Commission. The Coastal Commission Permit Jurisdiction and the Deferred Certification Area are shown on Map No. C-730.1, Map No. C-908, and Map No. C-1028, on file ~~in the Planning and Development Review Department, the San Diego office of the Coastal Commission, and~~ in the office of the City Clerk as Documents No. 00-17067-1, No. 00-18872, and No. 00-21719.
- (c) [No change in text.]

§129.0122 Indemnification for Construction Permits

The applicant and record owner for any development shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of any construction permit including, but not limited to, any action to attack, set aside, void, challenge, or annul the construction permit approval and any environmental determination. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the

applicant and record owner for any development shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant and record owner for any development regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant and record owner for any development shall not be required to pay or perform any settlement unless such settlement is approved by applicant and record owner for any development.

§129.0203 Exemptions from a Building Permit

(a) A Building Permit is not required for the following *structures* and activities, except when the *development* would involve alterations, repairs, or improvements to a *historical resource* as described in Section 143.0220; when *development* on a *premises* containing *environmentally sensitive lands* requires a *development permit* in accordance with Section 143.0110; or when a building is constructed with unreinforced masonry bearing walls or exterior wall parapets:

(1) through (11) [No change in text.]

(12) Patio cover *structures* attached to or detached from *single dwelling units* in the ~~RE~~, RS-, and RX zones in the following circumstances, except in the *appealable area* of the Coastal Overlay Zone or in Planned Developments:

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

(13) through (23) [No change in text.]

(24) A sidewalk cafe that ~~is in compliance~~ complies with Section 141.0621, unless ~~any~~ one of the following applies:

- (A) The sidewalk cafe would alter or modify the existing building, building façade, or any means of building egress;
or
- (B) The sidewalk cafe would be located on a raised platform or in a sunken area; ~~or~~
- ~~(C) A barrier consisting of railings, fences, or planter boxes would be installed to delineate the area of the sidewalk cafe.~~

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

§129.0742 Commencement of Work within a Public Right-of-Way or Public Service Easement

- (a) The *applicant* shall not begin any work, construction, or use within a *public right-of-way* or *public service easement* that will be authorized by a Public Right-of-Way Permit until the ~~required~~ permit has been issued and the *applicant* has obtained a traffic control permit.
- (b) Work within the *public right-of-way* shall be performed only during the dates and hours specified in the ~~permit or on the~~ approved traffic control ~~plans~~ permit.

§131.0222 Use Regulations Table for Open Space

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 Residential, Separately Regulated Residential Uses, Accessory Dwelling Units [No change in text.]	[No change in text.]					
Continuing Care Retirement Communities	-	-	-	<u>-C</u>	-	
Employee Housing: 6 or Fewer Employees through Greater than 12 Employees [No change in text.]	[No change in text.]					
Fraternalities, <u>and</u> Sororities and Student Dormitories	[No change in text.]					
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]	[No change in text.]					
<u>Student Housing</u>	=	=	=	=	=	
Transitional Housing through Institutional, Separately Regulated Institutional Uses , Homeless Facilities: Homeless Day Centers [No change in text.]	[No change in text.]					
Hospitals, Intermediate Care Facilities & Nursing Facilities	-	-	-	-	-	
<u>Intermediate Care Facilities & Nursing Facilities</u>	=	=	=	<u>C</u>	=	
Interpretive Centers through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]	[No change in text.]					

Footnotes for Table 131-02B

¹ through¹¹ [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 >> 3rd >> 4th >>	AG		AR	
		1-		1-	
		1	2	1	2
Open Space through Residential, Separately Regulated Residential Uses, Accessory Dwelling Units [No change in text.]	[No change in text.]				
Continuing Care Retirement Communities	-		<u>-C</u>		
Employee Housing: 6 or Fewer Employees through Greater than 12 Employees [No change in text.]	[No change in text.]				
Fraternities; <u>and</u> Sororities and Student Dormitories	[No change in text.]				
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]	[No change in text.]				
<u>Student Housing</u>	=		=		
Transitional Housing through Institutional , Separately Regulated Institutional Uses , Homeless Facilities: Homeless Day Centers [No change in text.]	[No change in text.]				
Hospitals, Intermediate Care Facilities & Nursing Facilities	-		C		
<u>Intermediate Care Facilities & Nursing Facilities</u>	=		<u>C</u>		
Interpretive Centers through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]	[No change in text.]				

Footnotes for Table 131-03B

¹through ¹² [No change in text.]

§131.0402 Purpose of the RE (Residential–Estate) Zones

- (a) The purpose of the RE zones is to provide for *single dwelling units* on large *lots* with some accessory agricultural uses. It is intended that this zone be applied to areas that are rural in character, where the retention of low *density residential development* is desired.

(b) ~~The RE zones are differentiated based upon applicable development regulations as follows:~~

- ~~RE 1-1 requires *development on minimum 10-acre lots*~~
- ~~RE 1-2 requires *development on minimum 5-acre lots*~~
- ~~RE 1-3 requires *development on minimum 1-acre lots*~~

§131.0420 Use Regulations Table of Residential Zones

The regulations of Section 131.0422 apply in residential zones where indicated in Table-04B.

(a) The uses permitted in any residential zone may be further limited or expanded by the following:

(1) Section 131.0423 (~~Additional~~ Commercial Use Regulations of Residential Zones);

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

(b) through (f) [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 >>	R-1	1-														1-		1-			
	4th >>		1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Open Space																						
Active Recreation	P	P														P		P				
Passive Recreation	P	P														P		P				
Natural Resources Preservation	P	P														P		P				
Park Maintenance Facilities	-	-														-		-				
Agriculture																						
Agricultural Processing	-	-														-		-				
Aquaculture Facilities	-	-														-		-				
Dairies	-	-														-		-				
Horticulture Nurseries & Greenhouses	-	-														-		-				
Raising & Harvesting of Crops	P ⁽³⁾	-														-		-				
Raising, Maintaining & Keeping of Animals	P ⁽³⁾ 7)	-														-		-				
Separately Regulated Agriculture Uses																						
Agricultural Equipment Repair Shops	-	-														-		-				
Commercial Stables	-	-														-		-				
Community Gardens	L	L														L		L				
Equestrian Show & Exhibition Facilities	-	-														-		-				
Open Air Markets for the Sale of Agriculture-Related Products & Flowers	-	-														-		-				
Residential																						

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-	
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Mobilehome Parks	-	P ⁽¹⁾														P ⁽¹⁾		-			
Multiple Dwelling Units	-	-														-		-			
Rooming House [See Section 131.0112(a)(3)(A)]	-	-														-		-			
Shopkeeper Units	-	-														-		-			
Single Dwelling Units	P	P ⁽⁸⁶⁾														P ⁽⁸⁶⁾		P ⁽⁸⁶⁾			
Separately Regulated Residential Uses																					
<i>Accessory Dwelling Units</i>	L	L														L		L			
Continuing Care Retirement Communities	-	-C														-C		-C			
Employee Housing:																					
6 or Fewer Employees	L	L														L		L			
12 or Fewer Employees	-	-														-		-			
Greater than 12 Employees	-	-														-		-			
Fraternities, <u>and</u> Sororities and Student Dormitories	-	-														-		-			
Garage, Yard, & Estate Sales	L	L														L		L			
Guest Quarters	L	L														L		-			
Home Occupations	L	L														L		L			
Interim Ground <i>Floor Residential</i>	-	-														-		-			
<i>Junior Accessory Dwelling Units</i>	L	L														L		L			
Live/Work Quarters	-	-														-		-			
Low Barrier Navigation Center	-	-														-		-			
<i>Movable Tiny Houses</i>	L	L														L		L			
<i>Permanent Supportive Housing</i>	-	-														-		-			

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 >>	R-					1-										1-		1-		
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Residential Care Facilities:																					
6 or Fewer Persons	P	P										P		P							
7 or More Persons	E	C										C		C							
<u>Student Housing</u>		=										=		=							
Transitional Housing:																					
6 or Fewer Persons	P	P										P		P							
7 or More Persons	E	C										C		C							
Watchkeeper Quarters		-																			
Institutional																					
Separately Regulated Institutional Uses																					
Airports	-	-										-		-							
Battery Energy Storage Facilities																					
Small Scale (≤ 0.25 acre)	L	L										L		L							
Medium Scale (0.25 acre < 1 acre)	E	C										C		C							
Large Scale (>1 acre)	E	C										C		C							
Botanical Gardens & Arboretums	E	C										C		C							
Cemeteries, Mausoleums, Crematories	-	-										-		-							
Correctional Placement Centers	-	-										-		-							
Educational Facilities:																					
Kindergarten through Grade 12	E	C										C		C							
Colleges / Universities	E	C										C		C							
Vocational / Trade School	-	-										-		-							
Electric Vehicle Charging Stations	L	L										L		L							
Energy Generation & Distribution Facilities	-	-										-		-							
Exhibit Halls & Convention Facilities	-	-										-		-							

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 >>	L-	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
<i>Flood Control Facilities</i>	L	L														L		L						
<i>Historical Buildings Used for Purposes Not Otherwise Allowed</i>	E	C														C		C						
Homeless Facilities																								
Congregate Meal Facilities	-	-														-		-						
Emergency Shelters	-	-														-		-						
Homeless Day Centers	-	-														-		-						
Hospitals, Intermediate Care Facilities & Nursing Facilities	-	-														-		-						
<u>Intermediate Care Facilities & Nursing Facilities</u>		C														C		C						
Interpretive Centers	-	-														-		-						
Museums	E	C														C		C						
Major Transmission, Relay, or Communications Switching Stations	-	-														-		-						
<i>Placemaking on Private Property</i>	L	L														L		L						
Outdoor Dining on Private Property	-	-														-		-						
<i>Satellite Antennas</i>	L	L														L		L						
<i>Social Service Institutions</i>	-	-														-		-						
Solar Energy Systems	L	L														L		L						
<i>Wireless Communication Facilities</i>		See Section 141.0420																						
Retail Sales																								
Building Supplies & Equipment	-	-														-		-						
Food, Beverages and Groceries	-	-														-		-						
Consumer Goods, Furniture, Appliances, Equipment	-	-														-		-						
Pets & Pet Supplies	-	-														-		-						
Sundries, Pharmaceuticals, & Convenience Sales	-	-														-		-						
Wearing Apparel & Accessories	-	-														-		-						
Separately Regulated Retail Sales Uses																								

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 >>	L-	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
Agriculture Related Supplies & Equipment	-	-														-		-						
Alcoholic Beverage Outlets	-	-														-		-						
<i>Cannabis Outlets</i>	-	-														-		-						
Farmers' Markets																								
Weekly Farmers' Markets	-	-														-		-						
Daily Farmers' Market Stands	-	-														-		-						
Plant Nurseries	-	-														-		-						
Retail Farms	-	-														-		-						
Retail Tasting Stores	-	-														-		-						
Swap Meets & Other Large Outdoor Retail Facilities	-	-														-		-						
Commercial Services																								
Building Services	-	-														-		-						
Business Support	-	-														-		-						
Eating & Drinking Establishments	-	-														-		-						
Financial Institutions	-	-														-		-						
Funeral & Mortuary Services	-	-														-		-						
Instructional Studios	-	-														-		-						
Maintenance & Repair	-	-														-		-						
Off-Site Services	-	-														-		-						
Personal Services	-	-														-		-						
Radio & Television Studios	-	-														-		-						
Tasting Rooms	-	-														-		-						
Visitor Accommodations	-	-														-		-						
Separately Regulated Commercial Services Uses																								
<i>Adult Day Care Facility</i>	L	L														L		L						
Adult Entertainment Establishments:																								
Adult Book Store	-	-														-		-						
Adult Cabaret	-	-														-		-						

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
Adult Drive-In Theater	-	-																						
Adult Mini-Motion Picture Theater	-	-																						
Adult Model Studio	-	-																						
Adult Motel	-	-																						
Adult Motion Picture Theater	-	-																						
Adult Peep Show Theater	-	-																						
Adult Theater	-	-																						
Body Painting Studio	-	-																						
Massage Establishment	-	-																						
Sexual Encounter Establishment	-	-																						
Assembly and Entertainment Uses, Including Places of Religious Assembly	-	-																						
Boarding Kennels / Pet Day Care	-	-																						
Camping Parks	-	-																						
<i>Child Care Facilities:</i>																								
Child Care Centers	€	C										C		C										
Large Family Child Care Homes	£	L										L		L										
Small Family Child Care Homes	£	L										L		L										
Eating and Drinking Establishments with a Drive-in or Drive-through Component	-	-																						
Fairgrounds	-	-																						
Golf Courses, Driving Ranges, and Pitch & Putt Courses	€	C										C		C										
Helicopter Landing Facilities	-	-																						
Massage Establishments, Specialized Practice	-	-																						
Mobile Food Trucks	-	-																						
Nightclubs & Bars over 5,000 square feet in size	-	-																						
Parking Facilities as a <i>Primary Use:</i>																								

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
Permanent Parking Facilities	-	-																						
Temporary Parking Facilities	-	-																						
Private Clubs, Lodges and Fraternal Organizations	-	-																						
Privately Operated, Outdoor Recreation Facilities Over 40,000 Square Feet in Size ⁽⁴³⁾	-	-																						
Pushcarts on Private Property	-	-																						
Recycling Facilities:																								
Large Collection Facility	-	-																						
Small Collection Facility	-	-																						
Large Construction & Demolition Debris <i>Recycling Facility</i>	-	-																						
Small Construction & Demolition Debris <i>Recycling Facility</i>	-	-																						
Drop-off Facility	-	-																						
Green Materials Composting Facility	-	-																						
Mixed Organic Composting Facility	-	-																						
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic	-	-																						
Large Processing Facility Accepting All Types of Traffic	-	-																						
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic	-	-																						
Small Processing Facility Accepting All Types of Traffic	-	-																						
Reverse Vending Machines	-	-																						
Tire Processing Facility	-	-																						
Sidewalk Cafes, Streetaries, and Active Sidewalks		-																						

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 >>	L-		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
Sports Arenas & Stadiums	-	-																						
Theaters that are Outdoor or Over 5,000 Square Feet in Size	-	-																						
Urgent Care Facilities	-	-																						
Veterinary Clinics & Animal Hospitals	-	-																						
Zoological Parks	-	-																						
Offices																								
Business & Professional	-	-																						
Government	-	-																						
Medical, Dental, & Health Practitioner	-	-																						
Regional & Corporate Headquarters	-	-																						
Separately Regulated Office Uses																								
Real Estate Sales Offices & Model Homes	L	L										L		L										
<i>Sex Offender</i> Treatment & Counseling	-	-																						
Vehicle & Vehicular Equipment Sales & Service																								
Commercial Vehicle Repair & Maintenance	-	-																						
Commercial Vehicle Sales & Rentals	-	-																						
Personal Vehicle Repair & Maintenance	-	-																						
Personal Vehicle Sales & Rentals	-	-																						
Vehicle Equipment & Supplies Sales & Rentals	-	-																						
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses																								
Automobile Service Stations	-	-																						
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i>	-	-																						
Vehicle Storage Facilities as a <i>Primary Use</i>	-	-																						
Distribution and Storage																								
Equipment & Materials Storage Yards	-	-																						

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-							
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Moving & Storage Facilities	-	-												-		-								
Distribution Facilities	-	-												-		-								
Separately Regulated Distribution and Storage Uses																								
Junk Yards	-	-												-		-								
Temporary Construction Storage Yards Located Off-site	N	N												N		N								
Industrial																								
Heavy Manufacturing	-	-												-		-								
Light Manufacturing	-	-												-		-								
Marine Industry	-	-												-		-								
Research & Development	-	-												-		-								
Testing Labs	-	-												-		-								
Trucking & Transportation Terminals	-	-												-		-								
Separately Regulated Industrial Uses																								
Artisan Food and Beverage Producer	-	-												-		-								
<i>Cannabis Production Facilities</i>	-	-												-		-								
<i>Hazardous Waste</i> Research Facility	-	-												-		-								
<i>Hazardous Waste</i> Treatment Facility	-	-												-		-								
Marine Related Uses Within the Coastal Overlay Zone	-	-												-		-								
Mining and Extractive Industries	-	-												-		-								
Newspaper Publishing Plants	-	-												-		-								
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises	-	-												-		-								
Very Heavy Industrial Uses	-	-												-		-								
Wrecking & Dismantling of Motor Vehicles	-	-												-		-								
Signs																								
Allowable Signs	P	P												P		P								
Separately Regulated Signs Uses																								

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	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Community Entry <i>Signs</i>	E	L										L		L							
Neighborhood Identification <i>Signs</i>	N	N										N		N							
Comprehensive <i>Sign</i> Program	-	-										-		-							
Revolving <i>Projecting Signs</i>	-	-										-		-							
<i>Signs</i> with Automatic Changing Copy	-	-										-		-							
Theater <i>Marquees</i>	-	-										-		-							

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 ⁽⁴⁰⁸⁾	P ⁽⁴⁰⁸⁾			P ⁽⁴⁰⁸⁾			P ⁽⁴⁰⁸⁾		P ⁽⁴⁰⁸⁾			
Accessory Dwelling Units through Employee Housing: Greater than 12 Employees [No change in text.]		[No change in text.]												
Fraternities and Sororities		C ⁽⁴¹⁹⁾	C ⁽⁴¹⁹⁾			C ⁽⁴¹⁹⁾			C ⁽⁴¹⁹⁾		C ⁽⁴¹⁹⁾			
Garage, Yard, & Estate Sales [No change in text.]		[No change in text.]												
Guest Quarters		L ⁽⁸⁶⁾	-			-			-		-			
Home Occupations through <i>Permanent Supportive Housing</i> [No change in text.]		[No change in text.]												
Residential Care Facilities:														
6 or f ewer p ersons		P	P			P			P		<u>P</u>			

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	
7 or m More p Persons		€ <u>L</u>			€ <u>L</u>			€ <u>L</u>			€ <u>L</u>		<u>-L</u>	
Student Housing [No change in text.]		[No change in text.]												
Transitional Housing Facilities		[No change in text.]												
6 or f Fewer p Persons		P			P			P			P		P	
7 or m More p Persons		L			L			L			L		L	
Watchkeeper Quarter through Institutional, Separately Regulated Institutional Uses , Homeless Facilities: Homeless Day Centers [No change in text.]		[No change in text.]												
Hospitals, Intermediate Care Facilities & Nursing Facilities		C			C			C			C		-	
<u>Intermediate Care Facilities & Nursing Facilities</u>		<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>		<u>L</u>	
Institutional, Separately Regulated Institutional Uses , Interpretive Centers through Retail Sales, Building Supplies & Equipment [No change in text.]		[No change in text.]												
Food, Beverages and Groceries		-			-			P ⁽⁶⁵⁾			P ⁽⁶⁵⁾		P ⁽⁶⁵⁾	
Retail Sales, Consumer Goods, Furniture, Appliances, Equipment through Retail Sales, Pets & Pet Supplies [No change in text.]		[No change in text.]												
Sundries, Pharmaceuticals, & Convenience Sales		-			-			P ⁽⁶⁵⁾			P ⁽⁶⁵⁾		P ⁽⁶⁵⁾	
Wearing Apparel & Accessories		-			-			P ⁽⁵⁾			P ⁽⁵⁾		P ⁽⁵⁾	
Separately Regulated Retail Sales Uses , Agriculture Related Supplies & Equipment through Commercial Services, Building Services [No change in text.]		[No change in text.]												
Business Support		-			-			P ⁽⁶⁵⁾			P ⁽⁶⁵⁾		P ⁽⁶⁵⁾	

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	
Eating & Drinking Establishments		-			-			P ⁽⁵⁾			P ⁽⁵⁾		P ⁽⁵⁾	
Financial Institutions through Funeral & Mortuary Services [No change in text.]		[No change in text.]												
Instructional Studios		P ⁽⁵⁾			P ⁽⁵⁾			P ⁽⁵⁾			P ⁽⁵⁾		P ⁽⁵⁾	
Maintenance & Repair through Off-Site Services [No change in text.]		[No change in text.]												
Personal Services		-			-			P ⁽⁶⁵⁾			P ⁽⁶⁵⁾		P ⁽⁶⁵⁾	
Radio & Television Studios through Tasting Rooms [No change in text.]		[No change in text.]												
Visitor Accommodations		-			-			-			P ^(5, 4.10)		P ^(5, 4.10)	
Separately Regulated Commercial Services Uses, Adult Day Care Facility through Child Care Facilities: Child Care Centers [No change in text.]		[No change in text.]												
Large Family Child Care Homes		L			L			L			L		<u>L</u>	
Small Family Child Care Homes		L			L			L			L		<u>-L</u>	
Eating and Drinking Establishments with a Drive-in or Drive-through Component through Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]												
Mobile Food Trucks		-			L ⁽⁹⁷⁾			L ⁽⁹⁷⁾			L ⁽⁹⁷⁾		L ⁽⁹⁷⁾	
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]		[No change in text.]												
Offices														
Business & Professional		-			-			P ⁽⁶⁵⁾			P ⁽⁶⁵⁾		P ⁽⁶⁵⁾	

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
Government	-			-			-			-		-	
Medical, Dental, & Health Practitioner	-			-			P ⁽⁶⁵⁾			P ⁽⁶⁵⁾		P ⁽⁶⁵⁾	
Regional & Corporate Headquarters through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]												

Footnotes for Table 131-04B

¹ through² [No change in text.]

³ ~~This use is permitted only if as an accessory use, but shall not be subject to the accessory use regulations in Section 131.0125.~~

⁴³ The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.

⁵⁴ Two *guest rooms* are permitted for visitor accommodations per the specified square footage of lot area required per *dwelling unit* (maximum permitted *density*), as indicated on Table 131-04G.

⁶⁵ See Section 131.0423.

⁷ ~~Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a premises of at least 5 acres. Maintaining, raising, feeding, or keeping of swine is not permitted.~~

⁸⁶ 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*.

⁹⁷ 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.

¹⁰⁸ *Development* of a small *lot subdivision* is permitted in accordance with Section 143.0365.

¹¹² *Development* of *multiple dwelling units* permitted in accordance with Sections 141.0305 and 141.0319.

- ¹⁰ Visitor accommodation lodging for uses other than a SRO hotel or SRO hotel room shall not be used for a stay of more than 30 consecutive days.

§131.0423 ~~Additional~~ Commercial Use Regulations for Residential Zones

The ~~additional~~ commercial use regulations identified in this ~~s~~Section are applicable to retail sales, commercial services, and office uses where indicated in Table 131-04B.

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

(c) Use ~~may~~ shall be located only on the ground *floor* of a mixed-use development.

(d) A maximum of 10 percent of the total gross floor area of all buildings on the premises may be used for commercial uses subject to the following:

(1) Eating and drinking establishments shall not exceed 2,000 square feet.

(2) All uses or activities shall be conducted entirely within an enclosed building and front onto the primary street. No uses or activities shall be conducted outdoors in the rear yard.

~~(d)~~(e) Operation shall be limited to hours between 6:00 a.m. and 10:00 p.m., except eating and drinking establishments are limited to hours between 6:00 a.m. and 12:00 a.m.

§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)~~ RE Zones

Table 131-04C

Development Regulations for RE Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones		
	1st & 2nd >>	RE-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
Max permitted density (DU per lot)	1	1	1	1
Min lot area (ac)	10	5	1	1
Min lot dimensions				
Lot width (ft)	200	200	100	100
<i>street frontage</i> (ft) [See Section 131.0442(a)]	200	200	100	100
Lot width (corner) (ft)	200	200	100	100
Lot depth (ft)	200	200	150	150
Setback requirements				
Min Front <i>setback</i> (ft) [See Section 131.0443(a)(1)]	25	25	25	25
Min Side <i>setback</i> (ft) [See Section 131.0443(a)(4)] [Multiply number in table by actual lot width to calculate setback]	.08	.08	.08	.08
Min <i>Street</i> side <i>setback</i> (ft) [See Section 131.0443(a)(4)] [Multiply number in table by the actual lot width to calculate setback]	.10	.10	.10	.10
Min Rear <i>setback</i> (ft) [See Section 131.0443(a)(2)]	25	25	25	25
Setback requirements for resubdivided corner lots [See Section 113.0246(f)]	applies	applies	applies	applies
Max structure height (ft) [See Section 131.0444(a)]	30	30	30	30
Lot coverage for sloping lots [See Section 131.0445(a)]	applies	applies	applies	applies
Max floor area ratio	0.10	0.20	0.35	0.35
Max paving/ hardscape [See Section 131.0447]	applies	applies	applies	applies
Accessory uses and structures [See Sections 131.0448 and 141.0307]	applies	applies	applies	applies

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones		
	1st & 2nd >>	RE-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
Garage regulations [See Section 131.0449(a)]		applies	applies	Applies
Building spacing [See Section 131.0450]		applies	applies	applies
Max third story dimensions		—	—	—
Architectural projections and encroachments		—	—	—
Supplemental requirements [See Section 131.0464(a)]		applies	applies	applies
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies
Visibility Area [See Section 113.0273]		applies	applies	applies
Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12]		applies	applies	applies

(b)(a) 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						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
Max permitted density (DU per lot) through Setback Requirements , Min Front setback (ft) [No change in text.]		[No change in text.]						
Min Side setback (ft) [Multiply number in table by actual lot width to calculate setback]		.08 10 ⁽²⁾	.08 8 ⁽²⁾	.08 7 ⁽²⁾	.08 6 ⁽²⁾	.08 5 ⁽²⁾	.08 5 ⁽²⁾	.08 4 ⁽²⁾
Min Street side setback (ft) [Multiply number in table by actual lot width to calculate setback]		.10 10 ⁽²⁾	.10 8 ⁽²⁾	.10 7 ⁽²⁾	.10 6 ⁽²⁾	.10 6 ⁽²⁾	.10 6 ⁽²⁾	.10 5 ⁽²⁾

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 >>	1	2	3	4	5	6	7
Min Rear <i>setback</i> (ft) through Supplemental requirements [See Section 131.0464(a)] [No change in text.]	[No change in text.]							
Bedroom regulation ⁽⁸⁾	-	-	-	-	-	-	-	
Refuse and Recyclable Material Storage [See Section 142.0805] through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [No change in text.]	[No change in text.]							

Footnotes for Table 131-04D

¹ [No change in text.]

² ~~For lots greater than 50 feet in width, the required side setbacks may be reallocated where the combined dimension of each side setback would meet or exceed the combined total required in Table 131-04D, in which case side setbacks shall not be reduced to less than 4 feet, and street side setbacks shall not be reduced to less than 10 feet. Once a side setback is reallocated and established at a dimension less than the percentage indicated in Table 131-04D, all additions to the primary structure thereafter shall maintain the established side setback. See Section 131.0443(a)(4).~~

³ through ⁷ [No change in text.]

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

~~(e)~~(b) RX Zones

Table 131-04E

Development Regulations for RX Zones

[No change in text.]

~~(d)~~(c) RT Zones

Table 131-04F

Development Regulations for RT Zones

[No change in text.]

(e)(d) RM Zones

Table 131-04G

Development Regulations for RM Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
		1st & 2nd >>	RM-				
	3rd >>	1-	1-	1-	2-	2-	2-
	4th >>	1	2	3	4	5	6
Maximum permitted density^{(1),(2)} (sf per DU) through Max floor area ratio , 8 or more dwelling units [No change in text.]		[No change in text.]					
<u>Floor Area Ratio Bonus for Child Care</u> [See Section 131.0446(e)]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>
Accessory uses and structures [See Section 131.0448] through Max structure height (ft) [No change in text.]		[No change in text.]					
Max lot coverage		7,000 =	7,000 =	7,000 =	<u>applies =</u>	<u>applies =</u>	<u>applies</u> ⁽³⁴⁾
Max floor area ratio		[No change in text.]					
<u>Floor Area Ratio Bonus for Child Care</u> [See Section 131.0446(e)]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM-					
	3rd >>	1-	1-	1-	2-	2-	2-
	4th >>	1	2	3	4	5	6
Accessory uses and structures [See Section 131.0448] through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12]		[No change in text.]					

Footnotes for Table 131-04G

¹ through ³⁴ [No change in text.]

³⁵ See Section ~~131.0446(e)~~ 131.0446(f).

³⁶ through ³⁹ [No change in text.]

§131.0442 Minimum Lot Dimensions in Residential Zones

- (a) Exception to ~~Minimum~~ *Street Frontage* in the ~~RE~~, RS, and RM Zones

The minimum *street frontage* for any *lot* in the ~~RE~~, RS, and RM zones that fronts principally on a turnaround or curving *street* with a centerline radius of less than 100 feet, is 60 percent of the *street frontage* specified for the zone in which the *lot* is located as shown in Diagram 131-04A.

Diagram 131-04A

Lot Frontage on Curving Street

[No change in text.]

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

§131.0443 Setback Requirements in Residential Zones

- (a) *Setbacks* in ~~RE~~ and RS Zones

(1) Front *Setbacks* in ~~RE and~~ RS Zones

For that portion of a *lot* that fronts a cul-de-sac, the minimum front *setback* may be reduced 5 feet below the requirement specified in ~~Tables 131-04C and~~ 131-04D; however, in no case shall the *setback* be less than 5 feet.

(2) Rear *Setback* in ~~all RE Zones and~~ the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, RS-1-7 Zones

(A) The required rear *setback* is at least the dimension shown in ~~Tables 131-04C and~~ 141-04D, except as follows:

(i) [No change in text.]

(ii) For *lots* greater than 150 feet in depth, the rear *setback* is at least 10 percent of the ~~lot~~ lot depth or the dimension shown in ~~Tables 131-04C and~~ 131-04D, whichever is greater.

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

(3) [No change in text.]

(4) Side and *Street Side Setbacks* in ~~RE and~~ RS Zones

~~For lots greater than 50 feet in width, the required side setback may be reallocated where the combined dimension of each side setback would meet or exceed the combined total required in Tables 131-04C and 131-04D, in which case side setbacks shall not be reduced to less than 4 feet, and street side setbacks shall not~~

~~be reduced to less than 10 feet. Once a side *setback* is reallocated and established at a dimension less than the percentage indicated in Tables 131-04C and 131-04D, all additions to the *primary structure* thereafter shall maintain the established side *setback*.~~

(A) For lots where the lot width is less than the minimum required lot width of the applicable zone as shown in Table 131-04D, each side *setback* shall be 8 percent of the lot width.

(B) Side *setback* relocation for lots greater than 50 feet in width.

(i) The required side *setbacks* may be reallocated where the combined dimensions of each side *setback* would meet or exceed the combined total indicated in Table 131-04D. Once a side *setback* is reallocated and established at a dimension less than the total indicated in Table 131-04D, all additions to the *primary structure* shall maintain the established side *setback*.

(ii) A reallocated side *setback* shall not be reduced to less than 4 feet.

(iii) A reallocated *street* side *setback* shall not be reduced to less than 10 feet.

(b) *Setbacks* in the RX Zones

(1) Front *Setback* in RX Zones

RX zone *developments* exceeding a total of four ~~dwelling units~~ dwelling units are required to provide variable from *setbacks* as follows:

- (A) Front *setbacks* of 15 feet are required for at least 25 percent of the total ~~dwelling units~~ dwelling units, 10-foot front *setbacks* are required for at least 25 percent of the total ~~dwelling units~~ dwelling units, and 20-foot front *setbacks* are required for at least 25 percent of the total ~~dwelling units~~ dwelling units;
- (B) No more than 40 percent of the total number of ~~dwelling units~~ dwelling units are permitted to have front *setbacks* in any one category (i.e., 10 feet, 15 feet, or 20 feet) described in 131.0443(b)(1)(A); and
- (C) [No change in text.]

(2) Side and *Street Side Setbacks* in RX Zones

- (A) [No change in text.]
- (B) For attached dwellings, the following shall apply:
 - (i) through (ii) [No change in text.]
 - (iii) Each separate ~~dwelling unit~~ dwelling unit shall have its own side *yard* wall construction that may abut another *dwelling unit* at the common ~~property line~~

property line. Common wall construction between two *dwelling units* is not permitted.

(3) [No change in text.]

(c) *Setbacks* in RT Zones

(1) [No change in text.]

(2) Side *Setbacks* in RT Zones

(A) [No change in text.]

(B) Each separate ~~dwelling unit~~ dwelling unit shall have its own side ~~yard~~ yard wall construction that may abut another *dwelling unit* at the common ~~property line~~ property line. Common wall construction between two *dwelling units* is not permitted.

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

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

(f) *Setbacks* in RM-3-7, RM-3-8, RM-3-9 Zones

(1) [No change in text.]

(2) Side *Setbacks* in RM-3-7, RM-3-8, RM-3-9 Zones

(A) [No change in text.]

(B) Up to 50 percent of the length of the building adjacent to the side *yard* may ~~abut~~ be placed anywhere between the side setback and the property line, provided that no encroaching element shall exceed 30 feet in length, that encroaching elements are separated by at least 6 feet, and that each

~~dwelling unit~~ dwelling unit has access to either the front or rear of the *lot*. See Diagram 131-04I.

Diagram 131-04I

Zero Side Setback Option

[No change in text.]

(3) [No change in text.]

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

§131.0445 Lot Coverage in Residential Zones

(a) In ~~all RE zones~~, the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, and RS-1-7 zones; and in small *lot subdivisions* in accordance with Section 143.0365, the maximum permitted *lot coverage* is 50 percent on any *premises* where more than 50 percent of the *premises* contains *steep hillsides*.

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

§131.0446 Maximum Floor Area Ratio in Residential Zones

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

(e) In the RM zones, on lots over 10,000 square feet, a floor area ratio bonus over the otherwise maximum allowable gross floor area is permitted at the rate of 10 square feet of additional gross floor area for each 1 square foot of gross floor area if a child care facility is added to the total area of the premises when determining the floor area ratio for a development. The area designated for the child care facility must maintain an ‘E’ occupancy permit for a minimum of 10 years from the time of construction permit

issuance and must comply with the requirements of Section 141.0606
(Child Care Facilities).

- (e)(f) In the RM-5-12 zone, the maximum permitted *floor area ratio* for buildings exceeding 4 *stories* or 48 feet of *structure height* shall be increased in accordance with Table 131-04K.

Table 131-04K

Floor Area Ratio in the RM-5-12 Zone

[No change in text.]

§131.0449 Garage Regulations in Residential Zones

- (a) Garages within an existing embankment in the ~~RE~~, RS, and RX Zones, and in small *lot subdivisions* in accordance with Section 143.0365.

Attached or detached garages, not exceeding 12 feet in height, including parapets and handrails, may encroach into the front and *street side yards*, as shown in Diagram 131-04N, subject to the following conditions:

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

- (6) In the ~~RE~~ and RS zones the building does not exceed 525 square feet in *gross floor area*;

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

Diagram 131-04N

Garage Within Existing

[No change in text.]

- (b) Garages in RT Zones

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

- (9) The garage may be attached to the *dwelling unit*, subject to the following conditions:
- (A) A court yard with minimum dimensions of 10 feet by 10 feet must be provided within the rear 50 percent of the *lot*, as shown in Diagram 131-04O, or within the ~~dwelling unit~~ *dwelling unit*. The court yard shall extend the full height of the *structure* and must be at least 75 percent open to sunlight;

Diagram 131-04O

Courtyard Requirement with Attached Garage

[No change in text.]

- (B) [No change in text.]
- (C) The garage is subject to the same height limits as the ~~dwelling unit~~ *dwelling unit*.
- (10) [No change in text.]

§131.0464 Supplemental Requirements for Residential Zones

- (a) Supplemental Requirements for ~~RE~~ and RS Zones
- (1) *Manufactured homes* are permitted as residential ~~dwelling units~~ *dwelling units* subject to all regulations of the applicable zone in addition to the following supplemental regulations:
- (A) through (D) [No change in text.]
- (b) Supplemental Requirements for RX Zones:
- (1) [No change in text.]

(2) *Manufactured homes* are permitted as residential ~~dwelling units~~ dwelling units provided they comply with the regulations in Section 131.0464(a)(1).

(c) Supplemental Requirements for RT Zones:

(1) When an RT *development* exceeds 12 units and the *lots* are greater than 90 feet in depth, the front façade of one-third of the ~~dwelling units~~ dwelling units must be offset 3 feet from the front façade of the remaining units.

(2) For all ~~dwelling units~~ dwelling units, 20 percent of the area of the front façade shall be used for door and window area.

(3) One building articulation feature from each category listed below shall be incorporated into each ~~dwelling unit~~ dwelling unit:

Category A through Inset entry [No change in text.]

Building articulation features shall be provided in accordance with the following regulations. Those features that may project into the required front and street side yards are indicated and are subject to the requirements in Section 131.0461(c).

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

(d) Supplemental Requirements from RM-1-1, RM-1-2, RM-1-3 Zones

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

(3) Within the front façade on all *floors* above the first *floor*, a transparent glass window or windows with an aggregate area of at

least 20 square feet shall be provided for each ~~dwelling unit~~
dwelling unit that faces the *street*.

(e) Supplemental Requirements for the RM-2-4, RM-2-5, RM-2-6 Zones

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

(4) Within the *building façade* on all *floors* above the first *floor*, a transparent glass window or windows with an aggregate area of at least 20 square feet shall be provided for each ~~dwelling unit~~
dwelling unit that faces the *street*.

(f) [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

Symbol in Table 131-05B	Description of Symbol
[No change in text.]	[No change in text.]
[No change in text.]	Use is permitted with limitations, which may include location limitations or the requirement for a use or <i>development permit</i> . Regulations are located in Chapter 14, Article 1 (Separately Regula — amended 10-23-17ted <u>Regulated</u> Use Regulations).
[No change in text.]	[No change in text.]
[No change in text.]	[No change in text.]
[No change in text.]	[No change in text.]

Table 131-05B

Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																
	1st & 2nd >>	CN ⁽⁺⁾ -					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
Open Space through Residential, Separately Regulated Residential Uses, Accessory Dwelling Units [No change in text.]	[No change in text.]																	
Continuing Care Retirement Communities	L L - L <u>L</u> L L -																	
Employee Housing: 6 or Fewer Employees through Residential Care Facilities: 6 or Fewer Persons [No change in text.]	[No change in text.]																	
7 or More Persons	€ <u>L</u> ⁽²⁾ € <u>L</u> ⁽²⁾ <u>L</u> € <u>L</u> <u>L</u> € <u>L</u> € <u>L</u> ⁽²⁾ -																	
Student Housing [No change in text.]	[No change in text.]																	
Transitional Housing:																		
6 or Fewer Persons	P ⁽²⁾ P - P -P P P ⁽²⁾ -																	
7 or More Persons through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Homeless Day Centers [No change in text.]	[No change in text.]																	
Hospitals, Intermediate Care Facilities & Nursing Facilities	- P P C C C P ⁽¹⁰⁾ -																	
<u>Intermediate Care Facilities & Nursing Facilities</u>	= <u>P</u> <u>P</u> <u>C</u> <u>C</u> <u>C</u> <u>P</u> ⁽¹⁰⁾ =																	
Interpretive Centers through <i>Placemaking</i> on Private Property [No change in text.]	[No change in text.]																	
Outdoor Dining on Private Property	L ⁽¹⁾ L L L L L L L -																	
Satellite <i>Antennas</i> through <i>Wireless Communications Facilities</i> [No change in text.]	[No change in text.]																	
Retail Sales																		
Building Supplies & Equipment	P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾ - - - - -																	
Food, Beverages and Groceries	P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾ P ^(11,19) P ⁽¹¹⁾ -																	
Consumer Goods, Furniture, Appliances, Equipment	P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾ P ^(3,11) P ^(3,11) P ^(3,11,19) P ⁽¹³⁾ -																	
Pets & Pet Supplies	P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾ - - - - -																	
Sundries, Pharmaceutical, & Convenience Sales	P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾ P ^(11,19) P ⁽¹¹⁾ -																	

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 ⁽⁺⁾ -			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
Wearing Apparel & Accessories		P ⁽¹¹⁾			P ⁽¹¹⁾	P ⁽¹¹⁾	-	-	P ^(11,19)		P ⁽¹¹⁾	-			
Separately Regulated Retail Sales Uses															
Agriculture Related Supplies & Equipment [No change in text.]		[No change in text.]													
Alcoholic Beverage Outlets		L ⁽¹⁾	L	L	L	L	L	L	L	L	L	-			
<i>Cannabis Outlets</i> [No change in text.]		[No change in text.]													
Farmers' Markets															
Weekly Farmers' Markets		L ⁽¹⁾	L	L	L	L	L	L	L	L	L	L			
Daily Farmers' Market Stands		L ⁽¹⁾	L	L	L	L	L	L	L	L	L	-			
Plant Nurseries		P ⁽¹⁾	P	P	-	-	-	-	-	-	-	-			
Retail Farms		L ⁽¹⁾	L	L	L	L	L	L	L	L	-	-			
Retail Tasting Stores		L ⁽¹⁾	L	L	L	L	L	L	L	L	L	-			
Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]		[No change in text.]													
Commercial Services															
Building Services [No change in text.]		[No change in text.]													
Business Support		P ⁽¹⁾	P	P	P ⁽⁵⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	-	-	-	-			
Eating & Drinking Establishments		P ^(1,4,16)	P ⁽¹⁶⁾	P ⁽¹⁶⁾	P ^(5,16)	P ^(5,16)	P ^(5,16)	P ^(5,16)	P ⁽¹⁶⁾	P ⁽¹⁶⁾	-	-			
Financial Institutions		P ⁽¹⁾	P	P	P	P	P	P	-	-	-	-			
Funeral & Mortuary Services [No change in text.]		[No change in text.]													
Instructional Studios		P ⁽¹⁾	P	P	P	P	P	P	P ⁽¹²⁾	-	-	-			
Maintenance & Repair		P ⁽¹⁾	P	P	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	-	-	-	-			
Off-site Services [No change in text.]		[No change in text.]													
Personal Services		P ⁽¹⁾	P	P	-	-	P	P	P	P	-	-			
Radio & Television Studios through Tasting Rooms [No change in text.]		[No change in text.]													
Visitor Accommodations		P ⁽²¹⁾	P	P	-	P	P	P	P	P	-	-			
Separately Regulated Commercial Services Uses															
<i>Adult Day Care Facility</i>		L ⁽¹⁾	L	-	L	-	L	L	L	L	-	-			
Adult Entertainment Establishments:															
Adult Book Store		L ⁽¹⁾	L	L	-	-	-	-	-	-	-	-			
Adult Cabaret through Adult Mini-Motion Picture Theater [No change in text.]		[No change in text.]													
Adult Model Studio		L ⁽¹⁾	L	L	-	-	-	-	L	-	-	-			
Adult <i>Motel</i> through Adult Theater [No		[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 >>	CN(+)-			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
change in text.]	[No change in text.]																	
Body Painting Studio	L ⁽¹⁾			L	L	-	-	-	L	-								
Massage Establishment	L ⁽¹⁾			L	L	-	-	-	-	-								
Sexual Encounter Establishment	L ⁽¹⁾			L	L	-	-	-	L	-								
Assembly and Entertainment Uses, Including Places of Religious Assembly through Camping Parks [No change in text.]	[No change in text.]																	
<i>Child Care Facilities:</i>																		
Child Care Centers	L ⁽¹⁾			L	-	L	L	L	L ⁽¹⁰⁾	-								
Large Family Child Care Homes	L ⁽¹⁾			L	-	L	L	L	L ⁽¹⁰⁾	-								
Small Family Child Care Homes	L ⁽¹⁾			L	-	L	L	L	L	-								
Eating and Drinking Establishments with a Drive-in or Drive-through Component	-	C ⁽¹⁾	-	-	-	-	P		P	P	P	-	P	-	-			
Fairgrounds through Helicopter Landing Facilities [No change in text.]	[No change in text.]																	
Massage Establishments, Specialized Practice	L ⁽¹⁾			L	L	-	-	-	L ⁽¹⁴⁾	-								
Mobile Food Trucks	L ⁽¹⁾⁽¹⁵⁾			L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾								
Nightclubs & Bars Over 5,000 Square Feet in Size through Parking Facilities as a <i>Primary Use</i> : Temporary Parking Facilities [No change in text.]	[No change in text.]																	
Private Clubs, Lodges and Fraternal Organizations	P ⁽¹⁾⁽¹⁰⁾			P	P	P	P	P	P ⁽¹⁰⁾	-								
Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size ⁽⁹⁾ [No change in text.]	[No change in text.]																	
Pushcarts on Private Property	L ⁽¹⁾			L	L	L	L	L	L	-								
<i>Recycling Facilities:</i>																		
Large Collection Facility	N ⁽¹⁾			N	N	N	N	-	N ⁽¹⁰⁾	-								
Small Collection Facility	L ⁽¹⁾			L	L	L	L	-	L ⁽¹⁰⁾	-								
Large Construction & Demolition Debris <i>Recycling Facility</i> through Small Construction & Demolition Debris <i>Recycling Facility</i> [No change in text.]	[No change in text.]																	
Drop-off Facility	L ⁽¹⁾			L	L	L	L	-	L	-								
Green Materials Composting Facility through Small Processing Facility Accepting All Types of Traffic [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 >>	CN ⁽⁺⁾ -			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
Reverse Vending Machines		L ⁽¹⁾			L	L	L	L	L	L	L	L	-		
Tire Processing Facility [No change in text.]		[No change in text.]													
Sidewalk Cafes, Streetaries, and Active Sidewalks		L ⁽¹⁾			L	L	L	L	L	L	L	L	-		
Sports Arenas & Stadiums Theaters that are Outdoor Over 5,000 Square Feet in Size [No change in text.]		[No change in text.]													
Urgent Care Facilities		N ⁽²⁰⁾			N	N	N	N	N	N	N ⁽¹⁰⁾	-			
Veterinary Clinics & Animal Hospitals through Zoological Parks [No change in text.]		[No change in text.]													
Offices															
Business & Professional		P ⁽¹⁾⁽⁷⁾			P	P	P	P	P ¹⁹	-	-				
Government		P ⁽¹⁾			P	P	P	P	P ¹⁹	-	-				
Medical, Dental & Health Practitioner		P ⁽¹⁾			P	P	P	P	P ¹⁹	P ⁽¹⁰⁾	-				
Regional & Corporate Headquarters		P ⁽¹⁾			P	P	P	P	P ¹⁹	-	-				
Separately Regulated Office Uses															
Real Estate Sales Offices & Model Homes		L ⁽¹⁾			L	-	L	L	L	L	L	-			
<i>Sex Offender</i> Treatment & Counseling		L ⁽¹⁾			L	L	L	L	L	L ⁽¹⁰⁾	-				
Vehicle & Vehicular Equipment Sales & Service, Commercial Vehicle Repair & Maintenance through Separately Regulated Distribution and Storage Uses, Junk Yards [No change in text.]		[No change in text.]													
Temporary Construction Storage Yards Located Off-site		L ⁽¹⁾			L	L	L	L	L	L	L	-			
Industrial, Heavy Manufacturing through Trucking & Transportation Terminals [No change in text.]		[No change in text.]													
Separately Regulated Industrial Uses															
Artisan Food and Beverage Producer		N ⁽¹⁾			-	-	-	-	L	-	-				
<i>Cannabis Production Facilities</i> through Signs, Separately Regulated Signs Uses, Theater <i>Marquees</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 >>	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
Open Space through Residential, Separately Regulated Residential Uses, Residential Care Facilities: 6 or Fewer Persons [No change in text.]	[No change in text.]																									
7 or More Persons	€ <u>L</u>	-	€ <u>L</u>	€ <u>L</u>	€ <u>L</u>																					
Student Housing through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Homeless Day Centers [No change in text.]																										
Hospitals, Intermediate Care Facilities & Nursing Facilities	C	C	C	C	C																					
<u>Intermediate Care Facilities & Nursing Facilities</u>	<u>L</u>	<u>C</u>	<u>L</u>	<u>L</u>	<u>L</u>																					
Interpretive Centers through Commercial Services, Tasting Rooms [No change in text.]	[No change in text.]																									
Visitor Accommodations	<u>P⁽²¹⁾</u>	<u>P⁽²¹⁾</u>	<u>P⁽²¹⁾</u>	<u>P⁽²¹⁾</u>	<u>P⁽²¹⁾</u>																					
Commercial Services, Separately Regulated Commercial Services Uses, Adult Day Care Facility through Theaters that are Outdoor or Over 5,000 Square Feet in Size [No change in text.]	[No change in text.]																									
Urgent Care Facilities	<u><u>N L⁽²⁰⁾</u></u>	<u><u>N L⁽²⁰⁾</u></u>	<u><u>N L⁽²⁰⁾</u></u>	<u><u>N L⁽²⁰⁾</u></u>	<u><u>N L⁽²⁰⁾</u></u>																					
Veterinary Clinics & Animal Hospitals through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]																									

Footnotes for Table 131-05B

¹ through ¹⁹ [No change in text.]

²⁰ Within the beach impact area of the Parking Impact Overlay Zone, off-street parking spaces shall be provided at a ratio of no less than one off-street parking space for every 250 square feet of gross floor area.

²¹ Visitor accommodation lodging for uses other than a SRO hotel or SRO hotel room shall not be used for a stay of more than 30 consecutive days.

§131.0531 Development Regulations Tables for Commercial Zones

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

(a) CN Zones

Table 131-05C

Development Regulations for CN Zones

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones					
		1st & 2nd >>	CN-				
	3rd >>	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6
Max Permitted Residential Density⁽¹⁾ through Max Floor Area Ratio, Minimum Floor Area Ratio for Residential Use [No change in text.]		[No change in text.]					
<u>Floor Area Ratio Bonus for Child Care [See Section 131.0546(b)]</u>		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>
Ground-floor Height [See Section 131.0548] through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [No change in text.]		[No change in text.]					

Footnotes for Table 131-05C

¹ One ~~dwelling unit~~ *dwelling unit* per specified minimum square footage of ~~lot~~ *lot* area as determined in accordance with Section 113.0222.

² through ⁴ [No change in text.]

(b) [No change in text.]

(c) CC Zones

Table 131-05E

Development Regulations for CC Zones

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones															
		1st & 2nd >>	CC-														
	3rd >>	1-	2-	4-	5-	1-	2-	4-	5-	1-	2-	4-	5-	2-	3-	4-	5-
	4th >>	1		2		3		4									
Max Permitted Residential Density⁽¹⁾ through Max Floor Area Ratio, Minimum Floor Area Ratio for Residential Use [No change in text.]		[No change in text.]															
<u>Floor Area Ratio Bonus for Child Care</u> [See Section 131.0546(b)]		<u>applies</u>	=	<u>applies</u>	<u>applies</u>												
Ground-floor Height [See Section 131.0548] through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [No change in text.]		[No change in text.]															

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones									
		1st & 2nd >>	CC								
	3rd >>	2-	3-	4-	5-	3-	4-	5-	3-	3-	3-
	4th >>	5		6		7		8		9	
Max permitted Residential Density⁽¹⁾ through Max Floor Area Ratio, Minimum Floor Area Ratio for Residential Use [No change in text.]		[No change in text.]									
<u>Floor Area Ratio Bonus for Child Care</u> [See Section 131.0546(b)]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	
Ground-floor Height [See Section 131.0548] through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [No change in text.]		[No change in text.]									

Footnotes for Table 131-05E

¹ One ~~dwelling unit~~ dwelling unit per specified minimum square footage of ~~lot~~ lot area as determined in accordance with Section 113.0222.

² through ⁵ [No change in text.]

§131.0543 Setback Requirements for Commercial Zones

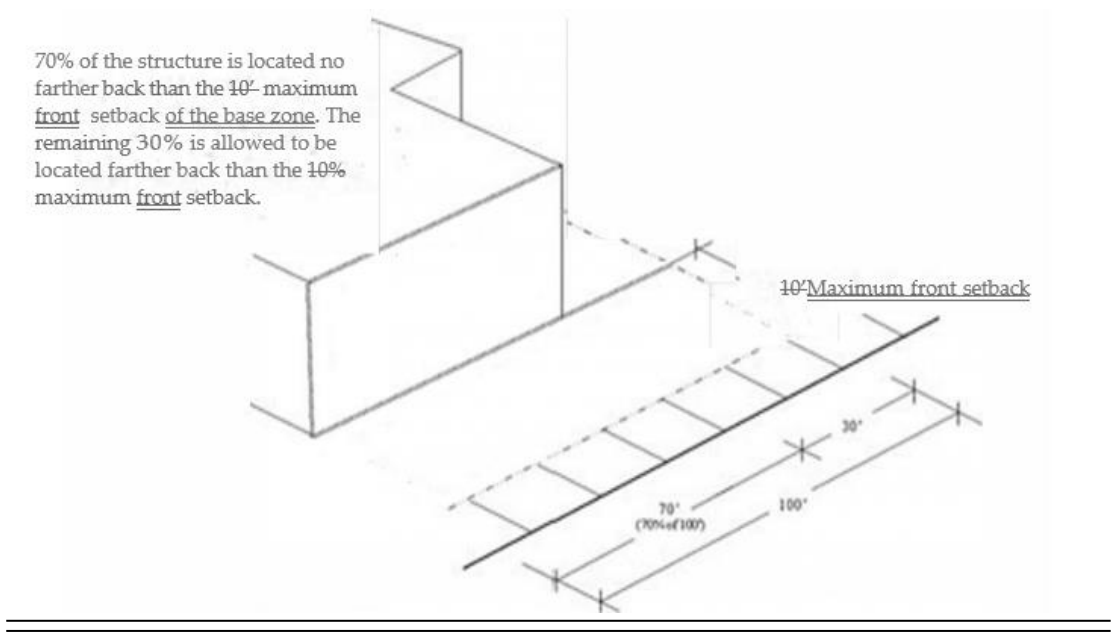
Setback requirements are specified in Tables 131-05C, 131-05D, and 131-05E and are subject to the following exceptions and additional regulations:

(a) Front and *Street Side Setback* Requirements

- (1) Off-street parking in all commercial zones may be located within the required front *yard* and required ~~street~~ street side ~~yard~~ yard adjoining the required landscaped strip abutting *public rights-of-way*.
- (2) In the CN, CO, CV, and CC zones with a maximum front or ~~street~~ street side ~~setback~~ setback as shown in Tables 131-05C, 131-05D, and 131-05E, the maximum ~~setback~~ setback shall apply to only 70 percent of the ~~street frontage~~ street frontage. The remaining 30 percent is not required to observe the maximum ~~setback~~ setback and may be located farther from the ~~property line~~ property line. See Diagram 131-05B.

Diagram 131-05B

Maximum Setback Requirement



- (3) [No change in text.]
- (b) Minimum Side and Rear *Setback*
 - (1) [No change in text.]
 - (2) The optional side or rear *setback* is not applicable to commercial *development* abutting ~~low-density~~ residentially zoned properties with a permitted *density* of less than 15 *dwelling units* per acre as further described in Section 131.0543(c).
- (c) Commercial *Development* Abutting Residential Zoned Properties
 - (1) Commercial *development* abutting ~~low-density~~ residentially zoned properties with a permitted *density* of less than 15 *dwelling units* per acre shall provide a 10-foot minimum *setback* for any side or rear *yard* that abuts low *density* residential zoned property. The *structure* shall comply with additional step back requirements in accordance with Section 131.0543(c)(3).
 - (2) Commercial *development* abutting ~~medium to high-density~~ residentially zoned properties with a permitted *density* of ~~15 *dwelling units*~~ *dwelling units* or more per acre that provide no side or rear *setback* and locate the ~~structure~~ *structure* at the *property line* as provided for by Section 131.0543(b) shall comply with the following:
 - (A) through (B) [No change in text.]
 - (3) [No change in text.]

§131.0546 Maximum Floor Area Ratio

Maximum *floor area ratio* is specified in Tables 131-05C, 131-05D, 131-05E and is subject to the following additional regulations:

(a) [No change in text.]

(b) *Floor Area Ratio* Bonus for ~~Child Care Facilities~~ Child Care Facilities

In the CN zones, CR-1-1, CR-2-1, CO-1-2, CO-2-2, CO-3-1, ~~and~~ CO-3-2, CC-1-1, CC-1-2, CC-1-3, CC-3-4, CC-3-5, CC-3-6, CC-3-7, CC-3-8, CC-3-9, CC-4-1, CC-4-2, CC-4-3, CC-4-4, CC-4-5, CC-4-6, CC-5-1, CC-5-2, CC-5-3, CC-5-4, CC-5-5, and CC-5-6 zones, a *floor area ratio* bonus over the otherwise maximum allowable *gross floor area* is permitted at the rate of ~~4~~-10 square feet of additional *gross floor area* for each 1 square foot of *gross floor area* devoted to the *child care facility* to be added to the total area of the *premises* when determining the *floor area ratio* for a *development*. The area designated for the *child care facility* must maintain an ‘E’ occupancy permit for a minimum of 10 years from the time of *construction permit* issuance and must ~~be in compliance~~ comply with the requirements of Section 141.0606 (Child Care Facilities).

§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 Residential, Separately Regulated Residential Uses, Employee Housing: Greater than 12 Employees [No change in text.]	[No change in text.]										
Fraternities, and Sororities and Student Dormitories	-	-	-	-	-	-	-	-	-	-	-
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]	[No change in text.]										
<u>Student Housing</u>	=	=	=	=	=	=	=	=	=	=	=
Transitional Housing through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Homeless Day Centers [No change in text.]	[No change in text.]										
Hospitals, Intermediate Care Facilities & Nursing Facilities	[No change in text.]										
<u>Intermediate Care Facilities & Nursing Facilities</u>	=	=	<u>L⁽¹⁵⁾</u>	=	=	=	=	=	=	=	=
Interpretive Centers through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]										

Footnotes for Table 131-06B

¹through²³ [No change in text.]

§131.0631 Development Regulations Table for Industrial Zones

The following development regulations apply in the industrial zones as shown in Table 131-06C.

Table 131-06C

Development Regulations for Industrial Zones

Development Regulations [See Section 131.0630 for Development Regulations of Industrial Zones]	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	
Max permitted residential density⁽¹⁰⁾ through Max Structure Height [See Section 131.0644] [No change in text.]	[No change in text.]										
Max Floor Area Ratio	[No change in text.]										
<u>Floor Area Ratio Bonus for Child Care</u> [See Section 131.0632(a)]	<u>applies</u>	=	<u>applies</u>	=	<u>applies</u>	=	<u>applies</u>	=	<u>applies</u>	=	<u>applies</u>
Street Wall Requirements [See Section 142.1030] through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [No change in text.]	[No change in text.]										

Footnotes for Table 131-06C

¹ through ¹⁰ [No change in text.]

¹¹ Within the Otay Mesa Community Plan area, the maximum *floor area ratio* is 0.50 unless a *final map* has been recorded prior to May 18, 2014. This restriction does not apply to residential ~~development~~ *development* in accordance with Section 131.0623(i).

§131.0632 Maximum Floor Area Ratio

Maximum floor area ratio is specified in Table 131-06C.

Floor Area Ratio Bonus for Child Care Facilities

In the IP zones, IL-2-1, IL-3-2, IH-2-1, IH-1-1, and IBT-1-1 zones, a floor area ratio bonus over the otherwise maximum allowable gross floor area is permitted at the rate of 10 square feet of additional gross floor area for each 1 square foot of gross floor area devoted to the child care facility to be added to the total area of the premises when determining the floor area ratio for a development. The area designated for the child care facility must maintain an ‘E’ occupancy permit for a

minimum of 10 years from the time of *construction permit* issuance and must comply with the requirements of Section 141.0606 (Child Care Facilities).

§131.0702 Definitions

The following definitions are applicable to this Division. Where not otherwise specified, the definitions found in Chapter 11, Article 3, Division 1 of the Land Development Code shall apply. Each word or phrase that is defined in this Division, or in Chapter 11, Article 3, Division 1 of the Land Development Code, appears in the text in italicized letters.

Secondary use means an allowed use that is less than 50 percent and more than 10 percent of the ~~total floor area ratio~~ gross floor area of all uses in the development.

Paseo [No change in text.]

§131.0703 Purpose of the RMX (Residential Mixed-Use) Zones

The purpose of the RMX zones is to provide a mix of uses with a focus on residential uses. The RMX zones support residential employment through the inclusion of *shopkeeper units*, small-scale artisan or production spaces, live/work units, or amenities for home employment and small businesses. Residential *development* shall be the *primary use*. The *secondary use* can be non-residential or residential development. If the *secondary use* is residential development, it shall comply with Section 131.0712.

The RMX zones are differentiated in Table 131.07B based on the *floor area ratio* and *structure height*.

§131.0704 Purpose of the EMX (Employment Mixed-Use) Zones

The purpose of the EMX zones is to provide a mix of uses with a focus on non-residential uses with opportunities for residential *development*. The EMX zones allow for a broad mix of uses, including office, research and development, industrial, and retail sales. Non-residential *development* shall be the *primary use*.

The *secondary use* can be non-residential or residential *development*. If the *secondary use* is non-residential *development*, it must be a different non-residential use than the *primary use*. *Development* that contains a research and development use within Prime Industrial Land and Prime Industrial Land – Flex identified in the *land use plan* does not require a *secondary use*. New residential *development* may be the *primary use* on a *premises* or adjacent to a *premises* where the total *gross floor area* is occupied by at least 500,000 square feet of retail sales or eating and drinking establishment uses, or both.

The EMX zones are differentiated in Table 131-07B based on *floor area ratio* and *structure height*.

§131.0707 Use Regulations Table for Mixed-Use Zones

The uses allowed in the mixed-use zones are shown in Table 131-07A.

Legend for Table 131-07A

[No change in text.]

Table 131-07A

Use Regulations Table for Mixed-Use 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 >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Open Space through Residential, Separately Regulated Residential Uses, Residential Care Facilities: 6 or Fewer Persons [No change in text.]		[No change in text.]					
7 or More Persons		<u>EL</u>	<u>EL</u>	<u>EL</u>	<u>EL</u> ⁽¹⁾	<u>EL</u> ⁽¹⁾	<u>EL</u> ⁽¹⁾
Student Housing through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Homeless Day Centers [No change in text.]		[No change in text.]					
Hospitals, Intermediate Care Facilities & Nursing Facilities		C	C	C	C	C	C
<u>Intermediate Care Facilities & Nursing Facilities</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u> ⁽¹⁾	<u>L</u> ⁽¹⁾	<u>L</u> ⁽¹⁾
Interpretive Centers through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]					
<u>Cannabis Outlets</u>		=	=	=	=	=	=
Farmers' Markets, Weekly Farmers' Markets Daily Farmers' Market Stands [No change in text.]		[No change in text.]					
<u>Marijuana Outlets</u>		-	-	-	-	-	-
Plant Nurseries through Commercial Services, Tasting Rooms [No change in text.]		[No change in text.]					
Visitor Accommodations		<u>P</u> ⁽¹⁰⁾	<u>P</u> ⁽¹⁰⁾	<u>P</u> ⁽¹⁰⁾	<u>P</u> ⁽¹⁰⁾	<u>P</u> ⁽¹⁰⁾	<u>P</u> ⁽¹⁰⁾
Commercial Services, Separately Regulated Commercial Services Uses, Adult Day Care Facility through Industrial, Separately Regulated Industrial Uses, Artisan Food and Beverage Producer [No change in text.]		[No change in text.]					
<u>Cannabis Production Facilities</u>		=	=	=	=	=	=
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]					
Marijuana Production Facilities		-	-	-	-	-	-
Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately		[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 >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Regulated Signs Uses, Theater Marquees [No change in text.]							

Footnotes for Table 131-07A

¹through ⁹ [No change in text.]

¹⁰ Visitor accommodation lodging for uses other than a SRO hotel or SRO hotel room shall not be used for a stay of more than 30 consecutive days.

§131.0709 Development Regulations Table for Mixed-Use Zones

The following development regulations apply in the mixed-use zones as shown in Table 131-07B.

Table 131-07B

Development Regulations for RMX and EMX Zones

Development Regulations	Zones					
	RMX-			EMX-		
	1	2	3	1	2	3
Minimum Lot Area (sf) through Setback Requirements, Min Street side Setback (ft), Max Street side Setback (ft) ¹ [No change in text.]	[No change in text.]					
Maximum Floor Area Ratio (3)	[No change in text.]					
<u>Floor Area Ratio Bonus for Child Care</u> [See Section 131.0719(a)]	<u>Applies</u>					
Maximum Structure Height (ft) ⁽²⁾ through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [No change in text.]	[No change in text.]					

Footnotes for Table 131-07B

¹through ³ [No change in text.]

§131.0710 Deviations

Development that proposes deviations to the development regulations of this Division may be permitted with a Neighborhood Development Permit decided in accordance with Process Two for the following:

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

(c) A deviation may not be requested for the following:

~~(1)~~ A deviation from the requirements of the Airport Approach Overlay Zone (Chapter 13, Article 2, Division 2).

~~(2)~~ A deviation from the requirements of the Airport Environs Overlay Zone (Chapter 13, Article 2, Division 3).

~~(3)~~(1) A deviation from the requirements of the Coastal Height Limit Overlay Zone (Chapter 13, Article 2, Division 5).

~~(4)~~(2) Within the Coastal Overlay Zone, a deviation from the requirements of the Parking Impact Overlay Zone (Chapter 13, Article 2, Division 8).

~~(5)~~(3) A deviation from the requirements of the Clairemont Mesa Height Limit Overlay Zone (Chapter 13, Article 2, Division 13).

~~(6)~~(4) A deviation from the requirements of the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15).

~~(7)~~(5) Within the Coastal Overlay Zone, a deviation from the requirements of the Environmentally Sensitive Land Regulations (Chapter 14, Article 3, Division 1).

~~(8)~~(6) A deviation from the requirements of the Historical Resources Regulations (Chapter 14, Article 3, Division 2).

§131.0719 **Maximum Floor Area Ratio**

Maximum floor area ratio is specified in Table 131-07B.

Floor Area Ratio Bonus for Child Care Facilities

In the EMZ and RMX zones, a floor area ratio bonus over the otherwise maximum allowable gross floor area is permitted at the rate of 10 square feet of additional gross floor area for each 1 square foot of gross floor area devoted to the child care facility to be added to the total area of the premises when determining the floor area ratio for a development. The area designated for the child care facility must maintain an ‘E’ occupancy permit for a minimum of 10 years from the time of construction permit issuance and must comply with the requirements of Section 141.0606 (Child Care Facilities).

§132.0402 **Where the Coastal Overlay Zone Applies**

- (a) This overlay zone applies to all property located within the boundaries designated on Map No. C-730.1, Map No. C-908, and Map No. C-1028, filed in the office of the City Clerk as Documents No. 00-17067-1, No. 00-18872, and No. 00-21719. These areas are shown generally on Diagram 132-04A.
- (b) [No change in text.]

Table 132-04A

Coastal Overlay Zone Applicability

[No change in text.]

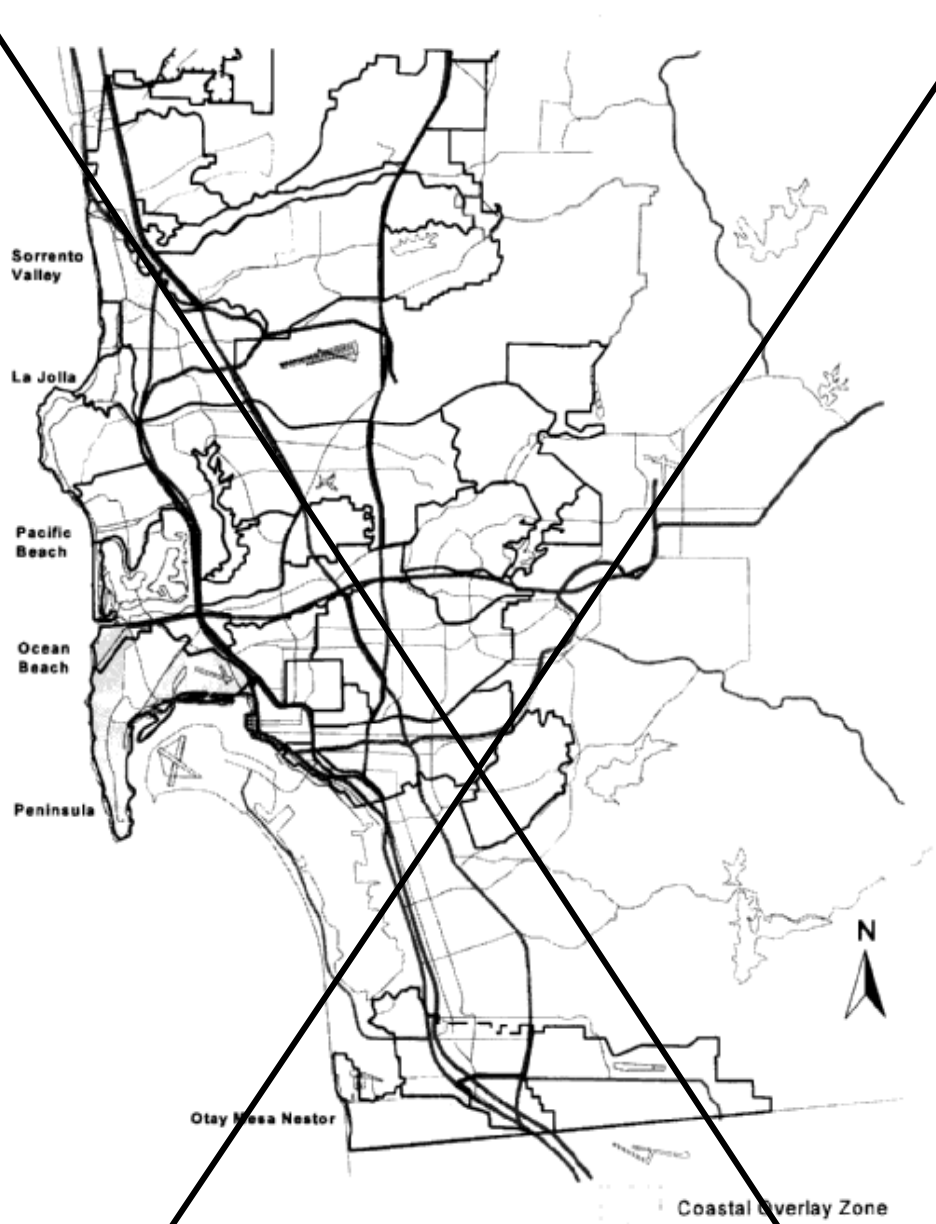


DIAGRAM 132-04A
Coastal Overlay Zone
This is a reproduction of the Coastal Overlay Zone Boundary, as shown on the official zoning maps, for illustration purposes only

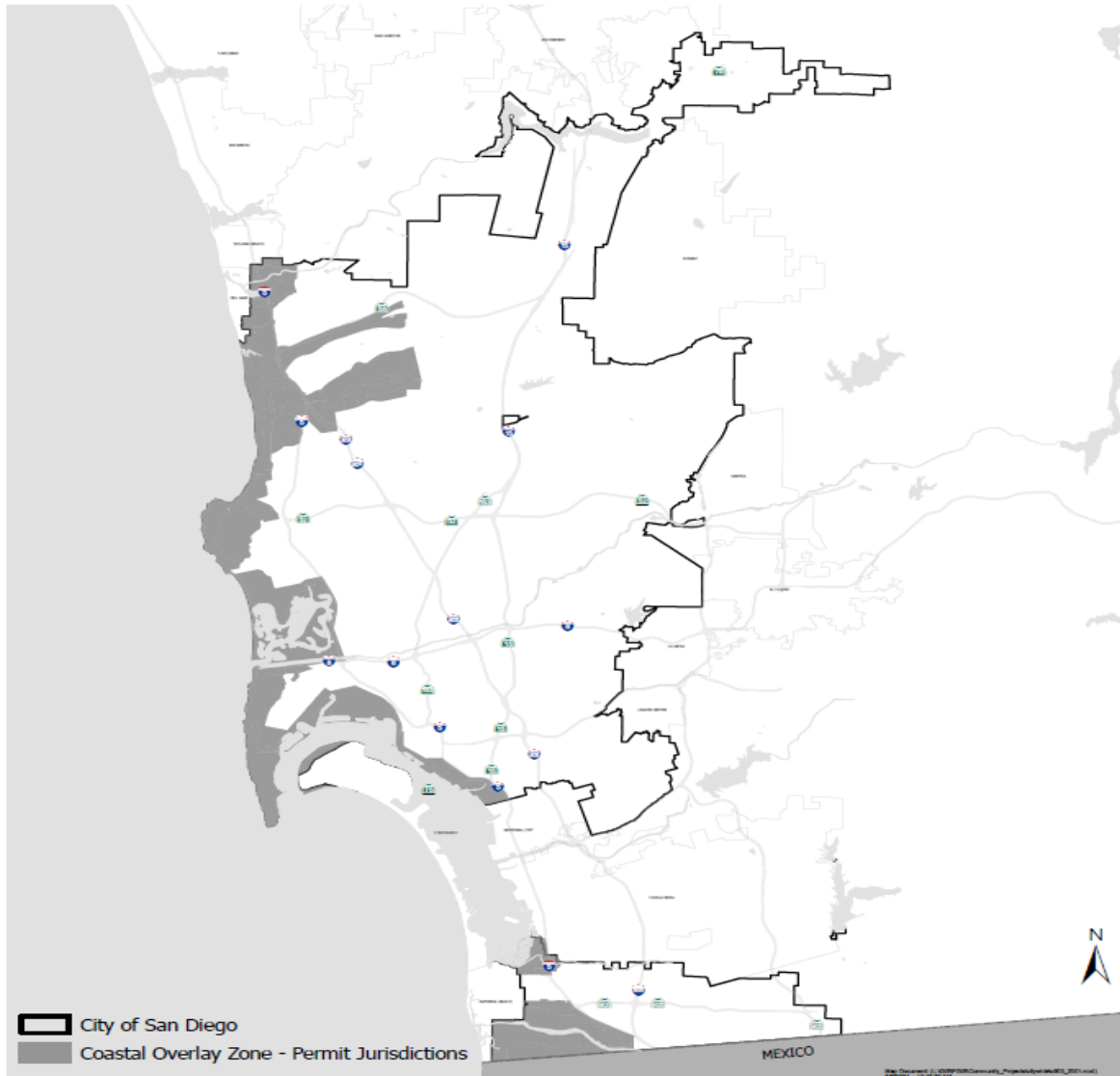


DIAGRAM 132-04A
Coastal Overlay Zone

This overlay zone applies to all property located within the boundaries designated on Map No. C-730.1, Map No. C-908, and Map No. C-1028, filed in the office of the City Clerk as Documents No. 00-17067-1, No. 00-18872, and No. 00-21719. These areas are shown generally on Diagram 132-04A.

§132.1202 Where the Mission Trails Design District Applies

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

Table 132-12A

Mission Trails Design District Applicability

Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Interior or exterior repairs or modifications [No change in text.]	[No change in text.]	[No change in text.]
(2) Any <i>development</i> of new structures <u>structures</u> , expansion of existing structures <u>structures</u> , grading on property zoned RE , RS, RX, or RT within the Navajo or Tierrasanta communities as shown on Map No. C-916, or more than 235 feet from the edge of the 100-year floodway <u>floodway</u> as mapped by the Federal Emergency Management Agency on the date the <i>development</i> application is <i>deemed complete</i> .	[No change in text.]	[No change in text.]
(3) Any other <i>development</i> of new structures <u>structures</u> , alteration of existing structures <u>structures</u> , or grading in the Mission Trails Design District through (4) Any <i>development</i> of new structures <u>structures</u> , expansion or alteration of existing structures <u>structures</u> , or grading on property within 235 feet of the edge of the 100-year floodway <u>floodway</u> as mapped by the Federal Emergency Management Agency on the date the <i>development</i> application is <i>deemed complete</i> .	[No change in text.]	[No change in text.]

§132.1205 Supplemental Design Criteria

Except for property located within a ~~RE~~, RS, RX, or RT Zone in the Navajo or Tierrasanta communities, as shown on Map No. C-916, and *development* that does

not require a *construction permit*, all proposed *development* shall comply with the design criteria and standards of the Mission Trails Design Guidelines in the Land Development Manual.

§132.1403 Exception to the Community Plan Implementation Overlay Zone

The City Manager may grant an exception to the requirements of this division for the ~~proposed~~ *development* that is minor, temporary, or incidental and is consistent with the intent of this division. Exceptions made by the City Manager shall be ~~filed with the office of the City Clerk~~ recorded and entered in the project files prepared in the process of approving the *development*.

Diagram 132-14A through Diagram 132-14B

[No change in text.]

Diagram 132-14D through Diagram 132-14S

[No change in text.]

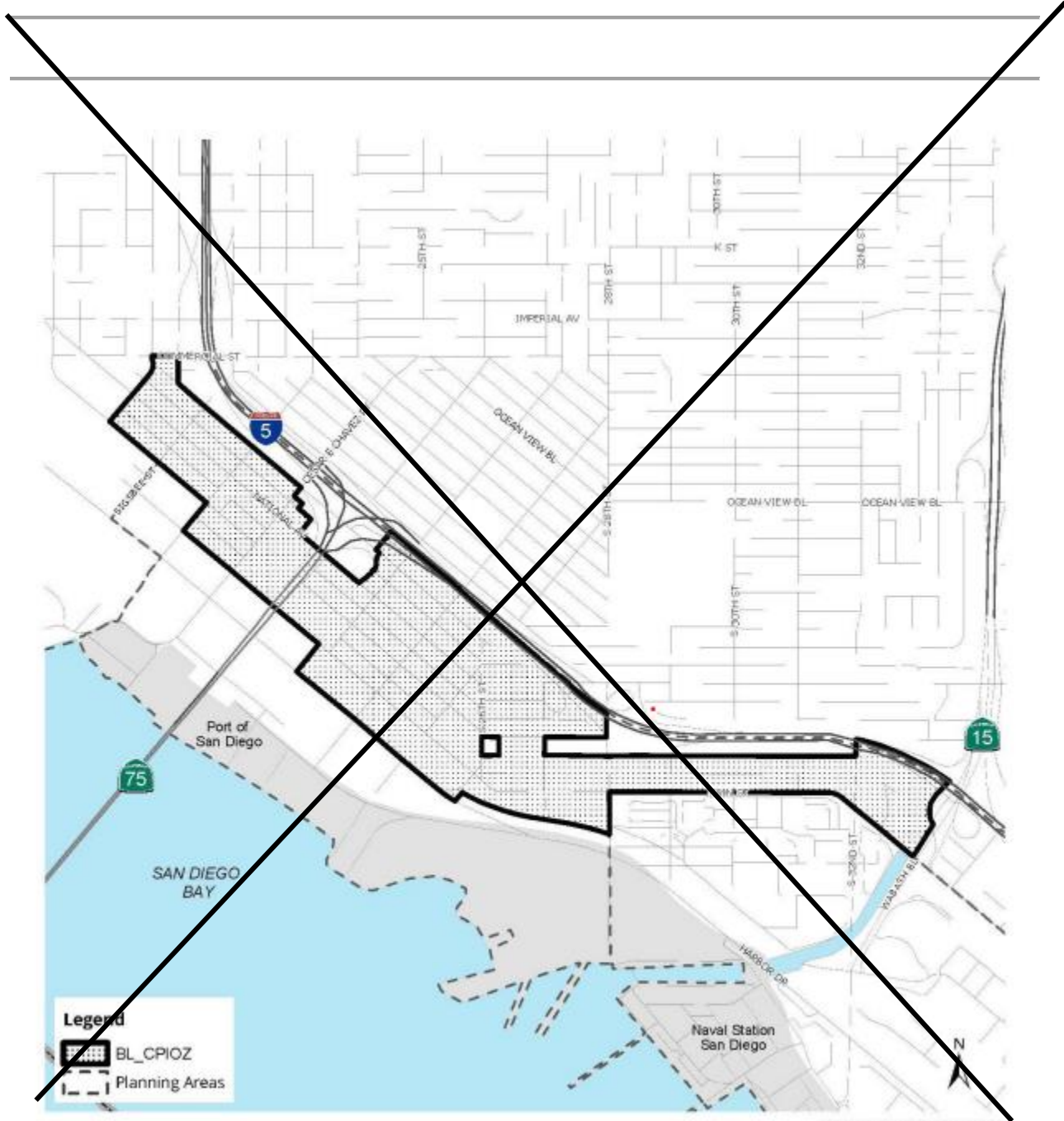


Diagram 132-14T

Barrio Logan Community Plan Implementation Overlay Zone

This is a reproduction of Map No. C 1018 for illustration purposes only.

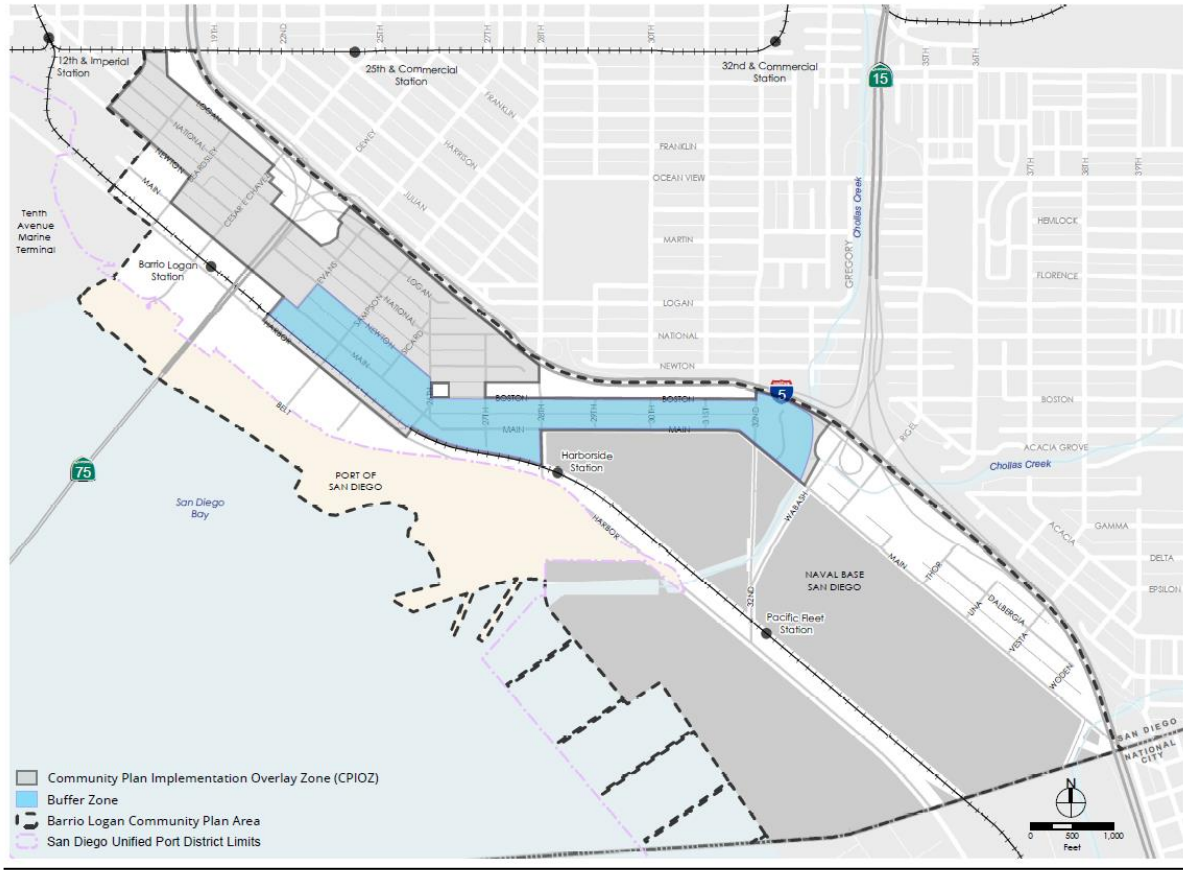


Diagram 132-14T

Barrio Logan Community Plan Implementation Overlay Zone

This is a reproduction of Map No. C-1018 for illustration purposes only.

Diagram 132-14U

[No change in text.]

§132.1404 Public Right-of-Way In Lieu Fee

- (a) Community Plan Implementation Overlay Zones may contain supplemental development regulations for public *right-of-way* improvements identified in a *land use plan*. An *applicant* shall pay the Public Right-of-Way in Lieu Fee if either occurs:

- (1) The applicant demonstrates that the construction of the public right-of-way improvements would create unsafe drainage, traffic, or pedestrian circulation conditions to the satisfaction of the City Engineer; or
 - (2) The City Engineer, in his or her sole discretion, determines that the public right-of-way improvements would create unsafe drainage, traffic, or pedestrian circulation conditions.
- (b) The applicant shall pay the Public Right-of-Way in Lieu Fee to the “Public Right-of-Way in Lieu Fee Fund,” in accordance with an adopted City Council Resolution.
 - (c) The applicant shall pay the Public Right-of-Way in Lieu Fee prior to requesting the final inspection of the first dwelling unit in the development to the “Public Right-of-Way in Lieu Fee Fund.”

§132.1405 Conflicts between Supplemental and Base Zone Regulations

If there is a conflict between the supplemental development regulations for a Community Plan Implementation Overlay Zone and the development regulations of the applicable base zone, the Community Plan Implementation Overlay Zone supplemental development regulation shall apply.

§132.1510 Noise Compatibility

Noise compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated as follows:

- (a) through (f) [No change in text.]

Legend for Table 132-15D

[No change in text.]

Table 132-15D

Noise Compatibility Criteria for MCAS Miramar, Brown Field Municipal Airport, Montgomery-Gibbs Executive Airport, and NOLF Imperial Beach Airport Influence Areas

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Open Space through Residential, Separately Regulated Residential Uses, Employee Housing: Greater than 12 Employees [No change in text.]	[No change in text.]			
Fraternities; and Sororities and Student Dormitories	P ³	-	-	-
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]	[No change in text.]			
<u>Student Housing</u>	<u>P³</u>	<u>=</u>	<u>=</u>	<u>=</u>
Transitional Housing: 6 or Fewer Persons through Institutional, Separately Regulated Institutional Uses , Homeless Facilities: Homeless Day Centers [No change in text.]	[No change in text.]			
Hospitals; Intermediate Care Facilities & Nursing Facilities	P ³	-	-	-
<u>Intermediate Care Facilities & Nursing Facilities</u>	<u>P³</u>	<u>=</u>	<u>=</u>	<u>=</u>
Interpretive Centers through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]	[No change in text.]			

Footnotes for Table 132-15D

¹through⁹ [No change in text.]

Legend for Table 132-15E

[No change in text.]

Table 132-15E

Noise Compatibility Criteria for San Diego International Airport

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Open Space through Residential, Separately Regulated Residential Uses, Employee Housing: Greater than 12 Employees [No change in text.]	[No change in text.]			
Fraternities, and Sororities and Student Dormitories	P ²	P ^{2,4}	P ^{2,4,5}	P ^{2,4,5}
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]	[No change in text.]			
<u>Student Housing</u>	<u>P²</u>	<u>P^{2,4}</u>	<u>P^{2,4,5}</u>	<u>P^{2,4,5}</u>
Transitional Housing: 6 or Fewer Persons through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Homeless Day Centers [No change in text.]	[No change in text.]			
Hospitals, Intermediate Care Facilities & Nursing Facilities	P ²	-	-	-
<u>Intermediate Care Facilities & Nursing Facilities</u>	<u>P²</u>	<u>=</u>	<u>=</u>	<u>=</u>
Interpretive Centers through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]			

Footnotes for Table 132-15E

¹through⁸[No change in text.]

§132.1515 Safety Compatibility

Safety compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated in accordance with this Section.

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

- (f) Safety Compatibility Review for MCAS Miramar and NOLF Imperial Beach

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

Legend for Table 132-15G

[No change in text.]

Table 132-15G

Safety Compatibility Criteria for MCAS Miramar and NOLF Imperial Beach

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	APZ I	APZ II	TZ
Maximum People Per Acre	25	50	300
Open Space through Residential, Separately Regulated Residential Uses, Employee Housing: Greater than 12 Employees [No change in text.]	[No change in text.]		
Fraternities, <u>and</u> Sororities and Student Dormitories	-	-	L/1.38 ³
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]	[No change in text.]		
<u>Student Housing</u>	=	=	<u>L/1.38³</u>
Transitional Housing: 6 or Fewer Persons through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Homeless Day Centers [60 sq ft per person] [No change in text.]	[No change in text.]		
Hospitals, Intermediate Care Facilities & Nursing Facilities [240 sq ft per person]	-	-	L ^{6, 14}
<u>Intermediate Care Facilities & Nursing Facilities</u> [240 sq ft per person]	=	=	<u>L^{14, 16}</u>
Interpretive Centers [60 sq ft per person] through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]		

Footnotes to Table 132-15G

¹ through ⁵ [No change in text.]

⁶ New hospitals are not permitted. Existing hospitals may expand up to 1.65 *floor area ratio*. ~~Intermediate care facilities and nursing facilities are permitted in the Transition Zone up to a maximum .69 *floor area ratio*.~~

⁷ through ¹⁵ [No change in text.]

¹⁶ Intermediate care facilities and nursing facilities are permitted in the Transition Zone up to a maximum .69 *floor area ratio*.

(g) Safety Compatibility for Brown Field Municipal Airport and Montgomery-Gibbs Executive Airport.

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

Legend for Table 132-15H

[No change in text.]

Table 132-15H

Safety Compatibility Criteria for Brown Field Municipal Airport and Montgomery-Gibbs Executive Airport

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre	N/A	84	156	156	240	No limit
Maximum <i>Lot Coverage</i> ^{11, 18}	N/A	50%	60%	70%	70%	N/A
Open Space through Residential, Separately Regulated Residential Uses, Employee Housing: Greater than 12 Employees [No change in text.]	[No change in text.]					
Fraternities, <u>and</u> Sororities <u>and</u> Student Dormitories	-	-	SDP ⁴	SDP ⁴	-	P
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]	[No change in text.]					
<u>Student Housing</u>	<u>=</u>	<u>=</u>	<u>SDP⁴</u>	<u>SDP⁴</u>	<u>=</u>	<u>P</u>
Transitional Housing: 6 or Fewer Persons through Institutional, Separately Regulated Institutional Uses, Homeless	[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 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Facilities: Homeless Day Centers [60 sq ft per person] [No change in text.]	[No change in text.]					
Hospitals, Intermediate Care Facilities & Nursing Facilities [240 sq ft per person]	-	-	L ^{6, 12}	L ^{6, 12}	-	P
<u>Intermediate Care Facilities & Nursing Facilities</u> [240 sq ft per person]	<u>≡</u>	<u>≡</u>	<u>L^{12, 19}</u>	<u>L^{12, 19}</u>	<u>≡</u>	<u>P</u>
Interpretive Centers [60 sq ft per person] through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]					

Footnotes to Table 132-15H

¹ through ⁵ [No change in text.]

⁶ New hospitals are not permitted. Existing hospitals may expand up to .72 *floor area ratio* in accordance with Section 132.1535(d)(3)(B). ~~Intermediate care facilities and nursing facilities are permitted in the Transition Zone up to a maximum .30 *floor area ratio*.~~

⁷ through ¹⁸ [No change in text.]

¹⁹ Intermediate care facilities and nursing facilities are permitted in the Transition Zone up to a maximum .69 *floor area ratio*.

(h) Safety Compatibility Review for San Diego International Airport

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

Legend for Table 132-15I

[No change in text.]

Table 132-15I

Safety Compatibility Criteria for San Diego International Airport –
Uptown, Balboa Park and Centre City Neighborhoods

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Uptown		Balboa Park		Centre City								
					Cortez			East Village	Little Italy				
Safety Zones	2E	3NE	3SE	2E	4E	2E	3SE	4E	4E	1	2E	3E	5S
Maximum Dwelling Unit Per Acre	58	62	164	-	-	-	210	240	-	-	40	154	-
Maximum People Per Acre [No change in text.]	[No change in text.]												
Person per Household Multiplier for Mixed-Use Development [No change in text.]	[No change in text.]												
Open Space through Residential, Separately Regulated Residential Uses, Employee Housing (100 sq ft per person) Greater than 12 Employees [No change in text.]	[No change in text.]												
Fraternalities, <u>and</u> Sororities and Student Dormitories	-	L	L	-	L	-	L	L	L	-	-	L	-
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [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]	Centre City												
	Uptown			Balboa Park			Cortez			East Village		Little Italy	
<u>Student Housing</u>	=	<u>L</u>	<u>L</u>	=	<u>L</u>	=	<u>L</u>	<u>L</u>	<u>L</u>	=	=	<u>L</u>	=
Transitional Housing: 6 or Fewer Persons through Institutional, Separately Regulated Institutional Uses , Homeless Facilities: Homeless Day Centers [60 sq ft per person] [No change in text.]	[No change in text.]												
Hospitals; Intermediate Care Facilities & Nursing Facilities [240 sq ft per person]	-	-	-	-	-	-	-	-	-	-	-	-	-
<u>Intermediate Care Facilities & Nursing Facilities</u> [240 sq ft per person]	=	=	=	=	=	=	=	=	=	=	=	=	=
Interpretive Centers [170 sq ft per person] through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]	[No change in text.]												

Footnotes to Table 132-15I

¹ through ⁴ [No change in text.]

⁵ For visitor accommodations, no more than 56 rooms; per acre are allowed, ~~no conference~~ Conference facilities; and ~~no~~ other uses are prohibited unless they are ancillary to the primary use.

⁶ [No change in text.]

Legend for Table 132-15J

[No change in text.]

Table 132-15J

**Safety Compatibility Criteria for San Diego International Airport – Ocean Beach,
Peninsula, Midway-Pacific Highway Neighborhoods**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Ocean Beach	Peninsula								Midway-Pacific Highway				
		Naval Training Center				Other Neighborhoods								
Safety Zones	4W	1	2W	3NW	3 SW	2W	3 NW	3 SW	4W	1	2E	3NE	3NW	5N
Maximum Dwelling Unit Per Acre	31	-	-	-	-	20	10	9	36	-	46	-	44	-
Maximum People Per Acre	240	-	127	180	235	96	180	180	240	-	191	180	198	180
Person per Household Multiplier for Mixed-Use Development	2.14	-	2.35	2.27	2.23	2.35	2.27	2.23	2.14	-	1.51	1.48	2.27	-
Open Space through Residential, Separately Regulated Residential Uses, Employee Housing [100 sq ft/person) Greater than 12 Employees [No change in text.]	[No change in text.]													
Fraternities, <u>and</u> Sororities <u>and</u> Student Dormitories	L	-	-	-	-	-	L	L	L	-	-	L	L	-
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in	[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]	Ocean Beach	Peninsula										Midway-Pacific Highway			
		Naval Training Center					Other Neighborhoods								
text.]															
<u>Student Housing</u>	<u>L</u>	=	=	=	=	=	=	<u>L</u>	<u>L</u>	<u>L</u>	=	=	<u>L</u>	<u>L</u>	=
Transitional Housing: 6 or Fewer Persons through Institutional, Separately Regulated Institutional Uses , Homeless Facilities: Homeless Day Centers [60 sq ft per person] [No change in text.]	[No change in text.]														
Hospitals; Intermediate Care Facilities & Nursing Facilities [240 sq ft per person]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<u>Intermediate Care Facilities & Nursing Facilities</u> [240 sq ft per person]	=	=	=	=	=	=	=	=	=	=	=	=	=	=	
Interpretive Centers [170 sq ft per person] through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]	[No change in text.]														

Footnotes to Table 132-15J

¹ through ⁴ [No change in text.]

⁵ For visitor accommodations, no more than 56 rooms, per acre are allowed, ~~no conference~~ Conference facilities; and ~~no~~ other uses are prohibited unless they are ancillary to the primary use.

§132.1550 Airport Land Use Commission Review

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

(f) Prior to the approval of a rezone or amendment to a *land use plan* within Review Area 1 of the Airport Land Use Compatibility Overlay Zone, the applicant shall obtain a consistency determination from the Airport Land Use Commission.

~~(f)~~(g) Consistency determinations made by the Airport Land Use Commission may be overruled in accordance with Section 132.1555.

§141.0302 Accessory Dwelling Units and Junior Accessory Dwelling Units

Section 141.0302 provides for the construction of *Accessory Dwelling Units (ADUs)* and *Junior Accessory Dwelling Units (JADUs)*, consistent with the requirements of state law, and is intended to encourage the construction of *ADUs* and *JADUs* through several local regulatory provisions, including eliminating parking requirements for *ADUs* and *JADUs*, and providing an affordable housing bonus of one additional *ADU* for every deed-restricted affordable *ADU* constructed on the *premises*, as specified in the regulations below. *ADUs* are permitted in all zones allowing residential uses and *JADUs* are permitted in all Single Dwelling Unit Zones by-right as a limited use decided in accordance with Process One, indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) [No change in text.]

(b) The following regulations are applicable to both *ADUs* and *JADUs*:

(1) [No change in text.]

(2) *Development Regulations*

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

(E) The following landscape regulations shall apply to the construction of an *ADU* or *JADU*:

- (i) If the construction of an *ADU* or *JADU* ~~that would~~ brings the number of *ADUs* ~~or~~ and any *JADUs* on the *premises* to a total of two or more ~~is proposed~~, two trees shall be provided on the *premises* for every 5,000 square feet of *lot* area, with a minimum of one tree per *premises*. If planting of a new tree is required to comply with this ~~section~~ Section, the tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide. If the *premises* is located in the OR Zone, the *lot* area used to determine the tree requirement shall be based on the allowable *development* area as described in Section 131.0250. If the *premises* contains *environmentally sensitive lands*, the *lot* area used to determine the tree requirement shall be based on the allowable *development* area as described in Chapter 14, Article 3, Division 1.
- (ii) [No change in text.]

(F) through (H) [No change in text.]

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

(c) In addition to the requirements in Section 141.0302(a), the following additional regulations are applicable to *ADUs*:

(1) [No change in text.]

(2) *Development Regulations for ADUs*

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

(D) ~~At~~ A maximum of one *ADU* with a *gross floor area* of 800 square feet or less shall be permitted on a *premises* with an existing or proposed *dwelling unit* regardless of maximum *lot coverage*, maximum *floor area ratio*, front yard setback, and minimum open space requirements. The *development* shall comply with the *floor area ratio* of the underlying base zone unless the *development* incorporates an existing *structure* that exceeds the allowable *floor area ratio* or is under the allowable *floor area ratio* by less than 800 square feet, in which case an *ADU* that does not exceed 800 square feet shall be permitted.

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

(G) *ADU structures* shall comply with the *front yard* and *street side yard setbacks* of the base zone. Interior side *yard* and rear *yard setbacks* for the new *ADU structures* shall be provided as follows:

- (i) [No change in text.]
- (ii) One-story ADUs with a structure height that exceeds 16 feet and multi-story ADU structures may observe zero-foot interior side yard and rear yard setbacks ~~setbacks~~ setbacks, unless the side or rear property line abuts another premises that is residentially zoned or developed with exclusively residential uses, in which case a 4-foot setback or the minimum setback of the applicable base zone, whichever is less, shall apply.

(H) through (I) [No change in text.]

(d) In addition to the requirements in Section 141.0302(b), JADUs are subject to the following additional regulations:

- (1) [No change in text.]
- (2) Development Regulations

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

(C) A JADU shall have a separate exterior entry from the primary dwelling unit ~~and shall provide a kitchen or an efficiency kitchen.~~

(D) The JADU shall include the following:

- (i) A cooking facility with appliances;
- (ii) A food preparation counter of a reasonable size in relation to the size of the JADU; and

- (iii) Storage cabinets that are of a reasonable size in relation to the size of the JADU.

§141.0311 Live/Work Quarters

Live/work quarters are studio spaces designed to integrate living space into the workspace and are primarily designed for industrial or commercial occupancy.

The live/work quarters residential *density* shall not be counted towards the maximum allowable *density* of the underlying base zone or *land use plan*.

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

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

§141.0312 Residential Care Facilities

Residential care facilities provide in-house treatment or rehabilitation programs for residents on a 24-hour basis. Residential care facilities include drug and alcohol rehabilitation and recovery facilities and residential and community care facilities as defined by the state or county.

Residential care facilities for 7 or more persons may be permitted as a limited use in zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the regulations in Sections 141.0312(a)-(h).

Residential care facilities in zones designated with an “L” that are within 500 feet, measured by a walking distance along a pedestrian path of travel from *property line* to *property line*, from a *school*, *playground*, or *child care facility* may be permitted with a Conditional Use Permit decided in accordance with Process

Three. Residential care facilities in zones designated with an “L” may be located on the same premises as a child care facility or on a premises adjacent to a child care facility and shall not be required to obtain a Conditional Use Permit if the residential care facility and child care facility are operated by the same permit holder.

Residential care facilities for 7 ~~to 12~~ or more persons may be permitted with a Conditional Use Permit decided in accordance with Process Three, ~~and residential care facilities for 13 or more persons may be permitted with a Conditional Use Permit decided in accordance with Process Four,~~ in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations in Sections 141.0312(a)-(h).

- (a) [No change in text.]
- ~~(b)~~ Only one residential care facility may be permitted per lot or premises.
- ~~(e)~~(b) Residential care facilities are not permitted within ~~¼ mile~~ 500 feet of another residential care facility, measured from *property line* to *property line* in accordance with Section 113.0225.
- ~~(d)~~(c) The facility shall provide at least 70 square feet of sleeping space for each resident, not including closet or storage space, multipurpose rooms, bathrooms, dining rooms, and halls.
- ~~(e)~~(d) Sleeping areas shall not be used as a public or general passageway to another room, bath, or toilet.
- ~~(f)~~(e) The facility shall provide at least 5 square feet of living area per bed, not including sleeping space, dining, and *kitchen* areas.

- ~~(e)~~(f) The facility shall provide at least 8 square feet of storage area (closer or drawers) per bed.
- ~~(h)~~(g) The facility shall provide one full bathroom including sink, toilet, and shower or bathtub for every seven beds.
- ~~(i)~~ The center shall provide at least one *off-street space* for each employee and one *off-street parking space* for every seven beds. Additional parking may be required by the decision maker.
- ~~(j)~~(h) Conversion of an existing garage or reduction in the amount of *off-street* parking to provide a residential care facility is not permitted.

§141.0314 Watchkeeper's Quarters

Watchkeeper's quarters are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) through (e) [No change in text.]
- (f) The residential *density* from watchkeeper's quarters shall not be counted towards the maximum allowable *density* of the underlying base zone or *land use plan*.

§141.0413 Hospitals, ~~Intermediate Care Facilities,~~ and Nursing Facilities

Hospitals, ~~intermediate care facilities,~~ and nursing facilities may be permitted with a Process Four Conditional Use Permit in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) through (f) [No change in text.]

§141.0421 ~~Placemaking~~ Placemaking on Private Property

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

- (a) through (e) [No change in text.]
- (f) A *placemaking* project shall only occur on *premises* that are vacant at the time the Temporary Use Permit application is submitted or within parking lots on *premises* within ~~*transit priority areas*~~ *Sustainable Development Areas*, except in existing disabled accessible parking spaces serving the *premises*.
- (g) [No change in text.]
- (h) A *placemaking* project on a *premises* within a ~~*transit priority area*~~ *Sustainable Development Area* that was a parking lot of a permitted eating and drinking establishment shall not include retail or commercial services uses except for outdoor dining operating in association with the permitted eating and drinking establishment in accordance with Section 141.0628.
- (i) through (j) [No change in text.]

§141.0423 Intermediate Care Facilities and Nursing Facilities

Intermediate care facilities and nursing facilities may be permitted with a Process Four Conditional Use Permit in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) 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) These facilities are not permitted in agricultural zones in *Proposition A Lands*.
- (b) Off-street parking shall be provided in accordance with Table 142-05G.

§141.0606 Child Care Facilities

- (a) [No change in text.]
- (b) Family Child Care Homes

Large and small family child care homes are 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.

- (1) Large Family Child Care Homes
 - (A) [No change in text.]
 - (B) A large family child care home may provide care for a total of 13 or 14 children ~~if all of the following conditions are met~~ in accordance with Health and Safety Code Section 1597.465:
 - (i) ~~At least two of the children are at least 6 years of age, one of whom may be less than 6 years of age if enrolled in kindergarten;~~
 - (ii) ~~No more than 3 infants are cared for during any time when more than 12 children are being cared for;~~

- ~~(ii) No more than 2 infants are cared for during any time when more than 6 children are being cared for; and~~
- ~~(iii) The licensee notifies parents or authorized representatives that the facility is caring for two additional school-age children, and that there may be 7 or 8 children in the home at one time; and~~
- ~~(iv) The licensee obtains written consent of the property owner when the family day care home is operated on property that is leased or rented.~~

(C) [No change in text.]

(c) [No change in text.]

§141.0622 Sports Arenas and Stadiums

Sports arenas and stadiums are structures for sporting, entertainment and assembly uses. Sports arenas and stadiums may be permitted with a Conditional Use Permit decided in accordance with Process Five in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Bulk and Scale

- ~~(a)(1)~~ The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.
- ~~(b)(2)~~ Larger *structures*, areas of high activity, and parking areas shall be located to minimize impacts to surrounding The design of the

structure shall incorporate architectural elements that help to transition building scale if the structures are located adjacent to development that is smaller in scale and with less intense intensity as identified in the applicable land use plan.

~~(e)~~ Access to the facility shall be as direct as possible from freeways and primary arterials and shall avoid residential streets.

~~(d)~~ Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property.

(b) Access

(1) Pedestrian paths shall connect to public rights-of-way, transit stations, transit stops, plazas, or other public spaces.

(2) The development shall provide Transit and Active Transportation Infrastructure as outlined in Community Plan Mobility Elements listed in the Land Development Manual Appendix Q.

(c) Parking

(1) At grade and above grade parking structures shall be screened with landscaping, building wraps, or an architectural screen so they are not visible from the public rights-of-way, private drives, plazas, or other public spaces.

(2) Parking facilities may provide both on-site and off-site shared parking to minimize the number of on-site parking facilities.

~~(e)~~(d) Storage, Service, and Loading Areas

(1) All storage, service, and ~~repair~~ loading areas shall be located on the site so that they are not visible, or shall be *screened* so that they are not visible, from adjacent *development*, ~~and~~ *public rights-of-way*, private driveways, plazas, or other public spaces.

(e) Sports arenas and stadiums included as part of an adopted specific plan are exempt from the requirement to obtain a Conditional Use Permit if they comply with all the regulations in Section 141.0622(a) through (d).

§141.0624 Urgent Care Facilities

Urgent care facilities that are designed or used to provide medical services on a walk-in or emergency care basis that operate outside of standard business hours.

Urgent care facilities are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0624(a). ~~Urgent care facilities may be permitted with a Neighborhood Use Permit in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0624(b).~~

(a) Limited ~~use~~ Use Regulations

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

(3) Urgent care facilities located adjacent to residentially zoned property shall remain closed between the hours of 12:00 midnight and 6:00 a.m.

(4) Within the beach impact area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio of no less than one parking space for every 250 square feet of gross floor area.

(b) ~~Neighborhood Use Permit Regulations~~

(1) ~~Overnight patients are not permitted.~~

(2) ~~Urgent care facilities located adjacent to residentially zoned property shall remain closed between the hours of 12:00 midnight and 6:00a.m.~~

(3) ~~Access to the facility shall be as direct as possible from freeways and primary arterials and shall avoid residential streets.~~

(4) ~~Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the beach impact area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio not less than one parking~~

§141.0628 Outdoor Dining on Private Property

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

(a) Permit Requirements:

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

(5) Removal of required *off-street parking spaces* to construct outdoor dining on private property shall comply with the following:

- (A) [No change in text.]
- (B) Outside of a ~~transit priority area~~ Sustainable Development Area, *off-street parking spaces* shall not be removed for the construction of outdoor dining on private property unless they are in excess of the minimum number of parking spaces required by Chapter 14, Article 2, Division 5.
- (C) Within a ~~transit priority area~~ Sustainable Development Area and outside of the Coastal Overlay Zone, removal of *off-street parking spaces* shall not be the basis of denial of the permit for outdoor dining on private property, except as provided in 141.0628(a)(5)(A).
- (D) Within both a ~~transit priority area~~ Sustainable Development Area and the Coastal Overlay Zone, the following regulations apply:
 - (i) through (ii) [No change in text.]
 - (6) through (9) [No change in text.]
- (b) [No change in text.]

§141.0702 Sex Offender Treatment and Counseling Facilities

This ~~section~~ Section regulates medical treatment or counseling facilities that physically or psychologically treat five or more *sex offenders* in one year. *Sex Offender* treatment and counseling facilities are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Exemptions
- (1) Incidental treatment and counseling services offered by the following organizations operating under a Conditional Use Permit are exempt from this ~~section~~ Section:
- (A) through (B) [No change in text.]
- (C) Hospitals, ~~intermediate care facilities, and nursing facilities~~ as described in Section 141.0413;
- (D) Intermediate care facilities and nursing facilities as described in Section 141.0423;
- ~~(D)~~(E) Social service institutions as described in Section 141.0417;
- and
- ~~(E)~~(F) Correctional placement centers as described in Section 141.0406.
- (2) Facilities that perform only court-ordered forensic evaluations are exempt from this ~~section~~ Section.
- (b) [No change in text.]

§142.0305 When Fence Regulations Apply

- (a) This ~~division~~ Division applies to the construction of all *fences* and *retaining walls*, whether or not a permit or other approval is required.
- (b) Table 142-03A shows the applicable regulations and the type of permit required by this Division, if any, for specific types of *fences*.

Table 142-03A

Fence Regulations Applicability

TYPE OF DEVELOPMENT PROPOSAL	APPLICABLE REGULATIONS	REQUIRED PERMIT TYPE/ DECISION PROCESS
Any <i>fence</i> with a height less than 7 feet [No change in text.]	[No change in text.]	
Any <i>fence</i> with a height of 7 feet or greater	Sections 142.0310-142.0330, 142.0360-142.0380, <u>142.0390</u>	[No change in text.]
Any <i>retaining wall</i> with a height less than 3 feet through Any <i>fence</i> or <i>retaining wall</i> located on <i>premises</i> that lies between the shoreline and the first public roadway, as designated on Map Drawing No. C-731. [No change in text.]	[No change in text.]	

§142.0360 Electrically Charged and Sharp-Pointed Fence Regulations

(a) Electrically Charged *Fences*

- (1) Electrically charged *fences* are permitted ~~in the IH and IS zones~~ ~~and~~ for agricultural uses in agricultural zones if the *fence* is at least 600 feet from a residential zone, and for temporary control of goats used for brush management in any non-agricultural zones in compliance with the Land Development Code ~~section~~ Section 142.0412, Brush Management, and ~~section~~ Section 44.0307.

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

(b) [No change in text.]

§142.0390 **Monitored Perimeter Security Fence Systems**

(a) This Section regulates monitored perimeter security fence systems.

A monitored perimeter security fence system means a perimeter alarm system with an assembly of battery powered equipment, including a monitored alarm device and energizer which is intended to periodically deliver pulses to a monitored perimeter security fence, a battery charging device used exclusively to charge the system's battery, and other integrated components. The monitored perimeter security fence system transmits a signal intended to alert the business utilizing the monitored perimeter security fence system or an alarm monitoring service, or both, in response to an intrusion.

(b) Monitored Perimeter Security Fence General Design Regulations

The following design requirements shall apply to all monitored perimeter security fence systems.

(1) Unless otherwise specified in this Section, monitored perimeter security fence systems shall be constructed and operated in accordance with the International Electrotechnical Commission 2006 International Standards and specifications (IEC 60335, Part 2 76).

(2) The energizer for monitored perimeter security fence systems shall be driven by a commercial storage battery not to exceed 12 volts of direct current. The storage battery is the primary power source and shall have a solar charging capability.

- (3) Monitored perimeter security fence systems shall be installed 4 to 8 inches behind a non-electrified perimeter barrier fence that is at least 5 feet in height.
- (4) Monitored perimeter security fence systems shall be limited to a height of 10 feet or 2 feet higher than an existing perimeter fence, whichever is greater.
- (5) Monitored perimeter security fence systems shall be identified by prominently placed warning signs that are legible from both sides of the monitored perimeter security fence. The warning signs shall meet all the following:
- (A) The warning signs shall be placed at any gate and access point on the monitored perimeter security fence, and at intervals along the monitored perimeter security fence not exceeding 30 feet.
- (B) The warning signs shall be adjacent to any other signs relating to chemical, radiological, or biological hazards.
- (C) The warning signs shall be marked with the following:
- (i) a written warning or a commonly recognized symbol for shock;
- (ii) a written warning or a commonly recognized symbol to warn people with pacemakers; and

(iii) a written warning or commonly recognized symbol about the danger of touching the monitored perimeter security fence in wet conditions.

(6) A "Knox Device" or other similar device shall be installed for Police and Fire Department emergency access.

(c) General Regulations

(1) Use Regulations

Monitored perimeter security fence systems may be permitted by a Process One and shall only be allowed in industrial zones that do not allow for residential development.

(2) All monitored perimeter security fence systems shall require an Alarm System Permit pursuant to Chapter 3, Article 3, Division 37.

(3) In addition to the indemnification requirements set forth in Sections 126.0109 and 129.0122, all applicants issued permits to install or use a monitored perimeter security fence system shall agree as a condition of permit issuance in a separate agreement, to defend, indemnify and hold harmless the City of San Diego and its agents, officers, consultants, independent contractors and employees from any and all claims, actions or proceedings arising out of any personal injury, including death, or property damage caused by the monitored perimeter security fence system.

- (4) Police or Fire Department personnel, or both, shall be authorized to disable an installed and operating monitored perimeter security fence to gain access to the premises if all the following apply:
- (A) Access is required due to an emergency or urgent circumstances;
- (B) The Knox Device or other similar device is absent or non-functional; and
- (C) An owner, manager, employee, custodian or any other person with control over the property is not present to disable the monitored perimeter security fence.

§142.0510 General Parking Regulations

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

- (g) Parking in Required Front, Side, or Street Side Yards. Within the ~~RE~~, RS, and RX zones, on *lots* with a side *yard* of less than 10 feet, with no access to the rear *yard*, and with no other on-site parking areas located outside of the front or side *yard*, one of the following vehicles may be parked outdoors in the required front, side, or street side ~~yard~~ yard subject to the requirements contained in Section 142.0510(f)(1) and (2): recreational vehicles, travel trailers, trailers, boats, all-terrain vehicles, motorcycles, and similar equipment.

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

§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 <u>Minimum</u> Required Automobile Parking Spaces	
	<u>Transit Priority Areas</u> ⁽³⁾	<u>Outside of Transit Priority Areas</u>
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)	0 spaces per <i>dwelling unit</i>	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)	0 spaces per <i>dwelling unit</i>	1 space per <i>bedroom</i> (previously conforming parking regulations in Section 142.0510(d) do not apply) ⁽²⁾
All <i>single dwelling units</i> where all or a portion of the premises is located within a <i>transit priority area</i>	0 spaces per <i>dwelling unit</i>	

Footnotes for Table 142-05B

¹ through ² [No change in text.]

³ The transit priority area minimum required automobile parking requirements apply to development where all or a portion of the premises is located within a transit priority area as described in Section 142.0528 and supersedes any other applicable parking ratio.

§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 Sections 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⁽⁹⁾	Bicycle Spaces Required Per Dwelling Unit⁽⁹⁾
	Basic⁽¹⁾	Transit Area⁽²⁾	Transit Priority Area⁽⁹⁾	Parking Impact⁽⁴⁾		
Studio up to 400 square feet through Residential care facility (6 or fewer persons) [No change in text.]	[No change in text.]					
<u>Residential care facility (7 or more persons)</u>	<u>1 per 7 beds and 1 per on-site employee</u>	<u>1 per 7 beds and 1 per on-site employee</u>	<u>0</u>	<u>1 per 7 beds and 1 per on-site employee</u>	<u>N/A</u>	<u>N/A</u>
Small lot subdivision in accordance with Section 143.0365 through Accessory uses (spaces per square feet⁽⁷⁾) [No change in text.]	[No change in text.]					

Footnotes for Table 142-05C

¹ through ¹¹ [No change in text.]

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

§142.0560 Development and Design Regulations for Parking Facilities

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

(j) Driveway and Access Regulations

(1) Driveway width shall be determined based on the size of the *lot*, type of use proposed, and location inside or outside of the Parking Impact Overlay Zone. Refer to Tables 142-05M and 142-05N for applicable minimum and maximum driveway widths.

Table 142-05M

Driveway Width (Lots greater than 50 feet in width)

Use	Minimum Width		Maximum Width (Outside of Parking Impact Overlay Zone)		Maximum Width Parking Impact Area
	One-Way	Two-Way	One-Way	Two-Way	Two Way
Detached <i>Single Dwelling Unit</i> through <i>Multiple Dwelling Unit</i> [No change in text.]	[No change in text.]				
Nonresidential ⁽¹⁾	14 feet	24 feet	20 feet	30 feet	25 feet

Footnote for Table 142-05M

¹ See Section 142.0560(j)(11).

Table 142-05N

Driveway Width (Lots 50 feet or less in width)

[No change in text.]

(2) through (10) [No change in text.]

(11) On premises located within industrial zones, industrial uses with 10 or more loading docks meeting the requirements in Section 142.1030,

may exceed the maximum permitted driveway width on a lot that is greater than 50 feet in width, as shown in Table 142-05M, for freight-carrying vehicles providing access to the lot from the street, if all the following requirements are met:

- (A) The applicant shall submit a turning template diagram demonstrating that the driveway width meets the turning radius for the anticipated freight-carrying vehicle size. The driveway width shall be the minimum required width as demonstrated by the turning template diagram to the satisfaction of the City Engineer;
- (B) The applicant shall demonstrate to the satisfaction of the City Engineer that the driveway width will not result in adverse impacts to site design, street curb utilization, and pedestrian and bicycle circulation; and
- (C) All other driveways on the premises shall comply with the applicable minimum and maximum driveway widths shown in Table 142-05M.

(k) [No change in text.]

§142.0910 Mechanical and Utility Equipment Screening Regulations

- (a) Except when located in the ~~RE~~, RS, RX, and RT zones, the following equipment and appurtenances shall be screened from public view and be architecturally integrated with the primary building on the premises:
 - (1) through (8) [No change in text.]

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

§142.1010 General Loading Area Regulations

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

(c) Each required off-street loading space shall have a minimum length of 35 feet, a minimum width of 12 feet, and a minimum vertical clearance of 14 feet including entrances and exits.

Table 142-10B

Required Off-Street Loading Spaces

Use Category or Subcategory	Gross Floor Area of Structure (Square Feet)	Minimum Number of Spaces Required
Multiple Unit Residential Use Subcategory	[No change in text.]	
or	[No change in text.]	
Commercial Services Subcategories not specified below	[No change in text.]	
or <u>Industrial - Research and Development</u>	[No change in text.]	3 - plus 1 space for each additional 400,000 sq. Ft. of <u>gross floor area</u>
Retail Sales Use Category ² or <u>Commercial Services - Eating and Drinking Establishments</u> Subcategory	[No change in text.]	
<u>Commercial Services - Visitor Accommodations</u> Subcategory	[No change in text.]	
Office Use Category [No change in text.]	[No change in text.]	

Use Category or Subcategory	Gross Floor Area of Structure (Square Feet)	Minimum Number of Spaces Required
Wholesale, Distribution, and Storage Use Category	[No change in text.]	
or	[No change in text.]	
<u>Industrial Use Category and Subcategories not specified</u>	[No change in text.]	

§142.1230 Projecting Signs in Commercial and Industrial Zones

The following regulations apply to *projecting signs* that project more than 18 inches from a building wall in all commercial and industrial *sign* categories, unless otherwise indicated.

- (a) [No change in text.]
- (b) Table 142-12D provides the permitted *sign* area, the number of *signs* permitted per establishment with *street frontage*, and the maximum permitted height for *projecting signs*.

Table 142-12D

Maximum Allowances for Projecting Signs

On single Street Frontage Premises

[No change in text.]

Footnotes for Table 142-12D **Footnotes for Table 142-12D**

- ¹ The permitted sign area indicated is for a single face. If a *projecting sign* has two or more faces, the permitted sign area is doubled. Signs may have more than two faces, but the sign area shall not exceed twice the maximum permitted amount.
 - ² [No change in text.]
- (c) through (e) [No change in text.]

§142.1235 Roof Signs in Commercial and Industrial Zones

The following regulations apply to *roof signs*, which are permitted only in *Sign* Category A of the commercial and industrial zone *sign* categories.

- (a) [No change in text.]
- (b) Table 142-12F provides the permitted *sign* area for *roof signs*. The *sign* area is determined by the width of the *public right-of-way* fronting the *premises* and the *street* speed limit on that *public right-of-way*.

Table 142-12F

Permitted Sign Area and Height for Roof Signs

[No change in text.]

Footnotes for Table 142-12F

- ¹ The permitted *sign* area is for a single face. If a *roof sign* has two or more faces, the permitted sign area is doubled. Signs may have more than two faces, but the sign area shall not exceed twice the maximum permitted amount.
- ² [No change in text.]
- (c) through (e) [No change in text.]

§142.1240 Ground Signs in Commercial and Industrial Zones

The following regulations apply to *ground signs* in all commercial and industrial zone *sign* categories, unless otherwise indicated.

- (a) through (b) [No change in text.]
- (c) Table 142-12H provides the general regulations for *ground signs*.

Table 142-12H

Maximum Allowances for Ground Signs

Maximum Allowances	Sign Categories		
	A	B	C
Permitted Sign Area ⁽¹⁾ (Based on the Width of the Adjacent <i>Public Right-of-way</i> and <i>Street Speed Limit</i>)			
<i>Public Right-of-way</i> Width / <i>Street Speed Limit</i> through Required Setbacks [No change in text.]	[No change in text.]		

Footnotes for Table 142-12H

¹ The permitted *sign* area is for a single face. If a *ground sign* has two or more faces, the permitted *sign* area is doubled. *Signs* may have more than two faces, but the *sign* area *shall* not exceed twice ~~that the maximum permitted amount above~~⁽⁴⁾. See Section 142.1440(d)(3).

² through ⁶ [No change in text.]

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

§142.1305 Methods of Compliance

(a) The requirement to provide inclusionary *dwelling units* may be met in any of the following ways:

(1) [No change in text.]

(2) On a different *premises* from the *development*, but within the same community planning area, or within one mile of the *premises* of the *development*, as measured in a straight line from the *property lines* of the *development premises* to the *property lines* of the proposed *premises* where the inclusionary *dwelling units* will be constructed;

(3) On a different *premises* from the *development* that does not meet the locational criteria in Section 142.1305(a)(2) but lies within the City of San Diego, if the receiver site is within a *Sustainable Development Area*, in an area identified as a High or Highest

Resource California Tax Credit Allocation Committee Opportunity Area according to the most recent California State Treasurer TCAC/HCD Opportunity Area Maps, and less than five percent of the existing *dwelling units* in that community planning area are covenant-restricted to *very low income, low income, or moderate income* households.

(4) through (6) [No change in text.]

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

§143.0350 Supplemental Neighborhood Development Permit and Site Development Permit Regulations for Environmentally Sensitive Lands

The following regulations apply to Neighborhood Development Permits and Site Development Permits required because of potential impacts to *environmentally sensitive lands* in addition to other indicated supplemental regulations.

- (a) ~~Let~~ Lot Dimensions. Deviations may be permitted from the minimum ~~let~~ lot dimensions required by the applicable zone if necessary to comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).
- (b) ~~Let~~ Lot Area. Within the *MHPA* only, a deviation may be permitted from the minimum *lot* size requirement of the OR-1-2 zone if necessary to accommodate *development* within the *development* area and facilitate *dedication* of the remainder of the *premises*. This does not permit a deviation from the maximum permitted residential *density* for the OR-1-2 zone for the entire *premises*.

- (c) *Setback* Requirements. A deviation of up to 20 percent may be permitted from any required *setback* if necessary to comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations), except that a deviation from the front *setback* in the RS or ~~RE~~ zones shall not be permitted in addition to what is permitted by Section 131.0443(a)(1), when applicable.

§143.0420 Supplemental Planned Development Permit Regulations for Residential Development

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

- (a) Open Space
(1) [No change in text.]

Table 143-04B

Open Space Requirements for Planned Development Permits

Zone	Minimum Usable Open Space Required per Dwelling Unit ⁽²⁾	Minimum Total Open Space Required per Dwelling Unit ⁽¹⁾
OR-1-1 through AR-1-2 [No change in text.]	[No change in text.]	[No change in text.]
RE-1-1	—	4 ac
RE-1-2	—	2 ac
RE-1-3	—	17,400 sq. ft.
RS-1-1, RS-1-8 through RM-5-12 [No change in text.]	[No change in text.]	[No change in text.]

Footnotes for Table 143-04B

¹ through ³ [No change in text.]

- (2) The minimum required open space shall be based on the total number of ~~dwelling units~~ dwelling units on the entire *premises* and may be located without regard to existing or proposed *lot* lines.
- (3) If the *premises* is located in two or more zones, the amount of open space required in the Planned *Development* shall be the sum of the open space required in each of the zones applied to the ~~dwelling units~~ dwelling units at the same percentage that the site area is occupied by each zone. The open space may be located without regard to the zone boundaries.
- (4) through (5) [No change in text.]
- (6) If an Affordable Housing ~~Density~~ Density Bonus Agreement or a ~~Density~~ Density Bonus and Affordable Housing Deviation has been approved for the *development*, the open space area requirement shall be the total of the following:
- (A) Open space based on the zone in which the property is located, multiplied by the number of ~~dwelling units~~ dwelling units permitted in that zone; plus
- (B) Open space based on the next more dense residential zone, multiplied by the number of ~~dwelling units~~ dwelling units in excess of the number permitted in the zones in which the property is located.

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

§143.0720 Density Bonus in Exchange for Affordable Housing Units

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

(i) A *density* bonus agreement for a *development* within a *Sustainable Development Area, transit priority area, or Mobility Zone 3* as defined in Section 143.1103(a)(3) providing 100 percent of the total *pre-density* bonus and *post-density* bonus *dwelling units* as affordable to *very low income, low income, and moderate income* households shall utilize the following qualifying criteria:

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

(j) through (k) [No change in text.]

(l) A *development* proposal requesting an affordable housing *density* bonus is subject to the following:

(1) [No change in text.]

(2) For *development* meeting the criteria for *very low income* households in Sections 143.0720(c)(1) and 143.0720(d)(1), the *density* bonus shall be calculated as set forth in Table 143-07A.

The increased *density* shall be in addition to any other increase in *density* allowed in this Division.

(3) For *development* meeting the criteria for *low income* households in Sections 143.0720(c)(2) and 143.0720(d)(2), the *density* bonus shall be calculated as set forth in Table 143-07B. The increased *density* shall be in addition to any other increase in *density* allowed in this Division.

(4) For *development* meeting the criteria for *moderate income* in Sections 143.0720(c)(5) and ~~(d)~~143.0720(d)(3), the *density* bonus shall be calculated as set forth in Table 143-07C. The increased *density* shall be in addition to any other increase in *density* allowed in this Division.

(5) through (6) [No change in text.]

(7) For *development* providing at least 100 percent of the pre-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(h); or *development* within a *Sustainable Development Area*, *transit priority area*, or *Mobility Zone 3* as defined in Section 143.1103(a)(3) providing at least 100 percent of the total pre-*density* and post-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(i), the *density* bonus shall be as follows:

(A) For *development* located outside of a *Sustainable Development Area*, *transit priority area*, or *Mobility Zone 3* as defined in Section 143.1103(a)(3) the *density* bonus shall be 80 percent of the number of pre-*density* bonus *dwelling units* provided for *low income* or *very low income* households. This bonus does not apply to *development* consistent with Section 143.0720(i).

- (B) For *development* located within a *Sustainable Development Area*, *transit priority area*, or *Mobility Zone 3* as defined in Section 143.1103(a)(3) there shall be no limit on the number of *dwelling units* permitted.
- (8) For *development* meeting the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(c)(5), 143.0720(d)(1), 143.0720(d)(2), 143.0720(d)(3), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(i), where an *applicant* has not requested an incentive or waiver to exceed the maximum *structure height* or *setbacks* of the base zone, an additional *density* bonus of 10 percent of the pre-*density* bonus *dwelling units* shall be granted, provided that *development* of the additional *density* does not cause the need for an incentive, waiver, or deviation to exceed the maximum *structure height* or *setbacks* of the base zone.
- (9) through (12) [No change in text.]
- (13) If the applicable *land use plan* map identifies an allowable *density* range in *dwelling units* per acre, the maximum allowable *density* in that range shall be used to calculate the *density* bonus as set forth in Table 143-07A, Table 143-07B or Table 143-07C. ~~The~~ If using the *land use plan density*, allowed *density* bonus *dwelling units* shall not be counted towards the maximum allowed *floor area ratio* of the zone; and within the mixed-use base zones the allowed *density* bonus *dwelling units* shall not be counted towards the

percentage of the required *primary use* or secondary use, as that term is defined in Section 131.0702.

(14) through (15) [No change in text.]

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

(q) The granting of a *density* bonus shall not require the preparation of an additional report or study not otherwise required.

§143.0740 Incentives in Exchange for Affordable Housing Dwelling Units

An *applicant* proposing a *density* bonus shall be entitled to incentives as described in this Division for any *development* for which a written agreement and a deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission. The City shall process an incentive requested by an *applicant* as set forth in this section.

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

(c) An incentive requested as part of a *development* meeting the requirements of Section 143.0720 shall be processed according to the following:

(1) Upon an *applicant's* request, *development* that meets the applicable requirements of Section 143.0720 shall be entitled to incentives pursuant to Section 143.0740 unless the City makes a written *finding* of denial based upon substantial evidence, of any of the following:

(A) [No change in text.]

(B) The incentive would have a specific adverse impact upon public health and safety as defined in Government Code

section 65589.5, ~~the physical environment~~, including *environmentally sensitive lands*, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the *development* unaffordable to *low income* and *moderate income* households;

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

(2) [No change in text.]

(3) The granting of an incentive shall not require a *land use plan* amendment, zoning change, study, or other discretionary approval.

(d) [No change in text.]

(e) For a *development* providing 100 percent of the pre-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(h); or *development* within a *Sustainable Development Area*, *transit priority area*, or Mobility Zone 3 as defined in Section 143.1103(a)(3), providing 100 percent of the total pre-*density* and post-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(i), five incentives shall be available. If the *development* is located within a *Sustainable Development Area*, *transit priority area*, or Mobility Zone 3 as defined in

Section 143.1103(a)(3), the *applicant* shall also receive a *structure height* increase of up to 3 additional *stories* or 33 feet.

Table 143-07A

Very Low Income Density Bonus Households

[No change in text.]

Table 143-07B

Low Income Density Bonus Households

[No change in text.]

Table 143-07C

Moderate Income Density Bonus Households

[No change in text.]

§143.0742 Incentives for Non-Residential Development

The Employee Housing Incentive Program shall be implemented in accordance with this section. An *applicant* for non-residential *development* as defined in this section that contributes to the construction of affordable housing through the payment of the Employee Housing Incentive Program Fee, as adopted by City Council Resolution, shall be entitled to receive incentives, as set forth below.

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

(c) An *applicant* shall only utilize either the incentives provided in this Section or in Section 143.0747.

§143.0743 Waivers in Exchange for Affordable Housing Units

An *applicant* proposing *density* bonus shall be entitled to a waiver as described in this Division for any residential *development* for which a written agreement and a

deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission.

- (a) [No change in text.]
- (b) Upon an *applicant's* request, *development* that meets the applicable requirements of Section 143.0720 shall be entitled to waivers unless the City makes a written *finding* of denial based upon substantial evidence, of any of the following:
 - (1) The waiver would have a significant, quantifiable, direct, and unavoidable impact upon health; or safety; ~~or the physical environment~~ for which there is no feasible method to mitigate or avoid the impact;
 - (2) through (4) [No change in text.]
- (c) through (g) [No change in text.]

§143.0744 Parking Ratios for Affordable Housing

Upon the request of an *applicant* for a *development* meeting the criteria in Sections 143.0720(c), 143.0720(d), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(j), the vehicular parking ratios in Table 143-07D, as may be applicable, or those set forth in Chapter 14, Article 2, Division 5, inclusive of disabled and guest parking, whichever is lower, shall apply. For purposes of this Division, a *development* may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking or parking within a required front *yard setback*.

Table 143-07D

Parking Reduction for Proximity to Transit

Type of Development	Percent Affordable	Transit Requirement³	Parking Ratio for Development¹
Rental or for-sale development containing market rate and very low income, low income, and/or moderate income dwelling units <ul style="list-style-type: none"> • Very low income • Low income • Moderate income through Rental housing affordable to very low income and low income households that is either a special needs housing development as defined in California Health and Safety Code (CHSC) Section 51312 or a supportive housing development as defined in CHSC Section 50675.14 [No change in text.]	[No change in text.]	[No change in text.]	[No change in text.]

Footnotes for Table 143-07D

¹through²[No change in text.]

³ Section 142.0528 applies to development within the Parking Standards Transit Priority Area.

§143.0746 Affordable Housing in All Communities

- (a) Affordable housing uses not otherwise allowed in High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Areas.
- Affordable housing may be permitted in High or Highest Resource CTCAC Areas in accordance with Process One on a premises located

within a non-residential base zone that does not otherwise allow *multiple dwelling unit development*, subject to all of the following:

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

(5) *Development* consistent with the criteria in this section shall be entitled to incentives and waivers in accordance with Section 143.0740 ~~through~~ and 143.0743.

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

(b) Affordable housing may be permitted on a *premises* owned by a public agency or qualified nonprofit corporation (consistent with Chapter 2 of the Municipal Code) in accordance with a Process One on a *premises* located within a base zone that does not allow *multiple dwelling unit development*, subject to all of the following:

(1) through (6) [No change in text.]

(7) *Development* consistent with the criteria in this section shall be entitled to incentives and waivers in accordance with Section 143.0740 ~~through~~ and 143.0743.

(8) [No change in text.]

§143.0748 **Density Bonus and Incentives for Commercial Development**

An applicant for a commercial development that has entered into an agreement with an applicant for a residential development that provides at least 15 percent of the total dwelling units as affordable to very low income households or at least 30 percent of the dwelling units as affordable to low income households shall be

entitled to a *development* bonus in accordance with California Government Code 65915.7(b) provided that all the following are requirements are met:

- (a) The agreement shall identify, to the satisfaction of the City Manager, how the *applicant* for the commercial *development* will contribute to affordable housing in one of the following ways:
 - (1) Directly constructing the affordable *dwelling units* on the same *premises* of the *development*;
 - (2) Donating a portion of the commercial *premises* or another *premises* that meets the criteria in section 143.0743(b) for the *development* of affordable *dwelling units*; or
 - (3) Contributing to the *development* of affordable *dwelling units* through payment of the Employee Housing Incentive Program Fee in accordance with Section 143.0742.
- (b) The residential *development* shall be located within a *Sustainable Development Area* or *Transit Priority Area*.
- (c) A *deemed complete* application for the commercial *development* was submitted prior to January 1, 2028.
- (d) A commercial *development* shall only utilize either the incentives provided in this Section or in Section 143.0742.

§143.1010 Incentives in Exchange for Sustainable Development Area Affordable Housing and Infrastructure Amenities

An *applicant* proposing *development* that is consistent with the criteria in Section 143.1002 shall be entitled to the following incentives:

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

- (c) Waiver of the following applicable base zone or Planned District regulations:
- (1) through (5) [No change in text.]
- (6) Maximum front ~~setback~~ setback or street side ~~setback~~ setback if the maximum is less than 20 feet and the *development* is constructing a ~~promenade~~ public space, in accordance with Section 143.1020.
- (d) through (g) [No change in text.]
- (h) Use of up to five Affordable Housing Incentives. An *applicant* utilizing the regulations in this Division shall be entitled to incentives as described in Section 143.1010(h) for any *development* for which a written agreement and a deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission. The City shall process an incentive requested by an *applicant* in accordance with Section 143.1010(h).
- (1) through (2) [No change in text.]
- (3) An incentive requested as part of a *development* meeting the requirements of this Division shall be processed according to the following:
- (A) Upon an *applicant's* request, *development* that meets the applicable requirements of this Division shall be entitled to incentives pursuant to Section 143.1010(h) unless the City makes a written finding of denial based upon substantial evidence, of any of the following:

- (i) [No change in text.]
- (ii) The incentive would have a specific adverse impact upon public health and safety as defined in California Government Code Section 65589.5, ~~the physical environment, including~~ environmentally sensitive lands, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to *low income* and *moderate income* households;

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

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

(4) [No change in text.]

- (i) Affordable Housing waivers may be granted, except that waivers cannot be used to deviate from the requirements of this Division. An *applicant* utilizing the regulations in this Division shall be entitled to a waiver as described in Section 143.1010(i) for any *development* for which a written agreement and a deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission.

(1) [No change in text.]

- (2) Upon an *applicant's* request, *development* that meets the applicable requirements of this Division shall be entitled to a waiver unless the City makes a written finding of denial based upon substantial evidence, of any of the following:
- (A) The waiver would have a significant, quantifiable, direct, and unavoidable impact upon health, or safety, ~~or the physical environment~~ for which there is no feasible method to mitigate or avoid the impact;
 - (B) The waiver would have an adverse impact on any real property that is listed in the California Register of Historical Resources;
 - (C) through (D) [No change in text.]
 - (E) Within the Airport Land Use Compatibility Overlay Zone, the waiver would be inconsistent with any of the noise compatibility, safety compatibility, aircraft overflight notification requirements, or airspace protection compatibility regulations in Sections 132.1510 through 132.1525.

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

(j) [No change in text.]

§143.1020 Required Provision of Infrastructure Amenities

In accordance with Section 143.1002(a)(2), an *applicant* requesting application of the regulations in this Division shall provide infrastructure amenities as follows:

- (a) [No change in text.]
- (b) ~~Public Promenade~~ Public Space alternative. In lieu of the fee described in Section 143.1020(a), *development* on a *premises* of at least 25,000 square feet ~~with at least 200 linear feet of *street frontage* or on a separately-owned parcel within a *Sustainable Development Area* where the *development* is located and with an equivalent-sized *premises* of the *development* or larger with at least 200 linear feet of *street frontage*, may shall construct public amenities in the form of a ~~public promenade~~ public space.~~
- (1) Prior to the issuance of any Building Permit, the *applicant* shall hold at least two community workshops to provide information and receive feedback on the *development* public space design.
- (2) A notice describing the ~~public promenade~~ public space shall be posted in a prominent and accessible location within a common area of the *development* or parcel adjacent to the ~~promenade~~ public space where it can be viewed by the public. The notice shall include contact information of the *applicant* and a statement that the ~~public promenade~~ public space is required pursuant to the San Diego Municipal Code.
- (3) through (5) [No change in text.]
- (6) *Development* that includes a ~~promenade~~ public space in accordance with Section 143.1020 shall be exempt from requirements to

provide private or common open space for the residential *dwelling units*.

(7) A ~~promenade is a public open space that~~ public space shall adjoin or ~~is visible from a~~ have direct access to the public *public right-of-way* ~~along the longest~~ *street frontage*. The ~~promenade~~ public space shall meet the following standards and ~~will~~ shall be exempt from Council Policy 600-33.

- (A) ~~The promenade shall span the length of the longest~~ *street frontage* and shall extend inward from the *property line* ~~abutting the longest~~ *street frontage* at a distance of at least 20 feet. The public space shall be at least 4,000 contiguous square feet.
- (B) ~~The sidewalk within the~~ *public right of way* adjacent to the ~~promenade shall be widened to a minimum of 8 feet,~~ measured perpendicular to the *street*. The public space shall have signs indicating it is open to the public and the public and the hours of accessibility.
- (C) The ~~promenade~~ public space shall be at a minimum publicly accessible from 7:00 a.m. to 7:00 p.m. The ~~promenade~~ public space shall include landscape designs that provide viewable surveillance, including visibility from surrounding properties, with plantings controlled to allow clear sight lines into the ~~promenade~~ public space.

- (D) A minimum of 50 percent of a ~~promenade~~ public space shall be free of physical barriers or obstructions, such as walls or gates.
- (E) Garage entrances, driveways, parking spaces, passenger drop-offs, loading berths, trash storage facilities, utility boxes, as well as the access or service for these facilities are not permitted within a ~~promenade~~ the public space.
- (F) ~~Pedestrian circulation paths within the promenade shall connect to all~~ The public space shall be accessible from at least one abutting public streets and all building entrances that front the promenade public space by a pedestrian path that is at least 4 feet wide.
- (i) The pedestrian path shall be continuous, clear of obstructions, and visually distinguishable from other hardscaping.
- (ii) Pedestrian paths shall be separated from vehicular access areas by wheel stops, curbs, landscaping, or other physical barriers, except when crossing driveways or aisles.
- (G) Landscaping shall be provided as follows:
- ~~(a)~~(i) At least one, 24-inch box canopy form tree is required for each ~~25~~ 500 square feet of ~~street frontage on each side of the required sidewalk~~

public space.

~~(b)(ii)~~ At least 15 percent and not to exceed 20 percent of the ~~promenade~~ public space area shall be comprised of planting, which can include hanging plants, planting beds or living walls.

(H) through (I) [No change in text.]

(J) Seating shall be provided in the ~~promenade~~ public space. This may be satisfied by providing moveable seats, fixed individual seats, benches with or without backs, and design feature seating, such as seat walls, ledges, and seating steps.

(K) One trash receptacle and one recycling container shall be provided for every ~~150 feet of street frontage~~ 4,000 square feet of the public space.

(L) through (M) [No change in text.]

(N) Patios, tables, and seating operated by on-site commercial tenants may be included within the ~~promenade~~ public space, if they are accessible to the public during non-business hours and are limited to no more than 20 percent of the ~~promenade area~~ public space.

~~(O)~~ ~~Required best management practices (BMPs) for storm water may be constructed within the required landscaped area of the promenade, including within the public right of~~

~~way, so long as pedestrian access to and within the promenade is not hindered by the BMPs.~~

~~(P)~~(O) The *development* may utilize the *public right-of-way* adjacent to the ~~promenade~~ public space to implement the standards required in Section 143.1020(b)(7)(I)~~–(M)~~. Utilization of the *public right-of-way* is subject to an Encroachment Maintenance and Removal Agreement in accordance with Section 129.0715. If the *applicant* is required to remove the amenities within the *public right-of-way*, they shall be replaced within the ~~promenade~~ public space on the *premises*.

(8) ~~If site constraints such as topography or the desire to avoid archaeological, tribal, cultural, historical or environmental resources make siting the promenade along the *public right-of-way* infeasible, the promenade may be located on another portion of the *premises*, subject to the following:~~

(A) ~~The square footage of the promenade must be equal to or greater than the length of the longest *street frontage* multiplied by 20 and must be contiguous.~~

(B) ~~The promenade must comply with Section 143.1020(b)(7)(C–O).~~

§143.1025 Supplemental Development Regulations

Development utilizing the regulations in this Division must comply with the following Supplemental Development Regulations and may not utilize the waivers provided in Section 143.1010(g) to deviate from the requirements in Section 143.1025.

(a) Pedestrian Circulation Space. All *development* shall include the following pedestrian circulation improvements:

(1) ~~Sidewalk Widening. A sidewalk widening enlarges a pre-existing or required sidewalk to a minimum of 10 feet in width measured perpendicular to the street.~~ Urban Parkway Requirements. The applicant shall provide an urban parkway that is at least 14 feet in width measured from the face of the curb or at a width required per Section 142.0670(a)(3), whichever is greater. For a *premises* that is less than 25,000 square feet, an *applicant* may elect to provide a bicycle repair station, a wayfinding sign, public seating, a public drinking fountain or a smart kiosk, in lieu of ~~an sidewalk widening urban parkway.~~ All development in this Section shall meet the minimum parkway requirements in Section 142.0670(a)(3).

(A) Clear Path. The urban parkway shall include a clear path of travel, free of obstructions, and be at least 8 feet in width. This shall be a public concrete paved walkway that is specifically designed for pedestrian travel. It excludes any area primarily designed for use by vehicles or the

conveyance of storm water, any area planted with landscaping, or any area primarily consisting of dirt or sand; and

(B) Buffer Area. The urban *parkway* shall include a buffer area to separate the clear path from the parking, driving, or vehicular travel lane. The buffer area shall be at least 6 feet in width and shall include street trees, which may be located within tree grates or a continuous planter strip in accordance with Section 142.0670(a)(3).

(C) An applicant may meet the urban *parkway* minimum width requirement in Section 143.1025(a)(1) by providing a public space fronting the urban *parkway* if all the following requirements are met:

(i) Up to 4 feet of the urban *parkway* may be satisfied through the provision of a public space fronting the urban *parkway*, so long as the minimum *parkway* requirements in Section 142.0670(a)(3) and Community Plan Implementation Overlay Zone regulations in Chapter 13, Article 2, Division 14, if applicable, are met;

(ii) Any portion of the *parkway* used to meet the urban *parkway* width requirement shall not be used to

meet the public space alternative requirement in
Section 143.1020(b);

- (iii) The applicant shall record a maintenance agreement
ensuring that the public space shall be maintained in
perpetuity;
- (iv) The public space shall be accessible to the public at
all times;
- (v) The public space fronting the urban parkway shall
use different paving material from the urban
parkway to delineate the area;
- (vi) The applicant for the development shall record a
pedestrian access easement for the public space
fronting the urban parkway to the satisfaction of the
City Engineer;
- (vii) A minimum of 1 sign indicating the public space is
open to the public shall be provided for at least
every 200 feet of street frontage; and
- (viii) An upper story of a building with a finish floor
elevation of more than 25 feet above a public space
may have balconies, building elements, or habitable
space that shall only project over the public space
fronting the urban parkway.

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

- (b) [No change in text.]
- (c) Standards for Buildings over 95 in Height of *Premises* over 20,000 Square Feet in Area. For the purposes of Section 143.1025, bulk and scale are divided into the two main areas of the building base and the tower. Buildings over 95 feet in height located on a *premises* over 20,000 square feet in area, outside of the Centre City Planned District, shall comply with the following requirements:
 - (1) through (2) [No change in text.]
 - (3) The minimum height of the *street wall* shall be 30 feet, ~~except as required under the Centre City Planned District.~~
 - (4) A *street wall* shall be provided for 70 percent of the building frontage along the *public right-of-way*, with the following exceptions, which may be subtracted from the length of the frontage:
 - (A) Publicly or privately-owned plazas, ~~or~~ promenades, or public spaces;
 - (B) through (E) [No change in text.]
 - (5) through (6) [No change in text.]
- (d) [No change in text.]
- (e) Transition to Adjacent Residential Single-Unit Zones. *Development* on a *premises* directly adjacent to a Residential Single--Unit (RS) zone where an existing *dwelling unit* is located on the adjacent *premises*, shall comply with the following criteria:

- (1) [No change in text.]
- (2) Incorporate a transition plane in the *development* that does not exceed a 65-degree angle. No building, architectural projection, or encroachment may extend into the transition plane. The transition plane for the *development* shall ~~start from~~ be measured from the existing grade of the shared property line with the RS zone. Where the shared property line is a rear property line, the transition plane shall and extend 1/3 of the lot depth, or 25 feet, whichever is less. Where the shared property line is a side property line, the transition plane shall extend 1/3 of the lot width or 25 feet, whichever is less.

§143.1103 Mobility Choices Requirements

- (a) For the purposes of this Division, Mobility Zones shall be defined as follows:
 - (1) through (3) [No change in text.]
 - (4) Mobility Zone 4 means any area within a community planning area with a VMT efficiency that is greater than 85 percent of the regional average for ~~either~~ both resident VMT per capita ~~or~~ and employee VMT per employee, as determined by the City Manager.
 - (5) through (6) [No change in text.]
- (b) through (c) [No change in text.]

§143.1303 Application of Multi-Dwelling Unit and Urban Lot Split Regulations in Single Dwelling Unit Zones

- (a) This Division applies to *premises* located within a RS, ~~RE~~, RX, RT and Planned District Zones that permits *single dwelling unit development*, but not *multiple dwelling unit development*, except as prohibited in Section 143.1303(b).
- (b) [No change in text.]

§143.1310 Construction of Multiple Dwelling Units in a Single Dwelling Unit Zone

Up to two *dwelling units* may be permitted on a *premises* within a RS, ~~RE~~, RX, RT or Planned District Zones that permits *single dwelling unit development*, but not *multiple dwelling unit development*, in accordance with the following regulations:

- (a) The *development* regulations of the base zone in which the *premises* is located shall apply, except as specified in this section:
 - (1) through (2) [No change in text.]
 - (3) Parking Regulations
 - (A) Within a *Sustainable Development Area* or transit priority area, no *off-street parking spaces* are required.
 - (B) Outside of a *Sustainable Development Area* or transit priority area, *off-street parking spaces* shall be provided as follows:
 - (i) through (ii) [No change in text.]
 - (4) through (6) [No change in text.]
- (b) [No change in text.]

Chapter 14

Article 3: Supplemental Development Regulations

Division 14: Climate Actions Plan Consistency Regulations

§143.1403 Application of the Climate Action Plan Consistency Regulations

- (a) This Division applies to the following:
 - (1) New ~~D~~development that results in three or more total *dwelling units* on ~~all~~ a ~~premises in the development;~~
 - (2) through (3) [No change in text.]
- (b) through (c) [No change in text.]

§155.0231 Exceptions to the Residential Zones Regulations within the Central Urbanized Planned District

Table 131-04G, Development Regulations of RM Zones, shall apply with the following exceptions:

Table 155-02A

Floor Area Ratio Exceptions

Zones	RM-1-1	RM-1-2	RM-1-3	RM-2-4	RM-2-5	RM-2-6
Max <i>floor area ratio</i> ¹	0.4 <u>1.0</u> ^{1,2}	0.65 ^{1,2}	0.75 ^{1,2}	0.90 ^{1,2}	1.10 ²	1.30

Footnotes for Table 155-02A

¹through²[No change in text.]

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

Legend for Table 155-02C

[No change in text.]

Table 155-02C

Use Regulations Table for CU Zones

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1 ⁻⁽¹⁾		2-			3-				
	4th >>	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7	8	
Open Space through Residential, Separately Regulated Residential Uses, Employee Housing: Greater than 12 Employees [No change in text.]		[No change in text.]									
Fraternities, and Sororities and Student Dormitories	-	C			C						
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]		[No change in text.]									
<u>Student Housing</u>	=	<u>C</u>			<u>C</u>						
Transitional Housing: 6 or Fewer Persons through Institutional Uses, Separately Regulated Uses, Homeless Facilities: Homeless Day Centers [No change in text.]		[No change in text.]									
Hospitals, Intermediate Care Facilities & Nursing Facilities	-	C			C						
<u>Intermediate Care Facilities & Nursing Facilities</u>	<u>C</u>	<u>C</u>			<u>C</u>						
Interpretive Centers through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]									

Footnotes for Table 155-02C

¹through¹³ [No change in text.]

§155.0242 Development Regulations Table for CU Zones

The following development regulations apply in each of the CU zones as shown in Table 155-02D.

Table 155-02D

Development Regulations of CU Zones

Development Regulations	Zone Designator	Zones							
	1st & 2nd >>	CU-							
3rd >>	1-	2-	3-	2-	3-				
4th >>	1 ⁽¹⁾	2 ⁽¹⁾	3	4	5	6	7	8	
Max residential density ⁽²⁾ through Min lot coverage (%) [No change in text.]	[No change in text.]								
Max floor area ratio , Mixed use bonus/ Min % to residential [See Land Development Code Section 131.0546(a)] [No change in text.]	[No change in text.]								
<u>Floor Area Ratio Bonus for Child Care</u> [See Section 155.0243(a)]	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	
Pedestrian paths [See Land Development Code Section 131.0550] through Parking lot orientation [See Land Development Code Section 131.0556] [No change in text.]	[No change in text.]								

Footnotes for Table 155-02D

¹through² [No change in text.]

§155.0243 Maximum Floor Area Ratio

Maximum floor area ratio is specified in Table 155-02D.

Floor Area Ratio Bonus for Child Care Facilities

In the CU zones, a floor area ratio bonus over the otherwise maximum allowable gross floor area is permitted at the rate of 10 square feet of additional gross floor area for each 1 square foot of gross floor area devoted to the child care facility to be added to the total area of the premises when determining the floor area ratio

for a development. The area designated for the child care facility must maintain an 'E' occupancy permit for a minimum of 10 years from the time of construction permit issuance and must comply with the requirements of Section 141.0606 (Child Care Facilities).

Chapter 15

Article 9: La Jolla Planned District

Appendix C: Color Palette

EXTERIOR BUILDING FACADE COLOR PALETTE

[No change in text.]

APPLICABLE COLOR DEFINITIONS

[No change in text.]

BUILDING COLOR:

[No change in text.]

BUILDING COLOR GUIDE:

To more accurately define the earthtone and pastel colors noted in this Section, the following specific color ranges are given in three color systems.

Under the Hicketheir 1000 International Color System, colors are specified very precisely by a specific numerical system. Further information is available in the book "~~Color Mixing by Numbers~~: Color Mixing by Numbers by Alfred Hicketheir, Van Nostrand Reinhold Company, New York, available at graphics and art supply stores.

For the convenience of Applicants, equivalent colors are also specified under Ameritone and Frazee color designations because these paints are widely available in the San Diego area. Equivalent colors by any other manufacturer are also acceptable upon prior approval by the

Development Services Director. In addition, colors similar in hue and tone to those designated may be used with the prior approval of the Development Services Director.

The following range of earthtone and pastel colors are acceptable. These numbers are based on 1983 color codes and the numbers may change over time; refer

Refer to La Jolla Planned District Color Chart in the City Planning Department for acceptable exterior building façade colors.

LIGHT EARTHTONE COLORS

[No change in text.]

PASTEL COLORS

[No change in text.]

§1510.0201 Procedures for Permit Application and Review

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

(d) A La Jolla Shores Planned District Permit may be approved, conditionally approved, or denied by a Hearing Officer, in accordance with Process Three, after receiving written recommendations or comments from the Advisory Board. The decision of the Hearing Officer may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506. Applications for Planned Development Permits shall be processed in accordance with Land Development Code Chapter 11 (Land Development Procedures) and Chapter 12 (Land Development Reviews). Action by the Hearing Officer on applications, other than those for Planned Development Permits, shall follow ~~receipt of recommendation or comments from~~ a written decision by the Advisory Board and shall

include a statement that the Hearing Officer finds that the ~~building,~~
~~structure, or improvements for which the permit was applied~~ development
does or does not conform to the regulations contained herein. If the
Hearing Officer determines that the proposed development does not
conform to the regulations within the La Jolla Shores Planned District, the
specific facts on which that determination is based shall be included in the
Hearing Officer's written decision. ~~Applications for improvements to~~
~~patio covers, decks, fences, retaining walls, uncovered swimming pools,~~
~~unlighted tennis courts, single family residences and any addition to or~~
~~alteration of any structure which the City Manager determines to be minor~~
~~in scope, may be approved or denied in accordance with Process One, by~~
~~the City Manager, without receiving recommendations or comments from~~
~~the Advisory Board. Notwithstanding the foregoing provision, the City~~
~~Manager may refer an application for such improvement to the Advisory~~
~~Board for a recommendation before taking action on the application. The~~
~~City Manager may approve the application if the City Manager determines~~
~~that the improvement conforms to the architectural criteria and design~~
~~standards adopted by the City Council.~~

- (1) The City Manager may determine that a development is minor in
scope and may be decided in accordance with a Process One,
without receiving a recommendation or comments from the
Advisory Board. The City Manager may determine that the
following types of development are minor in scope:

- (A) Applications for improvements, additions, or alterations that increase the existing floor area by 10 percent or less; or
- (B) Applications for improvements to patio covers, decks, fences, retaining walls, uncovered swimming pools, unlighted tennis courts, or single-family residences.
- (2) Notwithstanding the foregoing provision, the City Manager may refer an application for such improvements to the Advisory Board for a recommendation before taking action on the application. The City Manager may approve the application if the City Manager determines that the improvement conforms to the architectural criteria and design standards adopted by the City Council.

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

§1513.0304 Property Development Regulations – Residential Subdistricts

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

(c) Yards

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

(3) Minimum Interior Yards

(A) [No change in text.]

(B) Exceptions:

- (i) ~~A three-foot setback may be applied to a structure that is 20 feet or less above existing or proposed grade, whichever is lower, provided that any portion of the structure's facade that exceeds 20 feet in~~

~~height above existing grade or proposed grade, whichever is lower, shall observe an additional setback for the remainder of the structure height by sloping away from the vertical plane of the façade at an angle not to exceed 45 degrees. A structure that is 20 feet or less in height above existing or proposed grade, whichever is lower, may observe a 3-foot setback. The *structure* may be placed anywhere between the standard 5-foot setback and the 3-foot reduced setback exception.~~

(ii) Any portion of the structure's façade that exceeds 20 feet in height above existing or proposed grade shall not exceed a vertical plane established by a 45-degree angle sloping inward from the 3-foot reduced setback to the maximum permitted 30-foot height limit.

~~(ii)~~(iii) Structures that are developed with portions of the structure observing a 3-foot setback exception, and other portions of the structure observing ~~a~~ the standard 5-foot setback may use a combination of Sections 1513.0304(c)(3)(A) and 1513.0304(c)(3)(B)(i), as shown in Diagram 1513-03C.

~~(iii)~~(iv) In the R-N Subdistrict development of any lot or combination of lots 45 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater.

~~(iv)~~(v) In the R-S Subdistrict development of any lot or combination of lots 55 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater.

(4) through (6) [No change in text.]

Diagram 1513-03C

Interior Yards and Building Height

[No change in text.]

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

§1513.0402 Landscaping

(a) Residential Subdistricts

(1) One hundred percent of all required yards except interior yards and rear yards shall be landscaped with a minimum of at least 50 percent and shall be any combination of trees, shrubs and living ground cover; except that the use of trees to meet this requirement shall be optional. ~~All proposed landscaping in the required yard areas for Courts, Places, or Walks shall be maintained at a height of three feet or lower (including raised planters) to preserve public views. All landscaping shall be drought tolerant and native or non-~~

~~invasive plant species. The remaining 50 percent may include, but is not restricted to, fountains, reflecting pools, art objects, decorative walkways, screens, walls, fences, benches, and decks not exceeding 3 feet in height.~~

(A) Planting areas should be located at grade.

(B) All landscaping in the required yard areas for Courts, Places, or Walks shall be maintained at a height of 3 feet or lower to preserve public views.

(C) All landscaping shall be drought-tolerant and native or non-invasive plant species.

(D) The remaining 50 percent may include, but is not restricted to, fountains, reflecting pools, art objects, decorative walkways, screens, walls, fences, benches, and decks not exceeding 3 feet in height.

(2) [No change in text.]

(b) [No change in text.]

§1516.0103 ~~Old Town San Diego Planned District Design Review Board~~

~~(a) Appointments, Terms and Procedures~~

~~(1) The Old Town San Diego Planned District Design Review Board (hereafter referred to as the Board) shall be created to provide recommendations and advice as specified in Section 1516.0103(b). The Board shall be composed of five members who shall serve without compensation. The members shall be appointed by the~~

~~Mayor and confirmed by the Council. The members shall serve four year terms and each member shall serve until his successor is duly appointed and qualified. After a four year term, members can be re-appointed, but no person may serve for more than eight consecutive years (two four year terms). The members shall be appointed in such a manner that the terms of not more than two members shall expire in any year. The expiration date shall be March 1. During March of each year, the Mayor may designate one member as Chairman; however, in the absence of such designation, the Board shall, on or after April 15, select a Chairman from among its members.~~

- (2) ~~All members shall be electors of the County of San Diego at the time of appointment. Members of the Board shall be persons who shall be specifically qualified by reason of training or experience in history, art, architecture, land development, landscape architecture, historic preservation, archaeology, tourism, planning, or other relevant business or profession able to judge the aesthetic effects of a proposed development. The composition of the Board shall be as follows: one seat for a registered architect or landscape architect; two seats for persons qualified by reason of training or experience in history, art, architecture, land development, landscape architecture, historic preservation, archaeology, tourism, planning, or other relevant business or profession; one seat for a member of~~

~~the Old Town San Diego Community Planning Group; and one seat for a person who is a resident, property owner, or business licensee within the Old Town San Diego Community Planning area or a member of the Old Town San Diego Community Planning Group.~~

- ~~(3) A Board member shall be replaced if the member has three unexcused consecutive absences within the 12-month period of March through February each year.~~
- ~~(4) Three members shall constitute a quorum for the transaction of business and a majority vote and not less than three affirmative votes shall be necessary to make any Board decision. The Board may adopt rules of procedure to supplement those contained within this Section 1516.0103.~~
- ~~(5) The City Manager or designee shall serve as Secretary of the Board as an ex officio member. The Board shall only hold a meeting when the Secretary is in attendance. The Secretary shall not be entitled to vote.~~
- ~~(6) All officers of the City shall cooperate with the Board and render all reasonable assistance to it.~~
- ~~(7) The Board shall render a report annually on December 1, or on request, to the Mayor and to the Old Town San Diego Community Planning Group.~~

(b) ~~Powers and Duties~~

- (1) ~~It shall be the duty of the Board to review and make recommendations to the appropriate decision-making authority on applications for permits, maps, or other matters within the Planned District that require Process Three, Process Four, Process Five, and Process CIP Five decisions, as specified in Table 1516-01A and Land Development Code Chapter 12, and to submit its recommendations or comments on these matters in writing within 30 calendar days to the City Manager or designee. The Board shall also provide advice on architectural and urban design requirements (*architectural features, site design, streetscape, landscape, parking, accessory buildings, sign requirements, and supplemental regulations*) in compliance with the regulations and procedures contained in this Division for applications for permits or other matters within the Old Town San Diego Planned District that require Process One or Process Two decisions, as specified in Table 1516-01A and Land Development Code Chapter 12, upon request of the City Manager or designee.~~
- (2) ~~The Board may recommend that the City Manager approve, modify, or disapprove any application for a permit, map, or other matter based upon its condition of compliance or noncompliance with the adopted regulations and requirements. The Board shall utilize the regulations and procedures contained in this Division, the purpose and intent of this Division, and the supplemental~~

~~findings for development in the Planned District in evaluating the appropriateness of any development under this Division. It shall also be the duty of the Board to recommend to the Planning Commission any changes to the development regulations contained in this Division, provided such changes are necessary for the proper execution of the purpose and intent of this Division and the adopted Old Town San Diego Community Plan, and to adopt rules of procedure to supplement those contained within this Division.~~

§1516.0106 Administrative Regulations

- (a) Any permit or any work within the Old Town San Diego Planned District, including erection of any new building or structure, or repainting of exterior surfaces, remodeling or repair, alteration, addition to or demolition of any existing building or structure, or relocation of any structure may be reviewed by the City Manager ~~and the Design Review Board.~~

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

§1516.0112 Use Regulations for Old Town San Diego Residential Zones

The uses allowed in the Old Town San Diego Residential zones are shown in Table 1516-01B:

Legend for Table 1516-01B

[No change in text.]

Table 1516-01B

Use Regulations for Old Town 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 >> 3rd >> 4th >>	OTRS- 1- 1	OTRM- 1- 2- 1 2		
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]			
<u>Continuing Care Retirement Communities</u>		=	=	=	
Employee Housing: 6 or Fewer Employees through Employee Housing: Greater than 12 Employees [No change in text.]		[No change in text.]			
Fraternities; <u>and</u> Sororities and Student Dormitories		-	-	-	
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]		[No change in text.]			
<u>Student Housing</u>		=	=	=	
Separately Regulated Residential Uses, Transitional Housing: 7 or more persons through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Homeless Day Centers [No change in text.]		[No change in text.]			
Hospitals, Intermediate Care Facilities & Nursing Facilities		[No change in text.]			
<u>Intermediate Care Facilities & Nursing Facilities</u>		=	=	=	
Interpretive Centers through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]			

Footnotes for Table 1516-01B

¹ through ⁵ [No change in text.]

⁶ Only one exterior receiving antenna per dwelling unit is permitted. Any satellite antennas as described in Land Development Code Section 141.0405 shall be screened from view and are subject to review by the Design Review Board and approval by the City Manager.

⁷ [No change in text.]

§1516.0117 Use Regulations Table for Old Town San Diego Commercial Zones

The uses allowed in the Old Town San Diego Commercial zones are shown in

Table 1516-01D:

Legend for Table 1516-01D

[No change in text.]

Table 1516-01D

Use Regulations for Old Town San Diego Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator 1st & 2nd >> 3rd >> 4th >>	Zones								
		OTCC-						OTMCR-		
		1-		2-		3-		1		
		1	1	2	3	1	2	1	2	3
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]								
<u>Continuing Care Retirement Communities</u>		=	=	=	=	=	=	=	=	=
Employee Housing: 6 or Fewer Employees through Employee Housing: Greater than 12 Employees [No change in text.]		[No change in text.]								
Fraternities, and Sororities and Student Dormitories		-	-	-	-	-	-	-	-	-
Garage, Yard, & Estate Sales through Live/Work Quarters [No change in text.]		[No change in text.]								
Residential Care Facilities:										
6 or Fewer Persons [No change in text.]		[No change in text.]								
7 or More Persons		-	-	-	-	-	-	-	-	<u>CL</u>
<u>Student Housing</u>		=	=	=	=	=	=	=	=	=
Transitional Housing										
6 or Fewer Persons [No change in text.]		[No change in text.]								
7 or More Persons		-	-	-	-	-	-	-	-	<u>L</u>
Watchkeeper Quarters through Institutional, Separately Regulated Institutional Uses, Homeless Facilities: Homeless Day Centers [No change in text.]		[No change in text.]								
Hospitals, Intermediate Care Facilities & Nursing Facilities		-	-	-	-	-	-	-	-	-
<u>Intermediate Care Facilities & Nursing Facilities</u>		=	=	=	=	=	=	=	=	=

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 >>	OTCC-						OTMCR-		
	3rd >>	1-	2-		3-		1			
	4th >>	1	1	2	3	1	2	1	2	3
Institutional, Separately Regulated Institutional Uses, Interpretive Centers through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]								

Footnotes for Table 1516-01D

- ¹ [No change in text.]
- ² Only one exterior receiving antenna per dwelling unit is permitted. Any satellite antennas as described in Land Development Code Section 141.0405 shall be screened from view and are subject to ~~review by the Design Review Board~~ and approval by the City Manager.
- ³ through ⁷ [No change in text.]

§1516.0121 Use Regulations for Old Town San Diego Open Space-Park Zones

- (a) [No change in text.]
- (b) Within the Old Town San Diego Open Space-Park zones, no structure or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any premises be used or maintained, except for one or more of the purposes or activities listed in Table 1516-01F. It is unlawful to establish, maintain, or use any premises for any purpose or activity not listed in ~~this~~ Section 1516.0121 or Table 1516-01F.
- (c) through (f) [No change in text.]

§1516.0122 Use Regulations for Old Town San Diego Open Space-Park Zones

The uses allowed in the Old Town San Diego Open Space-Park zones are shown in Table 1516-01F:

Legend for Table 1516-01F

[No change in text.]

Table 1516-01F

Use Regulations for Old Town San Diego Open Space-Park Zones

Use Categories/ Subcategories [See Section 131.0112 for Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones	
		1st & 2nd>>	OTOP-
	3rd >>	1-	2-
	4th >>	1	1
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]	
<u>Continuing Care Retirement Communities</u>		=	=
Employee Housing: 6 or Fewer Employees through Employee Housing: Greater than 12 Employees [No change in text.]		[No change in text.]	
Fraternities; and Sororities and Student Dormitories		-	-
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]		[No change in text.]	
<u>Student Housing</u>		=	=
Transitional Housing: 6 or more persons through Institutional, Separately Regulated Institutional Uses , Homeless Facilities: Homeless Day Centers [No change in text.]		[No change in text.]	
Hospitals, Intermediate Care Facilities & Nursing Facilities		[No change in text.]	
<u>Intermediate Care Facilities & Nursing Facilities</u>		=	=
Interpretive Centers through Signs, Separately Regulated Signs Uses , Theater Marquees [No change in text.]		[No change in text.]	

Footnotes for Table 1516-01F

¹ through ² [No change in text.]

- ³ Only one exterior receiving antenna per dwelling unit is permitted. Any satellite antennas as described in Land Development Code Section 141.0405 shall be screened from view and are subject to ~~review by the Design Review Board and~~ approval by the City Manager.
- ⁴ [No change in text.]

§1516.0139 Sign Requirements

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

Table 1516-01H

Sign Maximum Size, Maximum Number, and Placement Requirements

Sign Type	Maximum Size	Maximum Number Allowed ⁽¹⁾	Placement
Primary <i>identification sign</i> through Neighborhood identification sign [No change in text.]	[No change in text.]		
<i>Temporary sign</i>	4 square feet; larger signs subject to review by Design Review Board and approval based on consistency shall be consistent with Section 1516.0139(a)	4	May be permitted in public right-of-way with appropriate City permits
<i>Miscellaneous sign</i> [No change in text.]	[No change in text.]		

Footnotes for Table 1516-01H

¹ through ² [No change in text.]

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

(l) Sign Lettering Typefaces and Design, Symbols, and Graphical Designs

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

(5) Graphical designs may be used as embellishment to complement lettering and fill empty space around lettering. Symbols and graphical designs shall constitute secondary content, except for

hanging projecting signs. The area covered by symbols and graphical designs shall not exceed 30 percent of a sign's surface area and 2 1/4 square feet.

- (i) Symbols shall be limited to common symbols used on signs pre-1872. Refer to Table 1516-01K. ~~Additional symbols may be permitted with a recommendation from the Design Review Board.~~
- (ii) [No change in text.]
- (iii) Use of two-dimensional cutouts of wood or a material with the appearance of wood as features on signs is permitted but shall be limited to common symbols used on signs pre-1872. Refer to Table 1516-01K. ~~Additional symbols may be permitted with a recommendation from the Design Review Board.~~
- (iv) [No change in text.]
- (m) [No change in text.]
- (n) Unpermitted Sign Illumination
 - (1) Use of internal illumination of any type, including light emitting diodes (LED), fluorescent tubing, and neon, is prohibited, ~~except such use may be permitted for community entry signs with a recommendation from the Design Review Board.~~
 - (2) [No change in text.]

§1516.0140 Specific Sign Design Requirements by Sign Type

Additional design and material requirements apply to the following sign types.

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

Table 1516-01I

Permitted Sign Colors for Backgrounds, Lettering, and Details

[No change in text.]

Table 1516-01J

Permitted Sign Backgrounds and Lettering Color Combinations

[No change in text.]

Table 1516-01K

Permitted Non-Text Symbols for Use on Signs⁽⁺⁾

Business Type	Symbol
Auction House through Watchmaker/Jeweler [No change in text.]	Elephant through Pocket Watch [No change in text.]

Footnote for Table 1516-01K

⁺ ~~Per Section 1516.0139(1)(5), additional symbols may be permitted with a recommendation from the Design Review Board.~~

LHS:nja:cm:nja
01/25/2024
06/25/2024 Cor. Copy
Or. Dept: DSD
Doc. No. 3682975_2