

Article 3: Supplemental Development Regulations

Division 3: Supplemental Neighborhood Development Permit and Site Development Permit Regulations

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

§143.0301 Purpose of Supplemental Neighborhood Development Permit and Site Development Permit Regulations

The purpose of these regulations is to provide standards for the evaluation of projects which, because of their size, location, community significance, or other identified characteristic, are required to obtain a Neighborhood Development Permit or Site Development Permit. It is intended that these supplemental regulations, in combination with the development regulations of the applicable zone, create the type of *development* envisioned by the applicable *land use plan*.

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

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

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

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

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Affordable/In-Fill Housing Projects with Deviations	143.0910, 143.0915, 143.0920	SDP/Process Four
Site Containing <i>Environmentally Sensitive Lands</i>	143.0101-143.0160, 143.0303, 143.0305, 143.0350, 143.0375, 143.0380	NDP/Process Two or SDP/Process Three or Four
Site Containing <i>Historical Resources</i>	143.0201, 143.0260, 143.0303, 143.0305, 143.0360, 143.0375, 143.0380	NDP/Process Two or SDP/Process Four
<i>Fences or Retaining Walls</i> Exceeding the Permitted Height	143.0303, 143.0305, 142.0350, 143.0375	NDP/Process Two
Relocated Building Onto a Site With an Existing Building	143.0303, 143.0305, 143.0345, 143.0375	NDP/Process Two
Site with <i>Previously Conforming</i> Conditions	127.0102-127/0106, 143.0303, 143.0305, 143.0375	NDP/Process Two

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Nonresidential <i>Development</i> Exceeding the Maximum Permitted Parking	142.0540(b), 143.0303, 143.0305, 143.0375	NDP/Process Two
Shared Parking for Uses Not Listed in Section 142.0545(c)	142.0545(b)(7), 143.0303, 143.0305, 143.0375	NDP/Process Two
Commercial <i>Development</i> With Tandem Parking	142.0555(b),143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Previously Conforming Parking</i> for a discontinued use	142.0510(d)(4), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Mobilehome Parks</i> in RM Zones	143.0303, 143.0305, 143.0340, 143.0375	NDP/Process Two
<i>Mobilehome Parks</i> in RS, RX Zones	143.0303, 143.0305, 143.0340, 143.0375	SDP/Process Three
Discontinuance of <i>Mobilehome Park</i>	143.0610-143.0640, 132.0701-132.0705, 143.0303, 143.0305, 143.0375	SDP/Process Three
Multiple Dwelling Unit <i>Development</i> that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Nonresidential <i>Development</i> (With TDM Plan) that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Community Plan Implementation Overlay Zone	132.1401-132.1405, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Three
Mission Trails Design District	132.1201-132.1205, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Three
<i>Development</i> Within the Urban Village Overlay Zone	132.1101-132.1110, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
<i>Public improvements</i> on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply	142.0601-142.0670, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Three
Manufactured Slopes in Excess of 25% Gradient and 25 Feet in Height	142.0101-142.0149, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Three
Affordable Housing in RE, RS, RX, RT, AR Zones	143.0303, 143.0305, 143.0310, 143.0375, 143.0380, 143.0710, 143.0740	SDP/Process Three
Affordable Housing with Deviations from Development Regulations	143.0303, 143.0305, 143.0310, 143.0375, 143.0380, 143.0760	SDP/Process Four
<i>Condominium Conversions</i> with Deviations from Development Regulations	143.0303, 143.0305, 143.0360, 143.0375	SDP/Process Four
<i>Multiple Dwelling Unit Development</i> in RM Zones Involving <i>Lot</i> Consolidation and Exceeds Number of Units Indicated in Table 126-05A	143.0303, 143.0305, 143.0310, 143.0375,143.0380	SDP/Process Three
Clairemont Mesa Height Limit Overlay Zone	132.1301-132.1306, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Five

Legend to Table 143-03A	
NDP	NDP means Neighborhood Development Permit
SDP	SDP means Site Development Permit

(Amended 6-3-2003 by O-19186 N.S.)
 (Amended 2-9-2006 by O-19461 N.S.; effective 3-9-2006.)
 (Amended 7-5-2006 by O-19505 N.S.; effective 8-5-2006.)

[Editors Note: This section only applies outside of the Coastal Overlay Zone. Ordinance No. O-19186 will not apply within the Coastal Zone until the thirtieth day following the date the Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment. If Ordinance No. O-19186 is certified with suggested modifications, Ordinance No. O-19186 shall be void within the Coastal Zone. For the corresponding regulations (When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply) within the Coastal Overlay Zone, refer to Land Development Code Section 143.0302, added by City Council on December 9, 1997 by O-18451.]

§143.0303 Permitted Uses with Neighborhood Development Permits and Site Development Permits

The following regulations apply to all Neighborhood Development Permits or Site Development Permits.

- (a) The uses permitted with a Neighborhood Development Permit or Site Development Permit are those uses permitted by the applicable zone, unless otherwise specified in these supplemental regulations. Limited uses and uses requiring a Neighborhood Use Permit or Conditional Use Permit are permitted subject to the requirements of the applicable zone. A Neighborhood Development Permit or Site Development Permit may not be used to permit any deviations from the use regulations of the applicable zone.
- (b) Changes of use on a *premises* do not require an amendment of the approved Neighborhood Development Permit or Site Development Permit if the proposed use is permitted in the applicable zone and no exterior modifications to the existing *structures* or associated exterior facilities are being made to accommodate the proposed use change. Proposed changes of use that require exterior modifications to the existing *structures* require an amendment to the approved Neighborhood Development Permit or Site Development Permit when the modifications are not in *substantial conformance* with the approved permit.
- (c) After construction of a *development* in accordance with a Neighborhood Development Permit or Site Development Permit, proposed uses that require a Neighborhood Use Permit or Conditional Use Permit may be permitted without an amendment to the Neighborhood Development Permit or Site Development Permit, unless the amendment involves exterior modifications

to the *premises* that are not in *substantial conformance* with the approved Neighborhood Development Permit or Site Development Permit.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§143.0305 Applicable Development Regulations for All Neighborhood Development Permits and Site Development Permits

All projects for which a Neighborhood Development Permit or Site Development Permit is required are subject to the development regulations of the applicable zone, including applicable regulations in Chapter 14, Article 2 (General Development Regulations) and the applicable supplemental regulations as identified in Table 143-03A. Where there is a conflict between the requirements of the applicable zone and the supplemental regulations, the supplemental regulations apply.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§143.0310 Supplemental Site Development Permit Regulations for Residential Development

Development subject to this section, as indicated on Table 143-03A, is subject to the following supplemental regulations in addition to any other regulations of the applicable zone and this division.

- (a) *Development* is subject to the land use and *density* regulations of the applicable *land use plan* in effect for the premises.
- (b) *Density* and Intensity
 - (1) The number of dwelling units or *gross floor area* proposed on the *premises* shall not exceed that set forth by the applicable zone and the applicable *land use plan* and shall be based on the area of the entire *premises*. The dwelling units and *gross floor area* may be distributed without regard to the proposed *lot* boundaries.
 - (2) If the *premises* is located in two or more zones, the maximum number of dwelling units or the *gross floor area* permitted on the *premises* shall be the sum of the dwelling units or the *gross floor area* permitted in each of the zones and may be distributed without regard to the zone
 - (3) If the proposed *development* includes property that is shown as part of an open space system on the applicable *land use plan* and is accepted by the City as dedicated open space, that portion of the property may be included in the calculation of the overall project *density* using the *density* of the base zone.
 - (4) The areas of the *premises* that are designated for *streets* or private streets may not be used in the calculation of maximum *density*.
 - (5) The areas of the *premises* that are designated for private drives may be used in the calculation of maximum *density*.

(c) Parking and Access

- (1) Identified pedestrian access shall be provided from all building entrances to the *public right-of-way*.
- (2) Parking areas and vehicular access drives shall be located to minimize impacts to pedestrian circulation, public *street* systems, and adjacent properties.

(d) Public Transportation

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

(e) *Fences* and Walls

- (1) All perimeter *fences* and walls shall be designed to be an integral part of the overall project design.
- (2) *Fences* and walls that are generally parallel to the *public right-of-way* and that exceed 100 feet in length shall be articulated with vertical elements spaced at no more than 25 feet on center. The vertical elements shall be a minimum of 12 inches wide.

(f) *Accessory Structures*

Accessory structures within the *development* shall be architecturally consistent with the primary buildings on the *premises*.

(g) Open Space

- (1) If the *premises* is located in two or more residential zones, the amount of open space required is the sum of the open space required in each of the residential zones and may be distributed with out regard to the zone boundaries.
- (2) All common open space intended for active use must be moderately level land with an overall gradient not exceeding 10 percent and located so that it is readily accessible to the occupants, employees, and guests of the *development*.
- (3) For *multiple dwelling unit* projects, at least 300 square feet of the total common open space required by the applicable zone shall be located in a single common area with no dimension less than 15 feet in any direction. Additionally, proposed *developments* exceeding 10 dwelling units shall contain, within the common area, at least one of the following recreational amenities: a tot lot, a barbecue area with picnic table and shade *structure*, a sport court or field, a swimming pool, or a golf course.
- (4) Recreational facilities shall be designed to serve only the occupants and guests of the *development*.

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

§143.0340 Supplemental Neighborhood Development Permit and Site Development Permit Regulations for Mobilehome Parks

The following supplemental regulations apply to Neighborhood Development Permits and Site Development Permits for *mobilehome parks*.

(a) Maximum *Density*

- (1) Within the RM zones, the maximum *density* is one dwelling unit per 3,000 square feet of lot area.
- (2) Within the RS and RX zones, the maximum number of dwelling units is that permitted by the applicable zone. The dwelling units are not required to be located on individual *lots* within the *mobilehome park*.
- (3) The maximum permitted *density* may be exceeded in accordance with Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus).

(b) Minimum Size of *Mobilehome Park*

The minimum size of a *mobilehome park* is 3 acres.

(c) Minimum Space Area for each *Mobilehome*

- (1) For each single-section unit, the minimum space area is 1,600 square feet.
- (2) For each multi-section unit, the minimum space area is 2,000 square feet.

(d) Minimum Dimensions of a *Mobilehome Park*

- (1) The minimum lot width of the *mobilehome park* is 100 feet.
- (2) The minimum lot depth of the *mobilehome park* is 100 feet.

(e) Minimum Width of Individual *Mobilehome* Space

The minimum width dimension for individual *mobilehome* spaces is 26 feet.

(f) Perimeter Buffer Requirement

A 20-foot-wide buffer shall be provided on the perimeter of the *mobilehome park*, except for vehicular and pedestrian access points, and shall consist of a combination of landscaping, berms, and low decorative walls, sufficient to *screen* the *mobilehome park* from adjacent properties.

(g) Pedestrian Access

Where applicable, pedestrian access shall be provided between the *mobilehome park* and adjacent land uses, consistent with the Transit Oriented Development Guidelines of the Land Development Manual.

- (h) Minimum *Setback* Requirements for Individual *Mobilehome* Spaces
Individual *mobilehome* spaces shall observe the *setbacks* as set forth in Table 143-03B.

Table 143-03B
Mobilehome Space Setback Requirements

Description	Setback
Front <i>Mobilehome</i> Space <i>Setback</i>	8 feet, measured from a private drive within the <i>mobilehome park</i>
Side <i>Mobilehome</i> Space <i>Setback</i>	4 feet 0-foot is permitted provided the opposite side <i>mobilehome</i> space <i>setback</i> is at least 8 feet
Private Street Side <i>Mobilehome</i> Space <i>Setback</i>	8 feet, measured from a private drive within the <i>mobilehome park</i>
Rear <i>Mobilehome</i> Space <i>Setback</i>	3 feet 8 feet if abutting a private drive

- (i) Maximum Coverage
The maximum permitted coverage for individual *mobilehome* spaces is 75 percent, including the *mobilehome* and any other enclosed *structures*.
- (j) Common Area Open Space and Recreational Amenities
 - (1) At least 250 square feet of usable common open space is required for each *mobilehome*, not including driveways, walks, *streets*, parking and service areas. The common usable open space shall have no dimension less than 25 feet or at least 10 percent of the gross project area shall be devoted to usable common open space and active-use recreational facilities.
 - (2) Common area open space requirements shall be separate from the perimeter buffer requirement.
- (k) Required Resident Parking
Two parking spaces are required per *mobilehome* space, subject to the following:
 - (1) At least one required parking space must be located on the *mobilehome* space;
 - (2) Required parking located off of a *mobilehome* space must be sited within 200 feet from the home it is intended to serve; and
 - (3) If both parking spaces are provided on the *mobilehome* space, the parking may be provided in tandem.

- (l) Required Guest Parking
There shall be 0.20 guest parking spaces provided for each *mobilehome* space in addition to the required resident parking spaces. The required guest spaces shall be evenly distributed throughout the *mobilehome park*.
- (m) Carport Requirement
Each *mobilehome* space shall contain at least one single-car carport or fully enclosed garage. All carports shall include at least 50 square feet of built-in storage area.
- (n) Landscaping Requirement
Landscaping is required as part of the perimeter buffer requirement and common open space requirements. Additionally, at least 25 percent of the total area of the required front, side, and rear *yards* on individual *mobilehome* spaces shall be landscaped with a combination of grass, shrubs, and trees.
- (o) Required Refuse Collection Area
A refuse storage space that is *screened* from public view shall be provided for each individual *mobilehome* space and each common open space area that contains recreation facilities.
- (p) Minimum Street-Width and Sidewalk Requirement
 - (1) Private drives internal to the *mobilehome park* shall be at least 32 feet wide if car parking is permitted on only one side of the *street*.
 - (2) Private drives internal to the *mobilehome park* shall be at least 40 feet wide if car parking is permitted on both sides of the *street*.
 - (3) Private drives internal to the *mobilehome park* shall be at least 20 feet wide if car parking is not permitted on either side of the *street*.
 - (4) Paved sidewalks that are at least 4 feet wide shall be provided on at least one side of every *street* in the *mobilehome park*.
- (q) *Mobilehome* Separation Requirements
Mobilehomes shall be separated from other *mobilehomes* by at least the following dimensions, measured from *structure* to *structure*:
 - (1) 8 feet from side to side;
 - (2) 8 feet from side to front or rear; and
 - (3) 6 feet from rear to rear, or front to front, or front to rear.
- (r) Projections and Overhangs
 - (1) Projections, including roof overhangs, may encroach into the required *mobilehome* space *setback* areas that are not adjacent to private drives, provided they are no closer than 3 feet to the boundary line of the *mobilehome* space.

- (2) Projections, including roof overhangs, may encroach into the required *mobilehome* space *setback* area or *mobilehome* separation area, provided that a minimum 6-foot separation is maintained between the edge of the projection and an adjacent mobilehome, building, *accessory structure*, or its projection. A minimum distance of 3 feet must be maintained from the *mobilehome* projection and the adjacent *mobilehome* space boundary.
- (s) Additional Regulations
 - (1) Siding shall be of nonreflective material.
 - (2) Roofing shall be of nonreflective material consisting of concrete tiles; fiberglass shingles; or composition shingles, shakes, or tiles.
 - (3) Eaves shall be between 12 and 16 inches in length, measured from the vertical side of the exterior wall.
 - (4) All site-added *structures* including steps, stoops, porches, and parking *structures* shall conform to the applicable provisions of the Uniform Building Code.
 - (5) The exterior of the perimeter of all foundations shall conform to the applicable provisions of the Uniform Building Code and shall consist of poured concrete, masonry, or approved all-weather material. If the perimeter material is not masonry or concrete, it shall match the siding material of the *mobilehome*.
- (t) Discontinuance Policy

Discontinuance of a *mobilehome park* requires compliance with all regulations of Chapter 14, Article 3, Division 6 (Mobilehome Park Discontinuance and Tenant Relocation Regulations).
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§143.0345 Supplemental Neighborhood Development Permit Regulations for Relocated Buildings

- (a) The following regulations apply to a Neighborhood Development Permit for any *premises* to which a building is proposed to be relocated and at least one existing building on the *premises* will remain. The proposed *development* including the relocated building is subject to all development and use regulations of the applicable zone.
- (b) The placement and design of the relocated building shall be compatible with other buildings on the *premises* in terms of building orientation, *floor area ratio*, height and number of *stories*, roof design and composition of roofing materials, and siding and surface materials type.

- (c) The foundation along the exterior perimeter of the relocated building shall conform to the Building Regulations and shall consist of poured concrete, masonry, or approved all-weather material. If the foundation material is not masonry or concrete, it shall match the siding material of the building.

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

§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) Lot Dimensions. Deviations may be permitted from the minimum lot dimensions required by the applicable zone if necessary to comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).
- (b) 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.

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

§143.0360 Supplemental Neighborhood Development Permit and Site Development Permit Regulations for Historical Resources

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

- (a) Lot Dimensions. Deviations may be permitted from the minimum lot dimensions required by the applicable base zone if necessary to comply with Chapter 14, Article 3, Division 2 (Historical Resources Regulations).
- (b) 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 2 (Historical Resources 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.

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

§143.0375 Maintenance Requirements for Neighborhood Development Permits and Site Development Permits

All *development* approved with a Neighborhood Development Permit or Site Development Permit is subject to the following regulations.

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

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

§143.0380 Phased Site Development Permits

Construction of *development* requiring a Site Development Permit may be phased subject to the following regulations pertaining to each phase of *development*. *Development* pursuant to a Neighborhood Development Permit may not be phased.

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

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