

## Draft Strikeout/Underline Language for Minor Format and Reference Corrections

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### 1. § 113.0103 Definitions

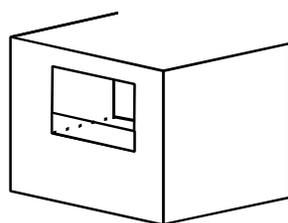
*Sign* means any identification, description, illustration, or device, illuminated or nonilluminated, that is visible from a ~~public place~~ public right-of-way, or is located on private property and exposed to the public, and which directs attention to a product, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise with the exception of window displays, and any emblem, painting, banner, pennant, placard, or temporary *sign* designed to advertise, identify, or convey information.

### 2. § 113.0234 Calculating Gross Floor Area

- (2) *Gross floor area* includes roofed porches, entrances, exterior balconies, and patios when ~~(1) the element is recessed or partially recessed in the structure and surrounded or partially surrounded on three sides by the enclosed building, except that Gross floor area does not include 100 square feet of the recessed portion of the element when the fourth elevation of the element is at least 40 percent permanently open. is not included in *gross floor area*, or (2) the elevation of the fourth side of the element is less than 40 percent open.~~ This is illustrated in Diagram 113-020.

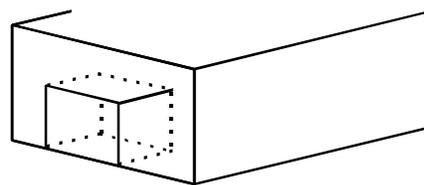
[remove dashed lines from diagram and edit text below diagram to clarify the 100 sq. ft. exemption.]

Diagram 113-020  
Recessed Porches and Balconies



BALCONY

1 elevation at least 40% open with building area on 3 sides (not included in GFA if recessed area is less than 100 sq. ft.)



PORCH

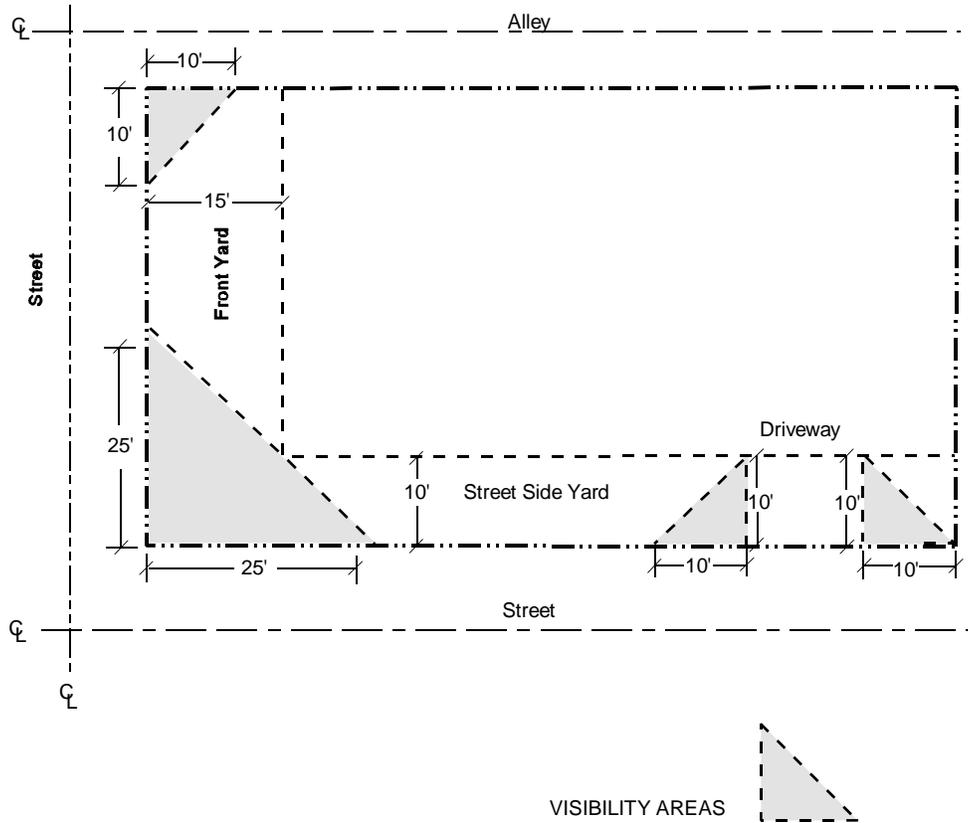
1 elevation open with building area on 3 sides (not included in GFA if recessed area is less than 100 sq. ft.)

[Revise the description under the first diagram to read “1 elevation at least 40% open, with building area on 3 sides (100 sq. ft. of recessed portion of the element is not included in GFA.)” Revise the description under the second diagram to read “1 elevation open, with building area on 3 sides (100 sq. ft. of recessed portion of the element is not included in GFA.)”]

3. § 113.0273 Measuring Visibility Area

[Label features such as property lines and setback lines.]

Diagram 113-02QQ  
Visibility Area



4. § 121.0309 Procedure for Issuing a Stop Work Order

- (c) Appeal of Order. A Stop Work Order may be appealed to the City Manager. When the alleged violation involves the Building, Electrical, Plumbing, or Mechanical Regulations, the appeal shall be reviewed by the Building Official. All other appeals shall be reviewed by the ~~Director of Development Services~~ Planning and Development Review Director. The decision maker will provide informal rapid access for appellants in these matters in order to minimize unnecessary disruption of construction activities.

5. § 126.0704 Exemptions from a Coastal Development Permit

The following *coastal development* is exempt from the requirement to obtain a Coastal Development Permit.

- (2) Improvements to any *structure* that would result in an increase of 10 percent or more of interior *floor area* or an additional improvement of 10 percent or less where an improvement to the structure had previously been exempted or an increase in building height by more than 10 percent where the *structure* is located between the sea and first public roadway paralleling the sea or

within 300 feet of the inland extent of any beach or of the mean high tide line where there is no beach, whichever is the greater distance. The first public roadway is shown on Map No. ~~C-730~~ C-731 filed in the office of the ~~County Recorder~~ City Clerk as Document No. 00-17069.

## 6. § 126.0708 Findings for Coastal Development Permit Approval

An application for a Coastal Development Permit may be approved or conditionally approved only if the decision maker makes all of the following findings in Section 126.0708(a) and the supplemental findings in Section 126.708(b) that are applicable to the proposed development.

### (a) Finding for all Coastal Development Permits

- (a1) The proposed *coastal development* will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a *Local Coastal Program land use plan*; and the proposed *coastal development* will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the *Local Coastal Program land use plan*;
- (b2) The proposed *coastal development* will not adversely affect *environmentally sensitive lands*; and
- (e3) The proposed *coastal development* is in conformity with the certified *Local Coastal Program land use plan* and complies with all regulations of the certified Implementation Program.
- (d4) For every Coastal Development Permit issued for any *coastal development* between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the *coastal development* is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

### (eb) Supplemental Findings - Environmentally Sensitive Lands Within the Coastal Overlay Zone

When a deviation is requested from the Environmentally Sensitive Lands Regulations because the applicant contends that application of the regulations would result in denial of all economically viable use, the Coastal Development Permit shall include a determination of economically viable use.

A Coastal Development Permit, or a Site Development Permit in the Coastal Overlay Zone, required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested in accordance with Section 143.0150 may be approved or conditionally approved only if the decision maker makes the following supplemental findings in addition to the findings in Section 126.0708(a), (b), (c) and (d) and the supplemental findings in Section 126.0504 (b):

The decision maker shall hold a public hearing on any application on a Coastal Development Permit that includes a deviation from the Environmentally Sensitive Lands Regulations in the Coastal Overlay Zone. Such hearing shall address the economically viable use determination. Prior to approving a Coastal Development Permit for development within the Coastal Overlay Zone that requires a deviation from the Environmentally Sensitive Lands Regulations, the decision maker shall make all of the following findings:

- (1) Based on the economic information provided by the applicant, as well as any other relevant evidence, each use provided for in the Environmentally Sensitive Lands Regulations would not provide any economically viable use of the applicant's property; and
- (2) Application of the Environmentally Sensitive Lands Regulations would interfere with the applicant's reasonable investment-backed expectations; and
- (3) The use proposed by the applicant is consistent with the applicable zoning; and
- (4) The use and project design, siting, and size are the minimum necessary to provide the applicant with an economically viable use of the premises; and
- (5) The project is the least environmentally damaging alternative and is consistent with all provisions of the certified *Local Coastal Program* with the exception of the provision for which the deviation is requested.

The *findings* adopted by the decision making authority shall identify the evidence supporting the *findings*.

**7. § 127.0106 Expansion or Enlargement of Previously Conforming Structures**

[italicize structure and previously conforming.]

- (d) Within the eCoastal Overlay Zone, if the proposal involves the demolition or removal of 50% or more of the exterior walls of an existing *structure*, the *previously conforming* rights are not retained for the new *structure*.

**8. § 127.0107 Change in Use of a Previously Conforming Use**

[italicize previously conforming.]

- (b) Within the Coastal Overlay Zone, if a change in use from a *previously conforming* use to another use within the same use category of the Use Regulation Tables of Chapter 13, Article 1 involves any intensification of use, the *previously conforming* rights are not retained for the new use.

**9. 131.0125 Accessory Use Regulations for All Base Zones**

- (2) The use must comply with any use and development regulations applicable to that use in any other base zone in the same type of zone (open space, agricultural, residential, commercial, or industrial);

**10. Amendments Related to the Del Mar Mesa Specific Plan**

§ 131.0330 Development Regulations of Agricultural Zones

- (d) For development within the Del Mar Mesa Specific Plan area the development regulations identified in the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance 18337 apply.

§ 131.0340 Maximum Permitted Residential Density in Agricultural Zones

- (4) Within the future urbanizing area, except within the Del Mar Mesa Specific Plan area, an increase in *density* of up to one dwelling unit per 4 acres of lot area may be requested through a Planned Development Permit in accordance with Process Five subject to the regulations in Section 143.0402. The remainder of the *premises* shall be left undeveloped in perpetuity. For development within the Del Mar Mesa Specific Plan area the rural cluster option is not available and the density identified in the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance 18337 applies.

§ 143.0402 When Planned Development Permit Regulations Apply

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

Table 143-04A  
Supplemental Planned Development Permit Regulations Applicability

<b>Type of Development Proposal</b>	<b>Applicable Sections</b>	<b>Required Development Permit/Decision Process<sup>(1)</sup></b>
Residential <i>development</i> requesting deviations from applicable zone regulations <sup>(2)</sup>	143.0403, 143.0410, 143.0420	PDP/Process 4
Commercial and Industrial <i>development</i> requesting deviations from applicable zone regulations	143.0403, 143.0410, 143.0460	PDP/Process 4
<i>Developments</i> within <i>land use plans</i> where a Planned Development Permit is recommended when other discretionary actions are requested	143.0403, 143.0465	PDP/Process 3
Rural cluster <i>development</i> in the AR and OR zones	143.0403, 143.0410, 143.0420, 143.0440	PDP/Process 4
Rural cluster <i>development</i> with increased <i>density</i> in the AR-1-1 and OR-1-2 zones <u>within the future urbanizing area</u> <sup>(3)</sup>	143.0403, 143.0410, 143.0420, 143.0450	PDP/Process 5
Residential <i>development</i> in RS zones of urbanized communities where a Planned Development Permit is requested	143.0403, 143.0410, 143.0420, 143.0430	PDP/Process 4

Footnotes to Table 143-04A

- 1 The Planned Development Permit shall be decided in accordance with the highest level decision process that could have applied to the *development*.
- 2 A Planned Development Permit may not be requested for a *single dwelling unit* on an individual, *single dwelling unit lot*.
- 3 Rural cluster development with increased density is not available to properties within the Del Mar

Mesa Specific Plan area. Refer to the Del Mar Mesa Specific Plan for the applicable development regulations.

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

(a) *Density*

- (1) Within the AR-1-1 and OR-1-2 zones within the future urbanizing area, except within the Del Mar Mesa Specific Plan, the maximum permitted *density* with the increased *density* rural cluster alternative is one dwelling unit per 4 acres with the dwelling units clustered. The remainder of the *premises* where no *development* is proposed shall be maintained in its natural state with no future *development* potential. The utilization of this increased *density* alternative shall require the provision of housing within the *premises*, affordable to low or *very low income families*, in accordance with Section 143.0450(d). For development within the Del Mar Mesa Specific Plan area the development regulations identified in the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance 18337 apply.

11. § 131.0622 Use Regulations Table for Industrial Zones

Separately Regulated Retail Sales Uses									
Agriculture Related Supplies & Equipment	-	-	-	P	P	<u>P</u>	P	P	P

12. § 132.0402 Where the Coastal Overlay Zone Applies

Table 132-04A  
Coastal Overlay Zone Applicability

Type of Development Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) <i>Coastal development</i> that is categorically excluded pursuant to order of the Coastal commission or that is exempted by Section 126.0704	<del>None</del> See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	No permit required by this division
(2) Any <i>coastal development</i> within this overlay zone that is partially or completely within the Coastal Commission Permit Jurisdiction or the Deferred Certification Area	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	Coastal Development Permit(s) are issued by the Coastal Commission and the City for their respective jurisdictions
(3) <i>Coastal development</i> in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	Coastal Development Permit/Process Two or Three

13. § 132.0403 Supplemental Use Regulations of the Coastal Overlay Zone

14. § 132.1402 Where the Community Plan Implementation Overlay Zone Applies

Table 132-14A  
Community Plans with Property in the Community Plan Implementation Overlay Zone

Community Plan	Map Number Showing Boundaries of CPIOZ Area
Clairemont Mesa (See Diagram 132-14A)	C-771.1, B-3951
College Area (See Diagram 132-14B)	<del>C-761.1</del>
Linda Vista (See Diagram 132-14C)	C-750
Midway/Pacific Highway Corridor (See Diagram 132-14D)	C-782
Navajo (See Diagram 132-14E)	C-779
Pacific Beach (See Diagram 132-14F)	B-3737.1, B-3857
Peninsula (See Diagram 132-14G)	C-744, C-781
Rancho Bernardo (See Diagram 132-14H)	C-773.1
Rancho Penasquitos (See Diagram 132-14I)	B-4024
University (See Diagram 132-14J)	C-725, C-751.2
Uptown (See Diagram 132-14K)	C-780.2

15. § 142.0134 Retaining Walls and Structurally Enhanced Fill

~~Reinforced earth or structurally enhanced fill slopes shall be considered as~~ *Retaining walls* and shall comply with the height limits and construction material requirements in Chapter 14 Article 2, Division 3 (Fence Regulations).

16. § 142.0310 General Fence Regulations for All Zones

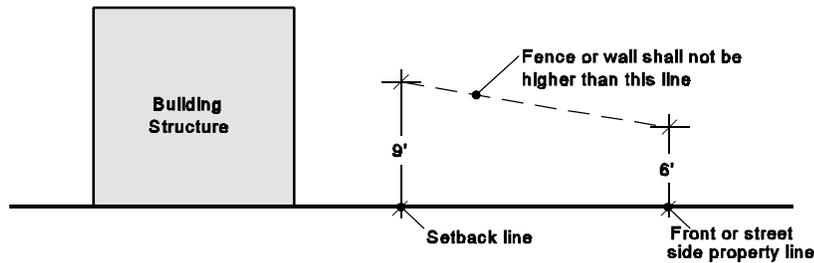
(3) Combination (Open and Solid) *Fences*

(B) The height of a combination *fence* may increase as the *fence* is placed farther from the front or *street side property line*. No portion of the *fence* shall exceed the height established by a line drawn beginning at a point 6 feet above *grade* at the *property line* and ending at a point 9 feet above *grade* at the *setback line*. Where a *visibility area* is required, the beginning point shall be measured 6 feet above any point of intersection of the perimeter of the *visibility area* and the side or rear *property line*, as shown in Diagram 142-03D.

[Amend Diagram 142-03C to show the maximum amount of solid or open fencing as it is place farther from the front or street property line.]

Diagram 142-03C

### Open Fence--Height Limit



#### 17. § 142.0310 General Fence Regulations for All Zones

##### (e) Fence Height Outside of Required Yards

- (1) Fences located outside of required yards, other than those listed in Section 142.0310(e)(2), shall not exceed 10 feet in height in open space, agricultural, and residential zones and 12 feet in height in commercial and industrial zones. These fences may be solid fences, open fences, or combination fences.
- (2) The following fences are permitted outside of required yards up to the maximum structure height specified in the zone:
  - (A) Open fences enclosing tennis, badminton, volleyball, and other recreational and public facilities;
  - (B) Building, court, and wing walls or other integral portions of a building; and
  - (C) ~~Open and solid fences in commercial and industrial zones.~~

#### 18. § 142.0340 Retaining Wall Regulations for All Zones

- (3) Retaining walls of 3 feet in height or greater shall have at least one horizontal or vertical offset for each 120 square feet of wall area. The horizontal or vertical offset shall be at least 12 inches wide with a minimum reveal of 4 inches. See Diagram 142-03B.

#### 19. § 142.0510 General Parking Regulations

##### (e) Parking in Required Yards. Parking in required yards is subject to the following regulations:

- (1) through (2)(A) and (B) No change.
- (f) In RS zones, the required parking may be provided on a driveway or paved surface within the front or street side yard on premises where required parking was converted to habitable space prior to January 1, 1992; subject to the following requirements:
  - (1) Said area complies with the standards for required parking in Section 142.0560 utilizing a maximum of five feet of the undeveloped public right-of-way. In no case shall the sidewalk be obstructed or encroached upon by a vehicle parked within said area.

(2) Said area is perpendicular to the public right-of-way and between the sidewalk adjacent to the property and the building setback.

(3) No other on-site alternative placement options are available.

(4) Complies with Municipal Code Section 142.0560(j) [driveway widths].

(fg) [No change]

**20. & 21. § 142.0530 Nonresidential Uses -- Parking Ratios**

[Footnote 4 in Table 142-05D and footnote 5 in Table 142-05E are not used in the tables, therefore we need to delete them.]

[The CR-2-1 zones were transposed to CR-1-2.]

Table 142-05D  
Parking Ratios for Retail Sales, Commercial Services, and Mixed-Use Development

Zone	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade <i>Floor</i> Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces <sup>(2)</sup>
	Minimum Required Outside a <i>Transit</i> Area	Minimum Required Within a <i>Transit</i> Area <sup>(1)</sup>	Maximum Permitted	Minimum Required
Commercial Zones				
CR-1-1 <del>CR-1-2</del> CR-2-1	5.0 <sup>(3)</sup>	4.3	6.5	0.1

Footnotes For Table 142-05D

<sup>4</sup> ~~Coastal Overlay Zone. For area of applicability, see Chapter 13, Article 2, Division 4.~~  
Table 142-05E

Parking Ratios for Eating and Drinking Establishments

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment <sup>(3)</sup> Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade <i>Floor</i> Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces <sup>(2)</sup>
	Minimum Required Outside a <i>Transit</i> Area	Minimum Required Within a <i>Transit</i> Area <sup>(1)</sup>	Maximum Permitted	Minimum Required
CR-1-1 <del>CR-1-2</del> CR-2-1	15.0	12.8	25.0	0.1

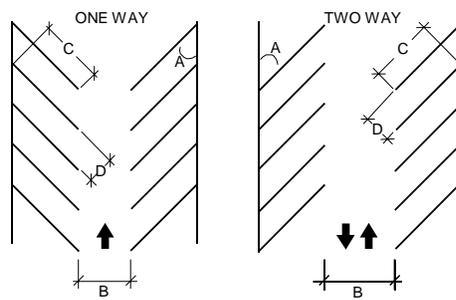
Footnotes For Table 142-05E

5 \_\_\_\_\_ Beach impact area. For area of applicability, see Chapter 13, Article 2, Division 8 (Parking Impact Overlay Zone).

22. § 142.0560 Development and Design Regulations for Parking Facilities

[correct spelling of “frstaurant”]

Diagram 142-05B  
Minimum Dimensions for Automobile Parking Spaces and Aisles



- A. Angle between parking space and aisle
- B. Aisle width
- C. Space length: 18'
- D. Space width: 8'3" retail sales and frstaurant uses.  
(all other uses 8')