

ORDINANCE NUMBER O- 20634 (NEW SERIES)

DATE OF FINAL PASSAGE APR 05 2016

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 112.0301 AND 112.0302; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 112.0505 AND 112.0507; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2 BY AMENDING SECTIONS 113.0225, 113.0234, AND 113.0273; AMENDING CHAPTER 12, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 121.0314 AND 121.0315; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 1 BY AMENDING SECTION 126.0108; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 4 BY AMENDING SECTION 126.0402; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTION 126.0707; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 2 BY AMENDING SECTION 129.0203; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 3 BY AMENDING SECTION 129.0308; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTION 129.0710; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTIONS 131.0222 AND 131.0231; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 131.0322 AND 131.0331; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 131.0422 AND 131.0431; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTIONS 131.0522 AND 131.0531; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 131.0601, 131.0622, AND 131.0631; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 141.0308 AND REPEALING SECTION 141.0310; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 141.0407 AND BY ADDING NEW SECTION 141.0419; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 141.0604 AND 141.0607; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 142.0402, 142.0404, AND 142.0413; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 142.0505, 142.0520, 142.0525, 142.0527, 142.0530, 142.0545, AND 142.0560; AMENDING

CHAPTER 14, ARTICLE 2, DIVISION 13 BY AMENDING SECTION 142.1305; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1 BY AMENDING SECTIONS 143.0112 AND 143.0146; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 2 BY AMENDING SECTION 143.0212; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTIONS 143.0302 AND 143.0365; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 4 BY AMENDING SECTIONS 143.0402 AND 143.0410 AND BY ADDING NEW SECTION 143.0455; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 9 BY AMENDING SECTION 143.0915; AMENDING CHAPTER 14, ARTICLE 4, DIVISION 1 BY AMENDING SECTION 144.0130; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103; AMENDING CHAPTER 15, ARTICLE 2, DIVISION 1 BY AMENDING SECTION 152.0104; AMENDING CHAPTER 15, ARTICLE 2, DIVISION 3 BY AMENDING SECTIONS 152.0303 AND 152.0309; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTIONS 155.0238 AND 155.0253; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 156.0308; AMENDING CHAPTER 15, ARTICLE 8, DIVISION 3 BY AMENDING SECTION 158.0301; AMENDING CHAPTER 15, ARTICLE 12, DIVISION 3 BY AMENDING SECTION 1512.0302; AMENDING CHAPTER 15, ARTICLE 14, DIVISION 3 BY AMENDING SECTIONS 1514.0304 AND 1514.0305; AMENDING CHAPTER 15, ARTICLE 18 APPENDIX A, ALL RELATING TO THE 10TH UPDATE TO THE LAND DEVELOPMENT CODE AND RELATED PROVISIONS.

WHEREAS, the 10th update to the Land Development Code (LDC) is part of the code monitoring program directed by the Mayor and City Council as part of the adoption of the LDC effective January 2000; and

WHEREAS, the goal of the code updates is to simplify the land development regulations; make the land development regulations more objective; make the regulations more adaptable; eliminate redundancies; and increase predictability in the application of the land development regulations; and

WHEREAS, there are a total of thirty-eight issues included in the 10th update that are divided into four issue categories, including Permit Process, Measurement, Parking, and Minor Corrections; and

WHEREAS, this Ordinance includes streamlining for various public notice types, modification of the utilization requirement for capital improvement program projects, removal of duplicative steps for non-historic development over 45 years old, and streamlining for various use types including schools, home occupations, and boarding kennels/pet day care facilities. The amendments also facilitate shared parking, and bring the City into compliance with landscape water budget standards and electric vehicle charging station regulations per state law and with federal standards for recreational vehicles and coastal high hazard floor areas.

WHEREAS, staff has conducted extensive public outreach and analysis involving multiple stakeholder groups, City departments, and other governmental agencies; and

WHEREAS, the code update process is an extensive public process that typically involves input from the Code Monitoring Team, Community Planners Committee, Technical Advisory Committee, Planning Commission, City Council, California Coastal Commission, and more recently the San Diego County Regional Airport Authority; and

WHEREAS, the code update is intended to address past issues and minimize future conflicts by clarifying regulatory applicability, removing burdensome requirements, and streamlining the approval process; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 11, Article 2, Division 3 of the San Diego Municipal Code is amended by amending sections 112.0301 and 112.0302, to read as follows:

**§112.0301     Types of Notice**

- (a)     Notice of Application. A Notice of Application is required for an application for a permit, map, or other matter acted upon in accordance with Process Three, Process Four, Process Five, or Process CIP-Five.
  - (1)     [No change in text.]
  - (2)     Distribution. The City Manager shall mail the Notice of Application to the persons described in Section 112.0302(b), no later than 30 calendar days after the date on which the application is *deemed complete* and at least 60 calendar days prior to the first public hearing. The *applicant* shall post the Notice of Application on the property that is the subject of the application in accordance with Section 112.0304.
- (b)     Notice of Future Decision. A Notice of Future Decision shall be provided for an application for a permit or other matter acted upon in accordance with Process Two or Process CIP-Two.
  - (1)     Content. The Notice of Future Decision shall include the following information:
    - (A) through (F) [No change in text.]
    - (G)     An explanation that the decision to approve, conditionally approve, or deny the proposed *development* will be made by City staff, without a public hearing, and that the *decision date* will not be less than 30 calendar days after the date of

mailing the Notice of Future Decision to allow for  
sufficient time for public comment;

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

- (2) Distribution. The City staff person approving, conditionally approving, or denying an application for a permit or other matter shall mail a Notice of Future Decision to the persons described in Section 112.0302(b) no later than 30 calendar days after the date on which the application is *deemed complete* in accordance with 112.0102(b) and at least 30 calendar days prior to the *decision date*. The *applicant* shall post the Notice of Future Decision on the property that is the subject of the application in accordance with Section 112.0304.

(c) [No change in text.]

- (d) Notice of Availability of Local Coastal Program Amendment. A Notice of Availability is a written notice to advise of the availability of supporting materials for an action that will be taken by the City Council at a future date. A Notice of Availability is required as part of the certification process for *Local Coastal Program* Amendments in accordance with Section 122.0106(b).

- (1) Content. The Notice of Availability of *Local Coastal Program* Amendment shall include the following:

(A) A general description of the project;

- (B) The location of the property that is the subject of the application;
  - (C) The applicable community planning area(s);
  - (D) The name, telephone number, and city address of the City staff person to contact for additional information;
  - (E) The name of the *applicant* and, with the consent of the *applicant*, the *applicant's* address and telephone number; and
  - (F) An explanation that the final decision by the City Council will occur no sooner than 6 weeks after the date of mailing the Notice of Availability.
- (2) Distribution
- (A) The City Manager shall distribute the Notice of Availability at least 6 weeks prior to the City Council hearing to approve or deny an amendment to the *Local Coastal Program*.
  - (B) The City Manager shall distribute the Notice of Availability to the persons described in Section 112.0302(b) and to the public agencies required in accordance with the applicable provisions of the California Coastal Act and Guidelines for *Local Coastal Program* certification.

(C) The Notice of Availability may be combined into a single notice document with the Notice of Planning Commission Hearing.

(3) A subsequent Notice of Public Hearing shall be provided in accordance with Section 112.0301(c) prior to final decision by the City Council.

(e) [No change in text.]

**§112.0302 Notice by Mail**

(a) [No change in text.]

(b) Persons Entitled to Notice. Except as provided in Section 112.0302(c), the Notice of Application, Notice of Future Decision, Notice of Public Hearing, and Notice of Availability shall be mailed to the following:

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

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

Section 2. That Chapter 11, Article 2, Division 5 of the San Diego Municipal Code is amended by amending sections 112.0505 and 112.0507, to read as follows:

**§112.0505 Process Three**

An application for a permit, map, or other matter acted upon in accordance with Process Three may be approved, conditionally approved, or denied by a Hearing Officer in the following manner.

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

**§112.0507 Process Four**

An application for a permit, map, or other matter acted upon in accordance with Process Four may be approved, conditionally approved, or denied by the Planning Commission in the following manner.

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

Section 3. That Chapter 11, Article 3, Division 1 of the San Diego Municipal Code is amended by amending section 113.0103, to read as follows:

**§113.0103 Definitions**

*Abutting property* through *Very low income* [No change in text.]

*Visibility area* means the area necessary to allow adequate sight distance for safe vehicle and pedestrian movement at intersections involving a *public right-of-way*. See Section 113.0273 and the Street Design Manual for additional information on adequate sight distance and measuring *visibility areas*.

*Wall, retaining* through *Yard* [No change in text.]

Section 4. That Chapter 11, Article 3, Division 2 of the San Diego Municipal Code is amended by amending sections 113.0225, 113.0234, 113.0273, to read as follows:

**§113.0225 Measuring Distance Between Uses**

When there is a separation requirement between uses, the distance of the separation shall be measured as follows, except as specified by state law. (See Diagram 113-02E).



**Diagram 113-02E**

**Distance Between Uses**

[No change in text.]

- (a) [No change in text.]
- (b) Except as provided in Section 113.0225(c), the distance between uses shall be measured horizontally in a straight line between the two closest points of the *property lines*, buildings, or use locations. The distance shall be measured horizontally without regard to topography or *structures* that would interfere with a straight-line measurement.
- (c) When measuring distance for separation requirements for *medical marijuana consumer cooperatives*, the measurement of distance between uses will take into account natural topographical barriers and constructed barriers such as *freeways* or *flood* control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access.

**§113.0234 Calculating Gross Floor Area**

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

- (a) [No change in text.]
- (b) Additional Elements Included in *Gross Floor Area* in Residential Zones and for Residential Development in Other Zones. (Section 113.0234(b) does not apply to commercial *development*.)
  - (1) through (4) [No change in text.]
- (c) through (d) [No change in text.]

**§113.0273 Measuring Visibility Area**

The *visibility area* is a triangular portion of a *premises* formed by drawing one line perpendicular to and one line parallel to the *property line* or *public right-of-way* for a specified length and one line diagonally joining the other two lines, as shown in Diagram 113-02SS.

- (a) The City Engineer shall determine whether proposed *development* provides adequate sight distance based on the context of the *development* and the typical distance guidelines set forth in Section 113.0273(b) and shall require *visibility areas* accordingly. No *structures* may be located within a *visibility area* unless otherwise provided by the applicable zone or the regulations in Chapter 14, Article 2 (General Development Regulations).
- (b) Typical Distances Used to Measure Visibility Areas
  - (1) For *visibility areas* at the intersection of *streets*, two sides of the triangle extend along the intersecting *property lines* for 25 feet and the third side is a diagonal line that connects the two.

- (2) For *visibility areas* at the intersection of a *street* and *alley*, two sides of the triangle extend along the intersecting *property lines* for 10 feet and the third side is a diagonal line that connects the two.
- (3) For *visibility areas* at the intersection of a *street* and driveway, one side of the triangle extends from the intersection of the *street* and the driveway for 10 feet along the *property line*. The second side extends from the intersection of the *street* and driveway for 10 feet inward from the property line along the driveway edge and the third side of the triangle connects the two.
- (4) Where the required front and street side yards measure less than 25 feet when combined, that measurement or 15 feet, whichever is greater, establishes the *visibility area* at the street intersection.

**Diagram 113-02SS**

**Visibility Area**

[No change in text.]

- (c) The City Engineer may modify the typical distance used to measure *visibility areas* in Section 113.0273(a) and (b) through a Process One permit review.
  - (1) The distance specified in Section 113.0273(b) may be increased if the City Engineer determines that a greater distance is required to maintain public health and safety.

- (2) The distance specified in Section 113.0273(b) may be reduced if the City Engineer determines that the reduced distance would not create a public health and safety hazard.

Section 5. That Chapter 12, Article 1, Division 3 of the San Diego Municipal Code is amended by amending sections 121.0314 and 121.0315, to read as follows:

**§121.0314 Permit Revocation Hearing Procedures**

The hearing provisions of Process Three, in addition to the requirements of this section, apply when determining whether to revoke or modify a *development permit*, a *construction permit*, or any other approval.

- (a) Notice. The City Manager shall mail a notice of the revocation hearing to the *permit holder*, the officially recognized community planning group, if any, that represents the area in which the *development* is located, and to any persons who request the notice at least 10 *business days* before the date of the revocation hearing. A Notice of Application is not required.

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

**§121.0315 Revocation Appeal**

The Hearing Officer's decision to revoke or to not revoke a permit may be appealed to the Planning Commission in the following manner:

- (a) Persons Who Can Appeal. A revocation decision may be appealed by the following persons:
- (1) The *permit holder*; or
  - (2) Any *interested person*.
- (b) [No change in text.]

- (c) Scheduling Appeal Hearings. Within 30 calendar days after the date on which an appeal application is filed, the City Manager shall set a hearing before the Planning Commission and shall mail a notice of the hearing to the appellant, *permit holder*, the officially recognized community planning group, if any, that represents the area in which the *development* is located, and any *interested persons*.
- (d) [No change in text.]

Section 6. That Chapter 12, Article 6, Division 1 of the San Diego Municipal Code is amended by amending section 126.0108, to read as follows:

**§126.0108 Utilization of a Development Permit**

- (a) through (c) [No change in text.]
- (d) *Development permits for capital improvement program projects* are exempt from the permit utilization requirement of Section 126.0108(a), except that if 10 years has passed from the date on which all rights of appeal have expired and the City is unable to establish, with evidence in accordance with Section 126.0108(c), that at least one of the circumstances identified in Section 126.0108(b) occurred, then the *development permit* shall be void.

Section 7. That Chapter 12, Article 6, Division 3 of the San Diego Municipal Code is amended by amending section 126.0303, to read as follows:

**§126.0303 When a Conditional Use Permit is Required**

An application for the following types of uses in certain zones may require a Conditional Use Permit. To determine whether a Conditional Use Permit is

required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13. The decision process is described in Section 126.0304.

(a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops through Alcoholic beverage outlets  
(under circumstances described in Section 141.0502) [No change in text.]

Assembly and entertainment uses, including places of religious assembly  
(under circumstances described in Section 141.0602)

Automobile service stations through *Historical buildings* used for  
purposes not otherwise allowed in the zone [No change in text.]

Impound storage yards through *Wireless communication facilities* (under  
circumstances described in Section 141.0420) [No change in text.]

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

Section 8. That Chapter 12, Article 6, Division 4 of the San Diego Municipal Code is amended by amending section 126.0402, to read as follows:

**§126.0402 When a Neighborhood Development Permit is Required**

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

(j) A Neighborhood Development Permit is required for construction of a  
privately owned *structure* proposed in the *public right-of-way* dedicated  
for a *street* or an *alley*, where the *applicant* is the *record owner* of the  
underlying fee title as described in Section 129.0710(a).

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

Section 9. That Chapter 12, Article 6, Division 7 of the San Diego Municipal Code is amended by amending section 126.0707, to read as follows:

**§126.0707     Decision Process for a Coastal Development Permit**

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

(f)     Any *coastal development* involving a *subdivision* pursuant to the Subdivision Map Act and any other division of land requires a Coastal Development Permit. The land division shall be processed as part of the Coastal Development Permit in accordance with the Subdivision Regulations (Chapter 14, Article 4) and Subdivision Procedures (Chapter 12, Article 5). Any tentative map, lot line adjustment, merger, *public right-of-way* abandonment or public easement abandonment may be approved or conditionally approved only if the decision maker makes the *findings* pursuant to Section 126.0708.

Section 10. That Chapter 12, Article 9, Division 2 of the San Diego Municipal Code is amended by amending section 129.0203, to read as follows:

**§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, or when *development* on a *premises* containing *environmentally sensitive lands* requires a *development permit* in accordance with Section 143.0110:

- (1) One-story detached accessory buildings used as tool and storage sheds, playhouses, or similar uses provided the projected roof area is 120 square feet or less and the *structure* will not be utilized for any separately regulated use subject to Land Development Code Chapter 14, Article 1.

(2) through (25) [No change in text.]

(b) [No change in text.]

- (c) Exemption from the permit requirements of the Building Regulations does not authorize any work to be done in any manner in violation of the provisions of the Building Regulations or any other applicable local or state regulations.

Section 11. That Chapter 12, Article 9, Division 3 of the San Diego Municipal Code is amended by amending section 129.0308, to read as follows:

**§129.0308 Decision Process for an Electrical Permit**

- (a) [No change in text.]
- (b) An *applicant* may appeal a Building Official's denial of an application for an Electrical Permit for the following by filing an application for a Process Two appeal hearing:
  - (1) a small rooftop solar energy system as set forth in Section 141.0418(c); or
  - (2) an electric vehicle charging station as set forth in Section 141.0419.



Section 12. That Chapter 12, Article 9, Division 7 of the San Diego Municipal Code is amended by amending section 129.0710, to read as follows:

**§129.0710 How to Apply for a Public Right-of-Way Permit**

An application for a Public Right-of-Way Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Public Right-of-Way Permits are listed in the Land Development Manual. A *development permit* is required prior to issuance of a Public Right-of-Way Permit for the following:

- (a) If the proposed *encroachment* involves construction of a privately-owned *structure* or facility into the *public right-of-way* dedicated for a *street* or an *alley*, and where the *applicant* is the *record owner* of the underlying fee title, a Neighborhood Development Permit is required in accordance with Section 126.0402(j) except for the following, which are subject to approval by the City Engineer in accordance with Process One:
  - (1) through (8) [No change in text.]
  - (9) Encroachment of below-*grade structures* into the *public right-of-way* up to 3 feet behind the existing curb line and at least 3 feet below the existing curb line, or encroachment of above-*grade structures* into the public right-of-way up to 4 feet and at least 8 feet above the finished *grade* of the curb line.
- (b) If the proposed *encroachment* is erected, placed, constructed, established or maintained in the *public right-of-way* when the *applicant* is not the *record owner* of the property on which the *encroachment* will be located,

a Site Development Permit is required in accordance with Section  
126.0502(d)(7), except for the following:

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

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

Section 13. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code is  
amended by amending sections 131.0222 and 131.0231, to read as follows:

**§131.0222 Use Regulations Table for Open Space Zones**

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

**Legend for Table 131-02B**

[No change in text.]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones				
	1st & 2nd >>	OP-		OC-		OR <sup>(1)</sup> -
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1	2
<b>Open Space through Residential, Separately Regulated Residential Uses, Home Occupations</b> [No change in text.]		[No change in text.]				
<b>Residential, Separately Regulated Residential Uses</b> Live/work Quarters through <b>Institutional, Separately Regulated Institutional Uses</b> , Educational Facilities: Vocational / Trade Schools [No change in text.]		[No change in text.]				
Electric Vehicle Charging Stations		L	L	L	L	L
<b>Institutional, Separately Regulated Institutional Uses</b> , Energy Generation & Distribution Facilities through <b>Signs, Separately Regulated Signs Uses</b> , Theater <i>Marquees</i> [No change in text.]		[No change in text.]				

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

**§131.0231 Development Regulations Table for Open Space Zones**

The following development regulations apply in the open space zones as shown in  
Table 131-02C.

**Table 131-02C**  
**Development Regulations for Open Space Zones**

Development Regulations [See Section 131.0230 for Development Regulations of Open Space Zones]	Zone Designator	Zones					
	1 <sup>st</sup> & 2nd >>  3rd >>  4th >>	OP-		OC-	OR-		OF <sup>(1)</sup> -
		1-	2-	1-	1-	1-	1-
		1		1	1	2	1
<b>Max Permitted Residential <i>Density</i> (DU Per <i>Lot</i>) through Refuse and Recyclable Material Storage</b> [See Section 142.0805] [No change in text.]		[No change in text.]					
<b>Visibility Area</b> [See Section 113.0273]		applies	applies	applies	applies	applies	applies

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

Section 14. That Chapter 13, Article 1, Division 3 of the San Diego Municipal Code is amended by amending sections 131.0322 and 131.0331 to read as follows:

**§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, Home Occupations [No change in text.]		[No change in text.]			
Residential, Separately Regulated Residential Uses, Live/Work Quarters through Institutional, Separately Regulated Institutional Uses, Educational Facilities: Vocational / Trade School [No change in text.]		[No change in text.]			
Electric Vehicle Charging Stations		L		L	
Institutional, Separately Regulated Institutional Uses, Energy Generation & Distribution Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]			

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

**§131.0331 Development Regulations Table for Agricultural Zones**

The following development regulations apply in the agricultural zones as shown in Table 131-03C.

**Table 131-03C**  
**Development Regulations for Agricultural Zones**

<b>Development Regulations</b> [See Section 131.0330 for Development Regulations of Agricultural Zones]	Zone Designator	<b>Zones</b>			
	1st & 2nd >>	AG		AR	
	3rd >>	1-	1-	1-	1-
	4th >>	1	2	1	2
<b>Max Permitted Residential <i>Density</i></b> (DU Per <i>Lot</i> ) through <b>Min <i>Floor Area</i></b> <sup>(6)</sup> [No change in text.]		[No change in text.]			
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805]		applies	applies	applies	applies
<b>Visibility Area</b> [See Section 113.0273]		applies	applies	applies	applies

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

Section 15. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is amended by amending sections 131.0422 and 131.0431 to read as follows:

**§131.0422 Use Regulations Table for Residential Zones**

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

**Legend for Table 131-04B**

[No change in text.]

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

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1st & 2nd >>	RE-	RS-														RX-		RT-						
	3rd >>	1-	1-														1-		1-						
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5
Open Space through Residential, Shopkeeper Units [No change in text.]		[No change in text.]																							
Single Dwelling Units		P	P <sup>(9)</sup>														P <sup>(9)</sup>		P <sup>(9)</sup>						
Residential, Separately Regulated Residential Uses through Home Occupations [No change in text.]																									
Residential, Separately Regulated Residential Uses, Live/Work Quarters through Institutional, Separately Regulated Institutional Uses, Educational Facilities: Vocational / Trade School [No change in text.]		[No change in text.]																							
Electric Vehicle Charging Stations		L	L														L		L						
Institutional, Separately Regulated Institutional Uses, Energy Generation & Distribution Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																							

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]		[No change in text.]											
Residential, Separately Regulated Residential Uses, Live/Work Quarters through Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers [No change in text.]		[No change in text.]											
Educational Facilities:													
Kindergarten through Grade 12		L			L			L			L		-
Colleges / Universities through Vocational / Trade School [No change in text.]		[No change in text.]											
Electric Vehicle Charging Stations		L			L			L			L		L
Institutional, Separately Regulated Institutional Uses, Energy Generation & Distribution Facilities through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]											

Footnotes for Table 131-04B [No change in text.]

#### §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
<b>Max permitted <i>density</i></b> (DU per <i>lot</i> ) through <b><i>Accessory uses and structures</i></b> [See Sections 131.0448 and 141.0306] [No change in text.]		[No change in text.]		
<b>Garage regulations</b> [See Section 131.0449(a)]		applies	applies	applies
<b>Building spacing</b> [See Section 131.0450] through <b>Supplemental requirements</b> [See Section 131.0464(a)] [No change in text.]		[No change in text.]		
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805]		applies	applies	applies
<b>Visibility Area</b> [See Section 113.0273]		applies	applies	applies

(b) RS Zones

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

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
<b>Max permitted <i>density</i></b> (DU per <i>lot</i> ) through <b>Bedroom regulation</b> [No change in text.]		[No change in text.]						
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805]		applies	applies	applies	applies	applies	applies	applies
<b>Visibility Area</b> [See Section 113.0273]		applies	applies	applies	applies	applies	applies	applies



Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	8	9	10	11	12	13	14
Max permitted <i>density</i> (DU per <i>lot</i> ) through <i>Setback requirements</i> , Min Rear <i>setback</i> (ft) [No change in text.]		[No change in text.]						
<i>Setback requirements for resubdivided corner lots</i> [See Section 113.0246(f)]		applies	applies	applies	applies	applies	applies	applies
Max <i>structure height</i> (ft) through <b>Refuse and Recyclable Material Storage</b> [See Section 142.0805] [No change in text.]		[No change in text.]						
Visibility Area [See Section 113.0273]		applies	applies	applies	applies	applies	applies	applies

Footnotes for Table 131-04D [No change in text.]

(c) RX Zones

**Table 131-04E**  
**Development Regulations for RX Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones	
	1st & 2nd >>	RX-	
	3rd >>	1-	1-
	4th >>	1	2
Maximum Permitted <i>Density</i> (DU per <i>lot</i> ) through <b>Roof design variation</b> [See Section 131.0463] [No change in text.]		[No change in text.]	
Supplemental regulations [See Section 131.0464(b)]		applies	applies
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805] [No change in text.]		[No change in text.]	
Visibility Area [See Section 113.0273]		applies	applies

Footnote for Table 131-04E [No change in text.]

(d) RT Zones

**Table 131-04F**  
**Development Regulations for RT Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones				
	1st & 2nd >>	RT-				
	3rd >>	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5
<b>Maximum Permitted <i>Density</i></b> (DU per <i>lot</i> ) through <b>Refuse and Recyclable Material Storage</b> [See Section 142.0805] [No change in text.]		[No change in text.]				
<b>Visibility Area</b> [See Section 113.0273]		applies	applies	applies	applies	applies

(e) 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
<b>Maximum permitted <i>density</i><sup>(1),(2)</sup></b> (sf per DU) through <b>Refuse and Recyclable Material Storage</b> [See Section 142.0805] [No change in text.]		[No change in text.]					
<b>Visibility Area</b> [See Section 113.0273]		applies	applies	applies	applies	applies	applies

<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	<b>Zones</b>					
	1st & 2nd >>	RM					
	3rd >>	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12
<b>Maximum permitted density<sup>(1),(2)</sup></b> (sf per DU) through <b>Storage requirements</b> [See Section 131.0454] [No change in text.]	[No change in text.]						
<b>Private exterior open space</b>	applies <sup>(24)</sup>	applies <sup>(24)</sup>	applies <sup>(24)</sup>	applies <sup>(25)</sup>	applies <sup>(25)</sup>	applies <sup>(25)</sup>	
<b>Common open space</b> [See Section 131.0456] through <b>Architectural Projections and encroachments</b> [No change in text.]	[No change in text.]						
<b>Supplemental requirements</b>	applies <sup>(28)</sup>	applies <sup>(28)</sup>	applies <sup>(28)</sup>	-	-	-	
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805]	applies	applies	applies	applies	applies	applies	
<b>Visibility Area</b> [See Section 113.0273]	applies	applies	applies	applies	applies	applies	

**Footnotes for Table 131-04G** [No change in text.]

Section 16. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code is amended by amending sections 131.0522 and 131.0531 to read as follows:

**§131.0522 Use Regulations Table for Commercial Zones**

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

**Legend for Table 131-05B**

[No change in text.]

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

Use Categories/Subcategories  [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones															
	1st & 2nd >>	CN <sup>(1)</sup> -					CR-		CO-						CV-		CP-
	3rd >>	1-					1-	2-	1-	2-		3-		1-	1-		
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1	2	1
<b>Open Space through Residential, Separately Regulated Residential Uses, Home Occupations</b> [No change in text.]	[No change in text.]																
<b>Residential, Separately Regulated Residential Uses, Live/Work Quarters through Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers</b> [No change in text.]	[No change in text.]																
Educational Facilities:																	
Kindergarten through Grade 12	C <sup>(10)</sup>					L	L	C	C	C	C <sup>(10)</sup>	-					
Colleges / Universities through Vocational / Trade School [No change in text.]	[No change in text.]																
Electric Vehicle Charging Stations	L					L	L	L	L	L	L	L	L	L			
<b>Institutional, Separately Regulated Institutional Uses, Energy Generation &amp; Distribution Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]	[No change in text.]																

**Footnotes to Table 131-05B** [No change in text.]

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**

<b>Development Regulations</b> [See Section 131.0530 for Development Regulations of Commercial Zones]	<b>Zone Designator</b>	<b>Zones</b>				
	1st & 2nd >>	<b>CN-</b>				
	3rd >>	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5
<b>Max Permitted Residential Density<sup>(1)</sup> through Loading Dock and Overhead Door Screening Regulations</b> [See Section 142.1030] [No change in text.]		[No change in text.]				
<b>Visibility Area</b> [See Section 113.0273]		applies	applies	applies	applies	applies

**Footnotes for Table 131-05C** [No change in text.]

(b) CR, CO, CV, and CP Zones

**Table 131-05D**  
**Development Regulations for CR, CO, CV, CP Zones**

<b>Development Regulations</b> [See Section 131.0530 for Development Regulations of Commercial Zones]	<b>Zone Designator</b>	<b>Zones</b>									
	1st & 2nd >>	CR-		CO-				CV-		CP-	
	3rd >>	1-	2-	1-		2-		3-		1-	
	4th >>	1	1	2	1-	2-	1	2	1	2	1
<b>Max Permitted Residential Density<sup>(1)</sup> through Loading Dock and Overhead Door Screening Regulations</b> [See Section 142.1030] [No change in text.]		[No change in text.]									
<b>Visibility Area</b> [See Section 113.0273]		applies	applies	applies	applies	applies	applies	applies	applies	applies	applies

**Footnotes for Table 131-05D** [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 <i>Density</i> <sup>(1)</sup> through Loading Dock and Overhead Door Screening Regulations [See Section 142.1030] [No change in text.]		[No change in text.]															
Visibility Area [See Section 113.0273]		applies				applies				applies				applies			

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 <i>Density</i> <sup>(1)</sup> through Loading Dock and Overhead Door Screening Regulations [See Section 142.1030] [No change in text.]		[No change in text.]									
Visibility Area [See Section 113.0273]		applies		applies		applies		applies		applies	

**Footnotes for Table 131-05E** [No change in text.]

Section 17. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code is amended by amending sections 131.0601, 131.0622, and 131.0631, to read as follows:

**§131.0601 Purpose of Industrial Zones**

The purpose of the industrial zones is to accommodate a range of industrial and manufacturing activities in designated areas to promote balanced land use and provide flexibility in the design of new and redeveloped industrial projects, while assuring high quality *development* and protecting land for industrial uses and limiting nonindustrial uses.

**§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
<b>Open Space through Residential, Separately Regulated Residential Uses, Home Occupations</b> [No change in text.]		[No change in text.]									
<b>Residential, Separately Regulated Residential Uses, Live/Work Quarters through Institutional, Separately Regulated Institutional Uses, Educational Facilities: Vocational / Trade School</b> [No change in text.]		[No change in text.]									
Electric Vehicle Charging Stations		L	L	L	L	L	L	L	L	L	L
<b>Institutional, Separately Regulated Institutional Uses, Energy Generation &amp; Distribution Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]		[No change in text.]									

**Footnotes for Table 131-06B**

<sup>1</sup> through <sup>15</sup> [No change in text.]

<sup>16</sup> Instructional Studios are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*.

<sup>17</sup> through <sup>20</sup> [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	1
Max permitted residential <i>density</i> <sup>(10)</sup> through Loading Dock and Overhead Door Screening Regulations [See Section 142.1030] [No change in text.]		[No change in text.]									
Visibility Area [See Section 113.0273]		applies			applies			applies		applies	applies

**Footnotes for Table 131-06C** [No change in text.]

Section 18. That Chapter 14, Article 1, Division 3 of the San Diego Municipal Code is amended by amending section 141.0308 and repealing section 141.0310, to read as follows:

**§141.0308 Home Occupations**

Home occupations are businesses conducted by residents on the *premises* of their homes. Home occupations, including cottage food operations authorized pursuant to California Government Code section 51035, 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. An *applicant* may deviate from the requirements in Section 141.0308(k) through (n) by obtaining a Neighborhood Use Permit in accordance with Section 126.0203.

- (a) [No change in text.]
- (b) Any products produced for sale must be manufactured by hand, grown on the *premises*, or prepared within a *kitchen* that meets the standards for cottage food operations in a *dwelling unit* in accordance with California Health and Safety Code section 114365.
- (c) through (i) [No change in text.]

- (j) Only a resident of the *premises* may engage in a home occupation on the *premises*.
- (k) Home occupations may have a maximum of one employee or partner on the *premises* between 7:00 a.m. and 7:00 p.m., Monday through Saturday. For the purpose of Section 141.0308(k) an employee does not include a resident of the home.
- (l) Home occupations may have a maximum of one customer on the *premises* at a time, by appointment only, between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Home occupations shall not host customers on the *premises* more frequently than one customer within a 2-hour time period.
- (m) Home occupations may have a maximum of one vendor on the *premises* at a time between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Home occupations shall not host vendors on the *premises* more frequently than one vendor within a 2-hour time period.
- (n) A maximum of one vehicle for business-related purposes is permitted on-street in the residentially zoned area and shall be parked in compliance with the regulations in Section 86.0139 if applicable.
  - (1) Business-related vehicles may not exceed a one-ton carrying capacity.
  - (2) Tow-trucks are not a permitted home occupation vehicle.

Section 19. That Chapter 14, Article 1, Division 4 of the San Diego Municipal Code is amended by amending section 141.0407 and by adding section 141.0419, to read as follows:

**§141.0407 Educational Facilities--Schools for Kindergarten to Grade 12,**

**Colleges/Universities, and Vocational/Trade Schools**

Educational facilities are facilities that are designed or used to provide specialized training or education. This section distinguishes between kindergarten to grade 12 schools, colleges and universities, and vocational schools and trade schools.

Educational facilities are permitted by right in zones indicated with a “P”, as a limited use in the zones indicated with an “L”, and may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) [No change in text.]
- (b) Schools for Kindergarten to Grade 12
  - (1) through (2) [No change in text.]
  - (3) Limited use regulations. Schools for kindergarten to grade 12 are permitted as limited uses in zones indicated by a “L” subject to the following:
    - (A) The facility design shall not accommodate more than 300 students, except that a new school may replace an existing school with current enrollment over 300 students if the result is no increase in the number of students.

- (B) Parking shall be provided in accordance with Table 142-05G.
- (C) Deviations from Section 141.0407(b)(3)(A) or (B) may be permitted with a Conditional Use Permit decided in accordance with Process Three and subject to the conditional use regulations in Section 141.0407(b)(5).
- (4) One-on-one teaching facilities with a maximum capacity of 50 students that provide education for children enrolled in grades 6 through 12 in a traditional office building are permitted by right in locations where business and professional offices are a permitted use in zones indicated with a “P”, except that such facilities are not permitted where in conflict with Section 141.0407(e)(1).
- (5) Conditional use regulations. Schools for kindergarten to grade 12 are permitted as conditional uses in zones indicated by a “C” subject to the following:
  - (A) through (D) [No change in text.]
- (c) Colleges/Universities
  - (1) [No change in text.]
  - (2) Conditional use regulations. Colleges and universities are permitted as conditional uses in zones indicated by a “C” subject to the following:
    - (A) [No change in text.]

(B) Colleges and universities are subject to the conditional use criteria applicable to schools for kindergarten to grade 12 in Section 141.0407(b)(5).

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

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

**§141.0419 Electric Vehicle Charging Stations**

Electric vehicle charging stations are facilities that supply electric energy for the recharging of electric vehicles as defined in Section 86.0151(a). Nothing in Section 141.0419 grants any deviation from the Environmentally Sensitive Lands Regulations (Chapter 14, Article 3, Division 1) or Historic Resource Regulations (Chapter 14, Article 3, Division 2).

Electric vehicle charging stations 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. The regulations are intended to facilitate the use of electric vehicle charging stations and to comply with state law requirements for timely administrative approvals and allow an *applicant* to appeal a denial of an application of a *construction permit* for an electric vehicle charging station.

(a) A *construction permit* decided in accordance with Process One shall be required for the installation of an electric vehicle charging station.

(1) An Electrical Permit shall be required for the installation of an electric vehicle charging station.

- (2) A Building Permit may be required if alterations will be made to an existing *structure* or to modify or relocate an existing disabled accessible parking space serving the *premises*.
  - (3) The *construction permit* application shall be submitted in accordance with Sections 112.0102 and 129.0105.
  - (4) Within a planned district (subject to Land Development Code Charter 15), a separate Planned District Ordinance Permit shall not be required in addition to the *construction permit* required pursuant to Section 141.0419.
- (b) In reviewing the *construction permit*, the Building Official shall evaluate only whether the electric vehicle charging station meets all applicable health and safety requirements of local, state, and federal law and shall apply the following general regulations:
- (1) Electric vehicle supply equipment shall be listed and labeled by an approved nationally recognized testing laboratory.
  - (2) Electric vehicle charging stations may encroach into setbacks where *off-street parking spaces* are permitted.
  - (3) Existing landscaping shall not be removed if it is required pursuant to the Landscape Regulations (Chapter 14, Article 2 Division 4), unless it is replaced with equivalent or greater landscape elsewhere on the *premises*.
  - (4) The *applicant* shall demonstrate that an electric vehicle charging station on private property will accommodate a vehicle to be

charged while parked without protruding into the *public right-of-way*.

- (5) Electric vehicle charging stations located within the *public right-of-way* shall comply with Section 86.0151.
- (c) The Building Official shall approve, in accordance with Process One, the electric vehicle charging station unless the Building Official determines there is substantial evidence of a specific adverse impact upon the public health or safety, which for the purpose of Section 141.0419(c) means a significant quantifiable, direct, and unavoidable impact based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was *deemed complete*, and there is no feasible method or alternative to satisfactorily mitigate or avoid the specific, adverse impact.
- (d) If the Building Official determines that the proposed electric vehicle charging station could have a specific, adverse impact upon public health or safety, then the Building Official shall make written findings notifying the *applicant* that the *construction permit* for the electric vehicle charging station is denied, the basis for that denial, and the appeal rights set forth in Section 141.0419(e). The *applicant* shall be responsible for all administrative costs associated with processing the appeal.
- (e) Notwithstanding Section 112.0504, an *applicant* may appeal the denial of an application for a *construction permit* for an electric vehicle charging station to the Planning Commission by filing an application for a Process

Two appeal hearing with the City Manager no later than 12 *business days* after the *decision date*. The application shall include the contents for appeal identified in Section 112.0510(a).

- (1) Grounds for Appeal. A denial may only be appealed on the grounds that the stated *findings* to deny the *construction permit* are not supported by substantial evidence.
- (2) Scheduling an Appeal Hearing. The City Manager shall assign a date for an appeal hearing before the Planning Commission no later than 30 calendar days after the date on which an application for the appeal hearing is filed with the City Manager.
- (3) Power to Act on the Decision at Appeal Hearing. The Planning Commission may affirm, reverse, or modify the decision to deny an electric vehicle charging station in accordance with the following:
  - (A) A decision to affirm the Building Official decision requires a *finding* based on substantial evidence in the record that the proposed electric vehicle charging station would have a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. In addition, the *finding* shall include the basis for rejection of potential feasible alternatives to prevent the adverse impact.



- (B) If the Planning Commission determines that there is not substantial evidence in the record that the proposed electric vehicle charging station could have a specific, adverse impact upon the public health or safety, then the decision shall be reversed and the *construction permit* shall be approved.
- (C) If the Planning Commission determines that conditions of approval would mitigate the specific, adverse impact upon the public health or safety, then the decision shall be reversed and the *construction permit* shall be conditionally approved. Any conditions imposed shall mitigate at the lowest cost possible.

Section 20. That Chapter 14, Article 1, Division 6 of the San Diego Municipal Code is amended by amending sections 141.0604 and 141.0607, to read as follows:

**§141.0604 Boarding Kennels/Pet Day Care Facilities**

Boarding kennels and pet day care facilities for the boarding, training and care of household pets 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 141.0604(a) and (b). Boarding kennels and pet day care facilities may be permitted with a Neighborhood Use Permit decided in accordance with Process Two in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0604(a) and (c).

- (a) General Rules

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

(3) Off-street parking *spaces* shall be provided at a rate of 2.5 spaces for every 1, 000 square feet of *floor* area.

(b) Limited Use Regulations

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

(3) Deviations from Section 141.0604 may be permitted with a Neighborhood Use Permit decided in accordance with Process Two, with the exception of outdoor facilities in CN zones which are not permitted.

(c) Neighborhood Use Permit Regulations

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

**§141.0607 Eating and Drinking Establishments with Drive-in or Drive-through Service**

Eating and drinking establishments that offer drive-in or drive-through service are permitted in zones indicated with a “P” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones). Eating and drinking establishments that offer drive-in or drive-through service may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the regulations in this Section. The Conditional Use Permit decision maker shall consider whether the proposed use minimizes adverse impacts on adjacent properties and surrounding neighborhoods. The decision maker may impose conditions in the Conditional Use Permit in addition to requiring compliance with the following:

- (a) [No change in text.]
- (b) Space for vehicle queuing for the drive-in or drive-through service shall be provided as follows:
  - (1) [No change in text.]
  - (2) In addition to the queuing space required under Section 141.0607(b)(1), a minimum of 40 feet in additional space shall be provided on the *premises* from the order station to provide additional queuing space for two cars prior to the order station.
  - (3) Required queue spaces shall not obstruct access to parking aisles or parking spaces.
- (c) through (g) [No change in text.]

Section 21. That Chapter 14, Article 2, Division 4 of the San Diego Municipal Code is amended by amending sections 142.0402, 142.0404, and 142.0413, to read as follows:

**§142.0402 When Landscape Regulations Apply**

- (a) [No change in text.]
- (b) Table 142-04A provides the applicable regulations and type of permit required by this division for the landscaping required in conjunction with the specific types of *development* proposals. Any project that proposes more than one of the types of *development* shown is subject to all of the regulations for each type of *development*.

**Table 142-04A**  
**Landscape Regulations Applicability**

Type of <i>Development</i> Proposal			Applicable Regulations	Required Permit Type/ Decision Process
Column A	Column B	Column C <sup>(1)</sup>		
1. New <i>structures</i> that equal or exceed the <i>gross floor area</i> shown (Column B), and are proposing the type of <i>development</i> shown (Column C) through 14. Commercial <i>development</i> with at least 1,000 square feet of landscape area [No change in text.]	[No change in text.]			
15. Small <i>Lot Subdivision</i>			142.0403 142.0404 142.0413	No permit required by this division

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

**§142.0404 Street Yard and Remaining Yard Planting Area and Point Requirements**

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

**Table 142-04C**  
**Street Yard and Remaining Yard Planting Requirements**

<b>Type of Development Proposal <sup>(6)</sup></b>	<b>Type of Yard</b>	<b>Planting Area Required</b> (Percentage of total <i>yard</i> area unless otherwise noted below) <sup>(1)</sup>	<b>Plant Points Required<sup>(1)</sup></b>
<i>Multiple Dwelling Unit Residential Development</i> through Condominium Conversion [No change in text.]	[No change in text.]		
<i>Small Lot Subdivision</i>	[No change in text.]	[No change in text.]	0.05 points per square foot of total <i>street yard</i> area
Commercial <i>Development</i> , or Industrial <i>Development</i> in Commercial Zones through <i>Large retail establishments</i> in any Industrial Zone. [No change in text.]	[No change in text.]		

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

**§142.0413 Water Conservation**

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

(c) Mulch Requirements. All required planting areas and all exposed soil areas without vegetation shall be covered with mulch to a minimum depth of 3 inches, excluding slopes.

(d) Water Budget.

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

- (2) The Maximum Applied Water Allowance Water Budget is calculated using the following formula (see Landscape Standards of the Land Development Manual for additional information):

$$\text{MAWA Water Budget} = (\text{ETo})(0.62) [(\text{ETAF})(\text{LA}) + (1-\text{ETAF})(\text{SLA})]$$

$$\text{For residential landscape areas} = (\text{ETo})(0.62)[(0.55)(\text{LA}) + (0.45)(\text{SLA})]$$

$$\text{For non-residential landscape areas} = (\text{ETo})(0.62) [(0.45)(\text{LA}) + (0.55)(\text{SLA})]$$

**Legend for MAWA Water Budget Calculation Formula**

Symbol	Meaning of Symbol
ETo	Evapotranspiration measured in inches per year; see Table 6 ETo Table
0.62	Conversion factor to gallons
ETAF 0.55 for Residential areas; 0.45 for Non-residential areas	Evapotranspiration Adjustment Factor
LA	Landscape Area measured in square feet
1- ETAF 0.45 for Residential areas; 0.55 for Non-residential areas	Additional Evapotranspiration Adjustment Factor for Special Landscape Areas and Reclaimed Water
SLA	Special Landscape Area measured in square feet

- (3) The irrigation system is required to be operated within the approved MAWA Water Budget.
- (4) The Estimated Total Water Use (ETWU), as calculated in Section 2.6 of the Landscape Standards of the Land Development Manual

shall not exceed the MAWA Water Budget as calculated in Section 142.0413(d)(2).

(e) Water Meters.

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

(2) [No change in text.]

(f) Irrigation Audit. An *applicant* subject to the requirement for a MAWA Water Budget is required to conduct and submit to the City an irrigation audit consistent with Section 2.7 of the Landscape Standards of the Land Development Manual.

- (1) All irrigation audits shall be conducted by a professional authorized by the State to perform this work.

(2) [No change in text.]

(g) [No change in text.]

- (h) Pursuant to state law (California Code of Regulations section 490.1), an *applicant* with a project with an aggregate landscape area of 2,500 square feet or less may alternatively comply, if the *applicant* demonstrates, to the satisfaction of the Development Services Director, that the landscape area for the *development* will comply with all of the following instead of Section 142.0413(a) through (g):

- (1) Incorporates compost at a rate of at least 4 cubic yards per 1,000 square feet to a total depth of 6 inches (unless contraindicated by a soil test).
- (2) Includes climate adapted plants that meet the following:
  - (A) All plant species are identified on the Water Use Classification of Landscape Species (WUCOLS) list as requiring little or no summer water and have an average plant factor of 0.3; and
  - (B) The minimum plant area for the climate adapted plants is at least 75 percent of the total plant area for residential *development* or 100 percent for non-residential *development*. Plant areas used for edibles or areas where recycled water is used for irrigation may be excluded from the calculation of total plant area.
- (3) Incorporates a minimum 3-inch layer of mulch on all exposed soil surfaces of planting areas, except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
- (4) Minimizes the use of turf as follows:
  - (A) Turf is not permitted for non-residential *development* or in parkways less than 10 feet wide, unless the *parkway* is adjacent to a parking strip and used to enter and exit



vehicles and is irrigated by subsurface irrigation (or equivalent system that creates no overspray or runoff).

- (B) Turf for residential *development* landscape areas shall not exceed 25 percent of the landscape area and shall not be planted on sloped areas that exceed a slope of 1-foot vertical elevation change for every 4 feet horizontal length.

- (5) Provides an irrigation system that meets all of the following requirements:

- (A) Includes an automatic irrigation controller that utilizes a rain sensor and evapotranspiration or soil moisture sensor data, and that does not lose programming data if in the event a primary power source is interrupted;

- (B) Includes a pressure regulator to ensure the dynamic pressure of the system is within the manufacturer's recommended pressure range;

- (C) Includes manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) installed as close as possible to the point of connection to the water supply;

- (D) Includes irrigation sprinkler and emission devices that meet the State of California Landscape Irrigation Sprinkler and Emitter Standards;

- (E) Includes subsurface irrigation (or equivalent system that produces no overspray or runoff) in any landscape areas less than 10 feet in width in any direction; and
  - (F) Includes a private submeter for any non-residential *development* landscape areas that are 1,000 square feet or more in size.
- (6) Incorporates the following statement on the approved landscape plan set:
- The *applicant* agrees to comply with the requirements of the prescriptive compliance option to the Model Water Efficient Landscape Ordinance (MWELO) in accordance with state law and Land Development Code Section 142.0413(h), and will provide the record *owner* at the time of final inspection with a certificate of completion, certificate of installation, irrigation schedule, and schedule of landscape and irrigation maintenance.

Section 22. That Chapter 14, Article 2, Division 5 of the San Diego Municipal Code is amended by amending sections 142.0505, 142.0520, 142.0525, 142.0527, 142.0530, 142.0545, and 142.0560, to read as follows:

**§142.0505 When Parking Regulations Apply**

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

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

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

Type of <i>Development</i> Proposal	Applicable Regulations	Required Permit Type/ Decision Process
Any <i>single dwelling unit</i> residential <i>development</i> through Any <i>multiple dwelling unit</i> residential <i>development</i> [No change in text.]	[No change in text.]	
Any <i>multiple dwelling unit</i> residential <i>development</i> that includes housing that meets the criteria stated in Section 142.0527 (Affordable Housing Parking Regulations)	Sections 142.0510, 142.0525, 142.0527, and 142.0560	No permit required by this division
Any nonresidential <i>development</i> [No change in text.]	[No change in text.]	
<i>Multiple dwelling unit</i> residential <i>development</i> processed with a Planned Development Permit that meets the location criteria in Section 142.0525(c)	Section 142.0525(c)	No permit required by this division
<i>Condominium conversion</i> through Tandem Parking for commercial uses [No change in text.]	[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 Required Parking Spaces
All <i>single dwelling units</i> , except those with five or more <i>bedrooms</i> in campus impact areas (See Chapter 13, Article 2, Division 8) through High occupancy <i>single dwelling units</i> subject to Section 123.0502	[No change in text.]

**Footnotes for Table 142-05B** [No change in text.]

**§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios**

(a) [No change in text.]

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

Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle <sup>(5)</sup> Spaces Required Per Dwelling Unit
	Basic <sup>(1)</sup>	Transit Area <sup>(2)</sup>	Parking Impact <sup>(4)</sup>		
Studio up to 400 square feet through 5+ bedrooms [No change in text.]	[No change in text.]				
Affordable Housing dwelling units regulated by Section 142.0527	N/A	N/A	0.25 beyond that required in Section 142.0527	(See footnote 3)	(See footnote 3)
Condominium conversion through Accessory uses (Spaces per square feet <sup>(7)</sup> ) [No change in text.]	[No change in text.]				

**Footnotes for Table 142-05C** [No change in text.]

(b) [No change in text.]

(c) Common Area Parking Requirement. The common area parking requirement applies to *multiple dwelling unit development* that is being processed in conjunction with a Planned Development Permit and that is located in one of the following communities: Black Mountain Ranch, Carmel Mountain Ranch, Carmel Valley, East Elliott, Fairbanks Ranch Country Club, Miramar Ranch North, Mira Mesa, Otay Mesa, Rancho Bernardo, Rancho Penasquitos, Sabre Springs, Scripps Miramar Ranch, Tierrasanta, and Torrey Highlands, and University. The following

standards will be applied by the decision maker to determine the number of common area parking spaces to require as a condition of approval.

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

(d) [No change in text.]

**§142.0527 Affordable Housing Parking Regulations**

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

(a) Definitions. For the purposes of Section 142.0527, the following definitions apply:

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

(3) Affordable housing *dwelling units* are *dwelling units* within a *multiple dwelling unit development* that meet the following criteria:

(A) *Dwelling units* are rental units reserved for a period of at least 30 years for *low income* or *very low income* households in which the tenants do not pay more than 35 percent of gross household income toward gross rent (including utilities). These provisions shall be included in a written agreement with the San Diego Housing Commission; and

(B) The *development* falls into at least one of the following categories:

(i) Family Housing;

- (ii) Housing for Senior Citizens, meeting the criteria of “Housing for older persons” as defined in 42 United States Code, Section 3607(b) of the Fair Housing Act Amendments of 1988 and 24 Code of Federal Regulations, section 100.304; or “Senior citizen housing development” as defined in Section 51.3 of the California Civil Code;
  - (iii) through (v) [No change in text.]
- (b) Parking Demand. The minimum required automobile parking spaces for affordable housing *dwelling units* shall be determined using the following indexes (See the Land Development Manual: Calculating Affordable Housing Parking Requirements for guidance on calculating the Walkability and Transit Indexes.):
  - (1) Walkability Index

The Walkability Index shall be determined by assigning one point for each of the following criteria, for a maximum Walkability Index of 4 points.

    - (A) Retail, theater, or assembly and entertainment uses present within one-half mile of the affordable housing *dwelling units*.
    - (B) More than 120 *lots* developed with retail, theater, or assembly and entertainment uses within one-half mile of the affordable housing *dwelling units*.

(C) Office, nonresidential day care, nursery school, kindergarten through grade 12, hospitals, healthcare uses, or Civic Uses within one-half mile of the affordable housing *dwelling units*.

(D) More than 50 *lots* developed with office, nonresidential day care, nursery school, kindergarten through grade 12, hospitals, or healthcare uses, or Civic Uses within one-half mile of the affordable housing *dwelling units*.

(2) Transit Index

The Transit Index shall be determined by assigning points for the number of peak hour trips within a defined distance from the affordable housing *dwelling units*. For bus transit, the distance is one-quarter mile from the affordable housing *dwelling units* for each bus transit stop. For fixed rail and bus rapid transit, the distance is one-half mile from the affordable housing *dwelling units* for each fixed stop. Inbound/outbound stops for the same route are calculated as one stop.

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

(3) [No change in text.]

(c) Alternative compliance may be used to determine the Walkability Index in accordance with the following:

(1) A project shall be deemed to have alternatively complied with Section 142.0527(b)(1)(B) when it is demonstrated to the

satisfaction of the City Manager that there are more than 120 retail, theater, or assembly and entertainment uses within one-half mile of the affordable housing *dwelling units*.

- (2) A project shall be deemed to have alternatively complied with Section 142.0527(b)(1)(D) when it is demonstrated to the satisfaction of the City Manager that there are more than 50 office, nonresidential day care, nursery school, kindergarten through grade 12, hospitals, or healthcare uses, or Civic Uses within one-half mile of the affordable housing *dwelling units*.

- (d) Affordable housing *dwelling units* Parking Ratios. Table 142-05D provides the parking ratios required for affordable housing *dwelling units* as defined in Section 142.0527(a)(3).

**Legend for Table 142-05D**

[No change in text.]

<b>Table 142-05D</b>	
<b>Affordable Housing <i>Dwelling Units</i> Parking Ratios</b>	
[No change in text in table.]	

**Footnotes for Table 142-05D**

- (1) [No change in text.]
- (2) Visitor and staff parking spaces are calculated by multiplying the ratio by the total number of affordable housing *dwelling units*.
- (3) For assigned parking, the number of additional parking spaces is calculated by multiplying the total parking spaces required for the affordable housing *dwelling units*, visitor, and staff parking by 0.1. For unassigned parking, no additional parking spaces are required.



- (e) Supplemental Regulations.
  - (1) [No change in text.]
  - (2) Affordable housing *dwelling units* shall not be subject to the parking regulations of the Transit Overlay Zone and shall not be entitled to parking reductions provided for in Section 142.0550 (Parking Assessment District Calculation Exception).
  - (3) through (4) [No change in text.]

**§142.0530 Nonresidential Uses — Parking Ratios**

- (a) through (b) [No change in text.]
- (c) Nonresidential Uses. Table 142-05G establishes the required ratio of parking spaces to building *floor* area for the nonresidential uses shown that are not covered by the parking requirements in Section 142.0530(a) and (b).

**Table 142-05G**  
**Parking Ratios for Specified Non-Residential Uses**

Use	Parking Spaces Required per 1,000 Square Feet of <i>Floor Area</i> Unless Otherwise Noted ( <i>Floor Area</i> Includes <i>Gross Floor Area</i> plus below <i>Grade Floor Area</i> , and Excludes <i>Floor Area</i> Devoted to Parking)		
	Required Automobile Parking Spaces <sup>(1)</sup>		
	Minimum Required Outside a <i>Transit Area</i>	Minimum Required Within a <i>Transit Area</i> <sup>(2)</sup>	Maximum Permitted
<b>Institutional</b>			
<b>Separately Regulated Uses</b> through Private clubs, lodges, fraternal organizations (except fraternities and sororities) [No change in text.]	[No change in text.]		
Single room occupancy hotels (For <i>SRO Hotels</i> that meet the criteria for affordable housing <i>dwelling units</i> stated in Section 142.0527, see Section 142.0527 for parking requirements)	1 per room	0.5 per room	N/A
<b>Separately Regulated Uses</b> , Veterinary clinics & hospitals through <b>All industrial uses</b> in the IS Zone [No change in text.]	[No change in text.]		

**Footnotes For Table 142-05G** [No change in text.]

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

**§142.0545 Shared Parking Requirements**

(a) Approval Criteria. In all zones except single unit residential zones, *shared parking* may be approved through a Building Permit subject to the following requirements.

(1) [No change in text.]

- (2) All *shared parking* facilities shall be located within a 1200-foot horizontal distance of the uses served.

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

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

**§142.0560 Development and Design Regulations for Parking Facilities**

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

- (i) Queue Requirements for Drive-Up Service. Queue space for a minimum of five cars shall be provided for each drive-up service window or position. The queue space for each car shall be 10 feet wide and 20 feet long. Required queue spaces shall not obstruct access to parking aisles or parking spaces. See Section 141.0607(b) for additional queue requirements that apply to eating and drinking establishments with drive-up or drive-through service.

(j) Driveway and Access Regulations

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

- (3) Driveway openings shall comply with San Diego Regional Standard Drawing SDG-164 and either Number SDG-159 and SDG-160, Concrete Driveways, or SDG-163, Concrete Driveway Commercial Alternate, except that driveway openings abutting a through travel lane less than 17 feet wide with an existing or anticipated speed limit of 30 miles per hour or greater shall conform to Drawing Number SDG-163, Concrete Driveway Commercial Alternate.

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

(8) Number of Driveways Permitted on a *Premises*.

(A) For properties with no access to an *alley*, there shall be at least one driveway opening permitted per *lot*. An additional driveway opening may be permitted subject to approval by the City Engineer for a *lot* with at least 100 feet of total *street frontage*. For corner lots, the length of the *street frontage* may be combined for the purpose of this calculation.

(B) For properties with access to an *alley* and at least 150 feet of total *street frontage*, a maximum of one driveway opening for each 150 feet of *street frontage* may be permitted subject to approval by the City Engineer. For corner lots, the length of the *street frontage* may be combined for the purpose of this calculation.

(C) For properties with access to an *alley* and less than 150 feet of total *street frontage*, a driveway is not permitted, except that in the RM-1-1, RM-1-2, and RM-1-3 zones, one driveway may be permitted if the prohibition of a driveway opening would preclude achieving the maximum *density* permitted by the underlying zone.

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

(k) [No change in text.]

Section 23. That Chapter 14, Article 2, Division 13 of the San Diego Municipal Code is amended by amending section 142.1305, to read as follows:

**§142.1305 Election to Provide For-Sale Affordable Housing Units in a For-Sale Development**

- (a) [No change in text.]
- (b) The *development* of for-sale affordable housing units is subject to the following requirements and the provisions of the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual.
  - (1) through (2) [No change in text.]
  - (3) The equity in a for-sale affordable housing unit shall be shared between the owner and the San Diego Housing Commission in an amount based upon length of ownership at the time of the first resale, in accordance with Table 142-13A.
    - (A) Through (C) [No change in text.]
  - (4) through (6) [No change in text.]

**Table 142-13A**

Length of Ownership at the Time of Resale	Share of Equity to Household
Months 0-12	15%
Year 2	21
Year 3	27
Year 4	33
Year 5	39
Year 6	45
Year 7	51
Year 8	57
Year 9	63
Year 10	69
Year 11	75
Year 12	81
Year 13	87
Year 14	93
Year 15 or after	100%

Section 24. That Chapter 14, Article 3, Division 1 of the San Diego Municipal Code is amended by amending sections 143.0112 and 143.0146. to read as follows:

**§143.0112 Requirement to Submit Required Documentation and Obtain Permit Prior to Development on Environmentally Sensitive Lands**

It is unlawful to begin *development* on a *premises* that contains *environmentally sensitive lands* without submitting required documentation and obtaining the applicable *development permit*, or an exemption as required pursuant to this division. If unlawful *development* occurs on property containing *environmentally sensitive lands* and an enforcement action has been commenced by the City pursuant to Section 143.0160, a *development permit* application shall not be processed for the *premises* until the enforcement action has been concluded, or

the City Manager determines a *development permit* is necessary to resolve the enforcement action.

**§143.0146 Supplemental Regulations for Special Flood Hazard Areas**

All proposed *development* within a *Special Flood Hazard Area* is subject to the following requirements and all other applicable requirements and regulations of FEMA.

(a) *Development* and Permit Review

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

(7) In all *floodways*, any *encroachment*, including *fill*, new construction, significant modifications, and other *development* is prohibited unless *certification* by a registered professional engineer is provided demonstrating that *encroachments* will not result in any increase in *flood* levels during the occurrence of the *base flood* discharge except as allowed under Code of Federal Regulations Title 44, Chapter 1, Part 60.3(c)(13).

(b) [No change in text.]

(c) Standards of Construction

In all *Special Flood Hazard Areas*, the following standards apply for all *development*.

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

(10) Within *FIRM* Zones AH or AO, new construction and *substantial improvements* of any *structure* shall be

constructed so that there are adequate drainage paths around *structures* on slopes to guide *flood* waters around and away from proposed *structures*.

(d) Standards for *Manufactured Homes*

All new and replacement *manufactured homes* and additions to *manufactured homes* are subject to the following regulations.

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

(4) Within *FIRM* Zones V1-30, VE, and V, the placement or installation of manufactured homes shall comply with the standards for coastal high hazard areas in Section 143.0146(g).

(e) [No change in text.]

(f) Standards for Recreational Vehicles

(1) A recreational vehicle, as defined by FEMA and used in this Section, is a vehicle built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(2) All recreational vehicles placed in *FIRM* Zones A1-30, AE and AH shall comply with one of the following:



- (A) Be on the site for fewer than 180 consecutive days;  
or
  - (B) Be fully licensed with the state and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
  - (C) Meet the standards for *manufactured homes* in Section 143.0146(d).
- (g) Standards for Coastal High Hazard Area
- (1) A coastal high hazard area is an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a *FIRM* Zone V1-30, VE, or V.
  - (2) Within coastal high hazard areas, *FIRM* Zones V1-30, VE, and V, the following standards shall apply:
    - (A) All new *development*, including *substantial improvement* to an existing *structure*, shall be elevated on adequately anchored pilings or columns

and securely anchored to such pilings or columns so that the bottom of the lowest horizontal structural member of the *lowest floor* (excluding the pilings or columns) is elevated to or about the *base flood* level. The pile or column foundation and *structure* attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the *base flood*. Wind loading values used shall be those required by applicable state or local building standards.

- (B) All new *development* shall be located on the landward side of the reach of mean high tide.
- (C) All new *development* and any *substantial improvement* to an existing *structure* shall have the space below the *lowest floor* free of obstructions or constructed with breakaway walls. Such enclosed space shall be used solely for parking of vehicles, building access or storage.
- (D) *Fill* shall not be used for structural support of buildings.

- (E) Man-made alteration of sand dunes which would increase potential *flood* damage is prohibited.
- (F) The *applicant* for any new *development* shall provide the following records to the satisfaction of the City Engineer:
  - (i) Certification by a registered engineer or architect that a proposed *structure* complies with Section 143.0146(g); and
  - (ii) Plans that identify the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the *lowest floor* (excluding pilings or columns) of all new *structures* and any *substantial improvements* to existing *structures*, and whether such *structures* contain a *basement*.
- (h) The City Engineer shall notify the San Diego District Offices of the Coastal Commission of any pending changes to the adopted Flood Insurance Rate Maps affecting property within the Coastal Overlay Zone when the City Engineer receives notification of such potential changes. The City Engineer shall notify the Commission staff when *coastal development* within the City of San Diego's Coastal Development Permit jurisdiction would require processing a change to the FIRM maps. The City Engineer shall ensure that

the Commission's District Office has the most current effective Flood Insurance Rate Maps approved by FEMA by forwarding any revised maps affecting the Coastal Overlay Zone within thirty working days of the City Engineer's receipt.

- (i) If a *development* changes the *base flood* elevations due to physical alterations, the permit *applicant* shall be required to submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within 6 months of information becoming available or project completion, whichever comes first. All LOMR's for *flood* control projects are approved prior to the issuance of Building Permits. Building Permits shall not be issued based on Conditional Letters of Map Revision.

Section 25. That Chapter 14, Article 3, Division 2 of the San Diego Municipal Code is amended by amending section 143.0212, to read as follows:

**§143.0212     Need for Site-Specific Survey and Determination of Location of Historical Resources**

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

- (c) The City Manager shall evaluate proposed *development* to determine the need for a site-specific survey. The determination shall be made within 10 *business days* of an application for a *construction permit* or within 30 calendar days of an application for a *development permit*, as applicable. A site-specific survey shall be required when the City Manager determines that a *historical resource* may exist on the parcel, and if the *development*

proposes a substantial alteration according to Section 143.0250(a)(3). If the City Manager determines that a site-specific survey is not required for a proposed *development* within the time-period specified above, then a permit in accordance with Section 143.0210 shall not be required. If a site-specific survey is prepared to the satisfaction of the City Manager for a proposed *development*, additional site-specific surveys shall not be required pursuant to Section 143.0212.

(d) [No change in text.]

Section 26. That Chapter 14, Article 3, Division 3 of the San Diego Municipal Code is amended by amending sections 143.0302 and 143.0365, to read as follows:

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

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

**Legend for Table 143-03A**

[No change in text.]

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

<b>Type of <i>Development</i> Proposal</b>	<b>Applicable Sections</b>	<b>Required <i>Development</i> Permit/Decision Process</b>
Affordable/In-Fill Housing and Sustainable Building Projects with Deviations through Relocated Building Onto a Site With an Existing Building [No change in text.]	[No change in text.]	
Site with <i>Previously Conforming</i> Conditions	127.0102-127.0106, 143.0303, 143.0305, 143.0375	NDP/Process Two
Nonresidential <i>Development</i> Exceeding the Maximum Permitted Parking through Clairemont Mesa Height Limit Overlay Zone [No change in text.]	[No change in text.]	

**§143.0365 Supplemental Site Development Permit Regulations for Small Lot**

**Subdivisions**

The purpose of these regulations is to provide supplemental regulations for *development of single dwelling units* in a small *lot subdivision*.

A small *lot subdivision* is the subdivision of multi-family zoned land, consistent with the *density* of the zone, for the construction of *single dwelling units*.

The intent is to encourage *development of single dwelling units* on small *lots* in order to provide a space-efficient and economical alternative to traditional *single dwelling unit development*. It is also the intent of these regulations to provide

pedestrian-friendly *developments* that are consistent with the neighborhood character.

The following supplemental regulations apply to a Site Development Permit for a small *lot subdivision*.

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

**Table 143-03C**

**Development Regulations for Small Lot Subdivisions**

<b>Max permitted <i>density</i> pre-subdivided <i>lot</i></b> dwelling units (DU) per <i>lot</i>	
Pre-subdivided <i>lot</i> through Subdivided <i>lot</i> [No change in text.]	
<b>Min <i>lot</i> area</b> square feet (sf)	--
<b>Min <i>lot</i> dimensions</b>	
Pre-subdivided <i>lot</i>	
<i>Lot</i> width (ft) through <b>Refuse and Recyclable Material Storage</b> [See Section 142.0805] [No change in text.]	[No change in text.]

Footnotes for Table 143-03C [No change in text.]

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

**Table 143-03D**

**Driveway Width for Small Lot Subdivisions**

[No change in text.]

(i) The landscape requirements shall be in accordance with the requirements for small *lot subdivisions* shown in Section 142.0402, Table 142-04A.

(j) [No change in text.]

Section 27. That Chapter 14, Article 3, Division 4 of the San Diego Municipal Code is amended by amending sections 143.0402, and 143.0410, and adding 143.0455 to read as follows:

**§143.0402 When Planned Development Permit Regulations Apply**

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

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

Type of <i>Development Proposal</i>	Applicable Sections	Required <i>Development Permit/Decision Process</i> <sup>(1)</sup>
Residential <i>development</i> requesting deviations from applicable zone regulations <sup>(2)</sup> through <i>Development</i> that complies with the applicable <i>land use plan</i> designation, but contains uses that are not permitted in the underlying base zone [No change in text.]	[No change in text.]	
<i>Multiple dwelling unit</i> residential <i>development</i> with increased <i>density</i> per the adopted <i>land use plan</i>	143.0403, 143.0410, 143.0455	PDP/Process 4
Rural cluster <i>development</i> in the AR and OR zones through Residential <i>development</i> in RS zones of <i>urbanized Communities</i> where a Planned Development Permit is requested [No change in text.]	[No change in text.]	

Footnotes to Table 143-04A [No change in text.]

**§143.0410 General Development Regulations for Planned Development Permits**

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

(j) Criteria For *Development Design*

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

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

(3) Buildings should avoid an overwhelming or dominating appearance as compared to adjacent *structures* and *development* patterns. Abrupt differences in scale between large commercial



buildings and adjacent residential areas should be avoided. Instead, gradual transitions in building scale should be incorporated.

- (4) Larger *structures* should be designed to reduce actual or apparent bulk. This can be achieved by using pitched roof designs, separating large surface masses through changes in exterior treatment, or other architectural techniques.
- (5) Buildings, *structures*, and facilities on the *premises* should be well integrated into, oriented towards, and related to, the topographic and natural features of the site.
- (6) Proposed *developments* should avoid repetitious *development* patterns that are inconsistent with the goals of the applicable *land use plan*.
- (7) [No change in text.]
- (8) Elements such as street trees, curbside landscaping, varied *setbacks*, and enhanced paving should be used to enhance the visual appearance of the *development*.
- (9) Roof forms should be consistent in material, design, and appearance with existing *structures* in the surrounding neighborhood.
- (10) Plant materials and other design features should be used to define and enhance the appearance of roof spaces, especially flat roofs that are visible from higher elevations.

- (11) Building material and color palettes should be consistent with applicable guidelines in the applicable *land use plan*, if provided.

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

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

(a) *Density*

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

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

- (1) The *development* shall provide visually interesting building articulation that maintains a sense of scale and transition to buildings lower in height and to the adjacent *public right-of-way* by incorporating the following:
  - (A) Offsetting wall planes, openings, projections, recesses and other building details.
  - (B) Varied building rooflines.
  - (C) One and two story building components with upper-story step backs at the third *floor* and above.
  - (D) *Building facades* that include a main entry and other pedestrian-oriented architectural features such as windows, balconies, trellises, wing walls (attached to the building), garden walls (free standing), porches, fencing, and arbors.
- (2) *Off-street parking spaces* shall be located behind the *building façade* where possible, and shall be provided with access to an *alley* where available.
- (3) The adjacent sidewalk, curb, and gutter shall be provided to City standards, and shall include all improvements necessary to bring existing *public right-of-way* conditions to current standards.  
  
Existing curb cuts that exceed current standards shall be removed or reduced to not exceed the maximum dimension identified in Section 142.0560.

Section 28. That Chapter 14, Article 3, Division 9 of the San Diego Municipal Code is amended by amending section 143.0915, to read as follows:

**§143.0915 When Affordable/In-Fill Housing and Sustainable Buildings Regulations**

**Apply**

These regulations apply to the following types of *development*:

- (a) Residential *development* (including both for-sale and for-rent affordable housing *dwelling units*) in accordance with Section 142.1305.
- (b) through (g) [No change in text.]

Section 29. That Chapter 14, Article 4, Division 1 of the San Diego Municipal Code is amended by amending section 144.0130, to read as follows:

**§144.0130 Survey Monuments**

- (a) Survey monuments shall be set in accordance with the *Subdivision Map Act*, Chapter 4, Article 9, to the satisfaction of the City Engineer. When the setting of monuments is deferred, a cash security deposit, in the amount of the estimated cost as provided by the engineer or land surveyor, shall be deposited with the City to guarantee setting such monuments and payment of the surveyor of record for setting them. When the final monuments are set as certified on the final map or *parcel map* and are accepted by the City Engineer and the surveyor of record is paid for setting them, the monument security shall be released in accordance with Section 144.0130(b).
- (b) The City Land Surveyor may approve the release of any security posted for the setting of monuments upon the satisfaction of the requirements in

Section 144.0130(a), the *Subdivision Map Act* Chapter 4, Article 9, and  
California Government Code section 66497(d).

Section 30. That Chapter 15, Article 1, Division 1 of the San Diego Municipal Code is  
amended by amending section 151.0103, to read as follows:

**§151.0103     Applicable Regulations**

- (a)     [No change in text.]
- (b)     The following regulations apply in all planned districts:
  - (1) through (3) [No change in text.]
  - (4)     Solar energy systems regulations and electric vehicle charging  
station regulations contained in Land Development Code Section  
141.0418 and Section 141.0419.
  - (5) through (7) [No change in text.]
  - (8)     Parking Regulations for affordable housing *dwelling units* in Land  
Development Code Section 142.0527, except where the Planned  
District Ordinance provides a lower parking ratio than allowed in  
Section 142.0527.
  - (9)     [No change in text.]

Section 31. That Chapter 15, Article 2, Division 1 of the San Diego Municipal Code is  
amended by amending section 152.0104, to read as follows:

**§152.0104     Definitions**

**Artists' Studios through Schools, Public or Private** [No change in text.]

**Single Family Residential through Wholesale and Warehouse** [No change in  
text.]

Section 32. That Chapter 15, Article 2, Division 3 of the San Diego Municipal Code is amended by amending sections 152.0303 and 152.0309, to read as follows:

**§152.0303 Subdistrict A Permitted Uses**

- (a) No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:
  - (1) through (4) [No change in text.]
  - (5) Schools, limited to primary, elementary, junior high and senior high in accordance with Section 141.0407 and child care centers in accordance with Section 141.0606.
  - (6) [No change in text.]
  - (7) Churches, temples or buildings of permanent nature used primarily for religious purposes in accordance with Section 141.0602.
  - (8) through (12) [No change in text.]

**§152.0309 Subdistrict C Permitted Uses**

It shall be unlawful to erect, construct, convert, establish, alter, move-on or enlarge any building or improvement or portion thereof, nor shall any lot or premises be used except for one or more of the following purposes as provided herein:

- (a) through (f) [No change in text.]
- (g) The following separately regulated uses may be permitted according to the regulations set forth in Municipal Code Section 151.0401 and Land

Development Code Chapter 14, Article 1 (Separately Regulated Use Regulations).

- (1) Churches, temples or buildings used primarily for religious purposes in accordance with Section 141.0602.
- (2) [No change in text.]
- (3) Elementary schools (grades K-6) in accordance with Section 141.0407, and child care centers in accordance with Section 141.0606.
- (4) [No change in text.]

Section 33. That Chapter 15, Article 5, Division 2 of the San Diego Municipal Code is amended by amending sections 155.0238 and 155.0253, to read as follows:

**§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 <sup>(2)(12)</sup>	6	7	8	
Open Space through Agriculture, Separately Regulated Agriculture Uses, Open Air Markets for the Sale of Agriculture- Related Products & Flowers [No change in text.]		[No change in text.]									
Residential											
Mobilehome Parks through Multiple Dwelling Units [No change in text.]		[No change in text.]									
Rooming House [See Sections 131.0112(a)(3)(A) and 131.0540]		-		P			-				
Shopkeeper Units [See Section 113.0103]		P		P <sup>(4)</sup>			P <sup>(4)</sup>				
Residential, Single Dwelling Units through Separately Regulated Residential Uses, Home Occupations [No change in text.]		[No change in text.]									
Live/Work Quarters through Watchkeeper Quarters [No change in text]		[No change in text.]									
Institutional, Separately Regulated Institutional Uses through Communication Antennas: Major Telecommunication Facility [No change in text.]		[No change in text.]									
Correctional Placement Centers [No change in text.]		[No change in text.]									
Educational Facilities:											
Kindergarten through Grade 12		-		L			C				
Colleges / Universities through Vocational / Trade School [No change in text.]		[No change in text.]									
Electric Vehicle Charging Stations		L		L			L				
Energy Generation & Distribution Facilities through Major Transmission, Relay, or Communications Switching Stations [No change in text.]		[No change in text.]									
Satellite Antennas		L		L			L				
Social Service Institutions through		[No change in text.]									



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 >> <input type="checkbox"/>	CU-								
	3rd >> <input type="checkbox"/>	1-(1)		2-			3-			
	4th >> <input type="checkbox"/>	1	2	3	4	5	3 <sup>(2)(12)</sup>	6	7	8
Solar Energy Systems [No change in text.]										
<b>Retail Sales</b>										
<b>Building Supplies &amp; Equipment</b> through <b>Wearing Apparel &amp; Accessories</b> [No change in text.]		[No change in text.]								
<b>Separately Regulated Retail Sales Uses</b>										
Agriculture Related Supplies & Equipment through Alcoholic Beverage Outlets [No change in text.]		[No change in text.]								
Farmers' Markets										
Weekly Farmers' Market		-		L				L		
Daily Farmers' Market Stands		-		L				L		
Plant Nurseries [No change in text.]		[No change in text.]								
Retail Farms		-		L				L		
Retail Tasting Stores		-		L				L		
Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]		[No change in text.]								
<b>Commercial Services</b>										
<b>Building Services</b> through <b>Radio &amp; Television Studios</b> [No change in text.]		[No change in text.]								
<b>Tasting Rooms</b>		-		-				-		
<b>Visitor Accommodations</b> [No change in text.]		[No change in text.]								
<b>Separately Regulated Commercial Services Uses</b>										
Adult Entertainment Establishments: through Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]								
Medical Marijuana Consumer Cooperatives		-		-				-		
Mobile Food Trucks		-		L				L		
Nightclubs & Bars over 5,000 square feet in size through Recycling Facilities: Tire Processing Facility [No change in text.]		[No change in text.]								
Sidewalk Cafes		N		L				L		

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 >> <input type="checkbox"/>	CU-									
	3rd >> <input type="checkbox"/>	1-(1)		2-			3-				
	4th >> <input type="checkbox"/>	1	2	3	4	5	3 <sup>(2)(12)</sup>	6	7	8	
Sports Arenas & Stadiums through Zoological Parks [No change in text.]		[No change in text.]									
Offices through Vehicle & Vehicular Equipment Sales & Service, Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses, Outdoor Storage & Display of New, unregistered Motor Vehicles as a <i>primary use</i> [No change in text.]		[No change in text.]									
Distribution and Storage		-									
Equipment & Materials Storage Yards through Moving & Storage Facilities [No change in text.]		[No change in text.]									
Distribution Facilities		-		p <sup>(8)</sup>			p <sup>(8)</sup>				
Separately Regulated Distribution and Storage Uses											
Impound Storage Yards through Temporary Construction Storage Yards Located off-site [No change in text.]		[No change in text.]									
Industrial											
Heavy Manufacturing through Trucking & Transportation Terminals [No change in text.]		[No change in text.]									
Separately Regulated Industrial Uses											
Mining and Extractive Industries		[No change in text.]									
Hazardous Waste Research Facility through Wrecking & Dismantling of Motor Vehicles		[No change in text.]									
Signs											
Allowable Signs [No change in text.]		[No change in text.]									
Separately Regulated Signs Uses											
Community Entry Signs		L			L				L		
Neighborhood Identification Signs		N			N				N		
Comprehensive Sign Program		N			N				N		
Revolving Projecting Signs through Theater Marquees [No change in text.]		[No change in text.]									

Footnotes to Table 155-02C [No change in text.]

**§155.0253 Supplemental Development Regulations**

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

**Table 155-02F  
Supplemental Development Regulations Applicability**

<b>Type of <i>Development</i> Proposal</b>	<b>Applicable Sections</b>	<b>Required <i>Development</i> Permit/Decision Process<sup>(1)</sup></b>
Residential and mixed commercial/residential development in facility deficient neighborhoods shown on Map B-4104 under circumstances outlined in Section 155.0253(a)	155.0243(a)	Site Development Permit/Process 3
Residential development in a commercial zone on El Cajon Boulevard or University Avenue that is not part of a mixed-use (commercial-residential) project under circumstances outlined in Section 155.0253(b) through Warehouses, Wholesale Distribution, and Light Manufacturing uses exceeding 10,000 square feet up to a maximum of 30,000 square feet, subject to the criteria contained in Section 155.0253(f) [No change in text.]	[No change in text.]	

Section 34. That Chapter 15, Article 6, Division 3 of the San Diego Municipal Code is amended by amending section 156.0308, to read as follows:

**§156.0308 Base District Use Regulations**

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

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS																
	LEGEND: [No change in text.]															
Use Categories/ Subcategories	C	NC	ER	BP	WM <sup>7</sup>	MC	RE	I <sup>7</sup>	T <sup>7</sup>	PC	PF <sup>10</sup>	OS	CC <sup>7</sup>	Additional Regulations	MS/CS & E Overlays	
Public Park/ Plaza/Open Space through Separately Regulated Residential Uses, Home Occupations [No change in text.]	[No change in text.]															
Senior Housings	C	C	C	C	--	C	C	--	--	C	C	--	--	§156.0309(e)(1)		
Separately Regulated Residential Uses, Living Units through Institutional, Public Safety Facilities [No change in text.]	[No change in text.]															
Separately Regulated Institutional Uses																
Assembly Uses, including Places of Religious Assembly	P	P	P	P	P	P	C	--	--	P	L	--	P		CS	
Separately Regulated Institutional Uses, Communication Antennas through Other Use Requirements, Temporary Uses and Structures [No change in text.]	[No change in text.]															

**Footnotes to Table 156-0308-A** [No change in text.]

Section 35. That Chapter 15, Article 8, Division 3 of the San Diego Municipal Code is amended by amending section 158.0301, to read as follows:

**§158.0301 Residential Zones**

The intent of the residential zone regulations is to provide for the development and redevelopment of multi-family residential structures within the Golden Hill community which relate in scale and design to the preferred neighborhood character. Standards are designed to promote development that will complement and preserve the diverse and distinctive architectural character of the community.

(a) Permitted Uses

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes as provided herein:

- (1) [No change in text.]
- (2) Schools, limited to primary, elementary, junior high, and senior high in accordance with Section 141.0407, and child care centers in accordance with Section 141.0606.
- (3) [No change in text.]
- (4) Churches, temples, or buildings of a permanent nature used primarily for religious purposes in accordance with Section 141.0602.
- (5) through (9) [No change in text.]

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

Section 36. That Chapter 15, Article 12, Division 3 of the San Diego Municipal Code is amended by amending section 1512.0302, to read as follows:

**§1512.0302 Permitted Uses - Residential (MR) Zones**

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except as set forth in Section 1512.0302.

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

(c) Schools, limited to primary, elementary, junior high, and senior high in accordance with Section 141.0407, and child care centers in accordance with Section 141.0606.

(d) [No change in text.]

(e) Churches, temples, or buildings of a permanent nature used primarily for religious purposes in accordance with Section 141.0602.

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

Section 37. That Chapter 15, Article 14, Division 3 of the San Diego Municipal Code is amended by amending sections 1514.0304 and 1514.0305, to read as follows:

**§1514.0304 Residential Zones (MVR-1, MVR-2, MVR-3, MVR-4, MVR-5)**

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

**Legend for Table 1514-03E**

[No change in text.]

**Table 1514-03E**  
**Residential Zones Use Table**

<b>PERMITTED USES</b>	<b>ALL RESIDENTIAL ZONES</b>
Residential/Compatible Residential through Residential Care Homes for 6 or fewer clients [No change in text.]	[No change in text.]
Schools, limited to primary, elementary, junior high and senior high in accordance with Section 141.0407, and child care centers in accordance with Section 141.0606	L
Public Parks and Playgrounds [No change in text.]	[No change in text.]
Churches, Temples or buildings of a permanent nature used for religious purposes in accordance with Section 141.0602	L <sup>2</sup>
Branch Public Libraries through Neighborhood Commercial uses per Section 101.0426 [No change in text.]	[No change in text.]
Any other use which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this planned district. The adopted resolution embodying such finding shall be filed in the office of the City Clerk. [No change in text.]	

**Footnotes for Table 1514-03E** [No change in text.]

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

**§1514.0305 Commercial Zones (MV-CO, MV-CV, MV-CR)**

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

**Legend for Table 1514-03J**

[No change in text.]

**Table 1514-03J**  
**Commercial Zones Use Table**

COMMERCIAL	MV- CO	MV- CV	MV- CR
Accessory Uses through Childcare Facilities [No change in text.]	[No change in text.]		
Churches, Temples or buildings of a permanent nature used for religious purposes in accordance with Section 141.0602	L	L	L
Cleaning & dyeing works (including rugs, carpets, and upholstery) 5,000 sq. ft. or less enclosed through Restaurants [No change in text.]	[No change in text.]		
Schools in accordance with Section 141.0407 and child care centers in accordance with Section 141.0606	L	-	L
Shoe stores through Wholesaling or warehousing of goods and merchandise, provided that the floor area occupied for such use per establishment does not exceed 5,000 sq. ft. For automobile dealership, the area shall not exceed 15,000 sq. ft. [No change in text.]	[No change in text.]		
Any other use which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this planned district. The adopted resolution embodying such finding shall be filed in the office of the City Clerk. [No change in text.]			

**Footnotes for Table 1514-03J** [No change in text.]

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

Section 38. That Chapter 15, Article 18, Appendix A of the San Diego Municipal Code is amended to read as follows:



## Article 18: San Ysidro Planned District

### Appendix A: Permitted Uses

Legend: P = Permitted  
- = Not Permitted  
L = Subject to Limitations  
SP= Special Permit

	COMMERCIAL CATEGORIES			INDUSTRIAL ZONES I-1	EXPLANATION OF "L" LIMITATIONS
	1	2	3		
<b><u>Permitted Uses</u></b>					
<b>Residential</b> , Single Family Dwellings through Child Day Care Center [No change in text.]					[No change in text.]
Churches, Temples or Buildings of a Permanent Nature Used for Religious Purposes in accordance with Section 141.0602	L	L	L		
Companion Units through Residential Care Facilities Schools, Limited to Primary, Elementary, Junior High and Senior High in accordance with Section 141.0407 and child care centers in accordance with Section 141.0606	L	L	L		[No change in text.]
<b>Commercial</b> , Advertising, Secretarial & Telephone Answering Services through <b>The following business and professional establishments:</b> Addressing and Secretarial Services [No change in text.]					[No change in text.]

#### Footnotes for Appendix A [No change in text.]

Section 39. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 40. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station (MCAS) Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this Ordinance shall take effect and be in force as of the date of the finding of consistency by SDCRAA, provided that and not until at least 30 days have passed from the final

date of passage, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.


That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote; the proposed decision and findings shall be forwarded to the SDCRAA, California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports; and the City Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by

the public agencies shall be considered and any final decision to overrule a determination of inconsistency shall require a two-thirds vote.

Section 41. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective, which date is determined in accordance with Section 40, above.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

  
Corrine L. Neuffer  
Deputy City Attorney

CLN:dkr  
01/25/16  
03/11/16 COR. COPY  
03/14/16 REV. COPY  
07/26/16 COR. COPY 2  
Or.Dept:DSD  
Doc. No.: 1206759\_5

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

*See Attached MEMO and signature page*

**Office of  
The City Attorney  
City of San Diego**

**MEMORANDUM  
MS 59**

**(619) 533-5800**

**DATE:** July 27, 2016  
**TO:** City Clerk  
**FROM:** Corrine L. Neuffer, Deputy City Attorney  
**SUBJECT:** City Council Docket Item 201 – March 14, 2016  
Correcting Revised Ordinance O-2016-93

---

Ordinance O-2016-93, which is associated with the Land Use 10<sup>th</sup> update had a typographical error which has been corrected. The correction is verified in the Report to Planning Commission on page 14, attachment 3 of the Report to Planning Commission on pages 9-10, and Issue #29 of the Matrix. All these documents are part of the supporting documents for Item 201 that was heard by Council on March 14, 2016.

The language in San Diego Municipal Code §129.0710(a)(9) (in strikethrough/underline format) to read as follows:

**§142.0413 Water Conservation**

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

(d) Water Budget.

(1) [No change in text.]

(2) The Maximum Applied Water Allowance Water Budget is  
calculated using the following formula (see Landscape Standards  
of the Land Development Manual for additional information):

MAWA Water Budget = (ETo)(0.62) [(ETAF)(LA) + (1-ETAF)(SLA)]

For residential landscape areas = (ETo)(0.62)[(0.55)(LA) + (0.45)(SLA)]

For non-residential landscape areas = (ETo)(0.62) [(0.45)(LA) + (0.55)(SLA)]

**Legend for MAWA Water Budget Calculation Formula**


Symbol	Meaning of Symbol
ETo	Evapotranspiration measured in inches per year; see Table 6 ETo Table
0.62	Conversion factor to gallons
ETAF <del>.055</del> <u>0.55</u> for Residential areas; <del>.045</del> <u>0.45</u> for Non-residential areas	Evapotranspiration Adjustment Factor
LA	Landscape Area measured in square feet
1- ETAF 0.45 for Residential areas; 0.55 for Non-residential areas	Additional Evapotranspiration Adjustment Factor for Special Landscape Areas and Reclaimed Water
SLA	Special Landscape Area measured in square feet

CLN:dkr

the public agencies shall be considered and any final decision to overrule a determination of inconsistency shall require a two-thirds vote.

Section 41. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective, which date is determined in accordance with Section 40, above.

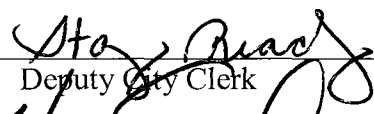
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Corrine L. Neuffer  
Deputy City Attorney

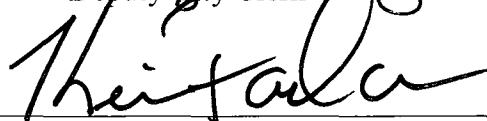
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Or.Dept:DSD  
Doc. No.: 1206759\_4

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 05 2016.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 4/5/16  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on APR 05 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 05 2016.

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Stacy Brady, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAR 14 2016

, and on APR 05 2016.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Stacy Brady, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20634

## STRIKEOUT ORDINANCE

**OLD LANGUAGE:** ~~Struck Out~~

**NEW LANGUAGE:** Double Underline

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 112.0301 AND 112.0302; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 112.0505 AND 112.0507; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2 BY AMENDING SECTIONS 113.0225, 113.0234, AND 113.0273; AMENDING CHAPTER 12, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 121.0314 AND 121.0315; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 1 BY AMENDING SECTION 126.0108; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 4 BY AMENDING SECTION 126.0402; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTION 126.0707; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 2 BY AMENDING SECTION 129.0203; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 3 BY AMENDING SECTION 129.0308; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTION 129.0710; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTIONS 131.0222 AND 131.0231; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 131.0322 AND 131.0331; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 131.0422 AND 131.0431; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTIONS 131.0522 AND 131.0531; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 131.0601, 131.0622, AND 131.0631; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 141.0308 AND REPEALING SECTION 141.0310; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 141.0407 AND BY ADDING NEW



SECTION 141.0419; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 141.0604 AND 141.0607; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 142.0402, 142.0404, AND 142.0413; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 142.0505, 142.0520, 142.0525, 142.0527, 142.0530, 142.0545, AND 142.0560; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 13 BY AMENDING SECTION 142.1305; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1 BY AMENDING SECTIONS 143.0112 AND 143.0146; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 2 BY AMENDING SECTION 143.0212; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTIONS 143.0302 AND 143.0365; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 4 BY AMENDING SECTIONS 143.0402 AND 143.0410 AND BY ADDING NEW SECTION 143.0455; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 9 BY AMENDING SECTION 143.0915; AMENDING CHAPTER 14, ARTICLE 4, DIVISION 1 BY AMENDING SECTION 144.0130; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103; AMENDING CHAPTER 15, ARTICLE 2, DIVISION 1 BY AMENDING SECTION 152.0104; AMENDING CHAPTER 15, ARTICLE 2, DIVISION 3 BY AMENDING SECTIONS 152.0303 AND 152.0309; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTIONS 155.0238 AND 155.0253; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 156.0308; AMENDING CHAPTER 15, ARTICLE 8, DIVISION 3 BY AMENDING SECTION 158.0301; AMENDING CHAPTER 15, ARTICLE 12, DIVISION 3 BY AMENDING SECTION 1512.0302; AMENDING CHAPTER 15, ARTICLE 14, DIVISION 3 BY AMENDING SECTIONS 1514.0304 AND 1514.0305; AMENDING CHAPTER 15, ARTICLE 18 APPENDIX A, ALL RELATING TO THE 10TH UPDATE TO THE LAND DEVELOPMENT CODE AND RELATED PROVISIONS.

**§112.0301      Types of Notice**

- (a)      Notice of Application. A Notice of Application is required for an application for a permit, map, or other matter acted upon in accordance with Process Three, Process Four, Process Five, or Process CIP-Five.

- (1) [No change in text.]
- (2) Distribution. The City Manager shall mail the Notice of Application to the persons described in Section 112.0302(b), no later than ~~10 business days~~ 30 calendar days after the date on which the application is *deemed complete* and at least 60 calendar days prior to the first public hearing. The *applicant* shall post the Notice of Application on the property that is the subject of the application in accordance with Section 112.0304.
- (b) Notice of Future Decision. A Notice of Future Decision shall be provided for an application for a permit or other matter acted upon in accordance with Process Two or Process CIP-Two.
  - (1) Content. The Notice of Future Decision shall include the following information:
    - (A) through (F) [No change in text.]
    - (G) An explanation that the decision to approve, conditionally approve, or deny the proposed *development* will be made by City staff, without a public hearing, and that the *decision date* will not be less than ~~11 business days~~ 30 calendar days after the date of mailing the Notice of Future Decision to allow for sufficient time for public comment;
    - (H) through (I) [No change in text.]
  - (2) Distribution. The City staff person approving, conditionally approving, or denying an application for a permit or other matter

shall mail a Notice of Future Decision to the persons described in Section 112.0302(b) no later than ~~40 business days~~ 30 calendar days after the date on which the application is *deemed complete* in accordance with 112.0102(b) and at least 30 calendar days prior to the decision date. The *applicant* shall post the Notice of Future Decision on the property that is the subject of the application in accordance with Section 112.0304.

(c) [No change in text.]

(d) ~~Reserved~~ Notice of Availability of Local Coastal Program Amendment. A Notice of Availability is a written notice to advise of the availability of supporting materials for an action that will be taken by the City Council at a future date. A Notice of Availability is required as part of the certification process for Local Coastal Program Amendments in accordance with Section 122.0106(b).

(1) Content. The Notice of Availability of Local Coastal Program Amendment shall include the following:

(A) A general description of the project;

(B) The location of the property that is the subject of the application;

(C) The applicable community planning area(s);

(D) The name, telephone number, and city address of the City staff person to contact for additional information;

(E) The name of the *applicant* and, with the consent of the *applicant*, the *applicant's* address and telephone number;  
and

(F) An explanation that the final decision by the City Council will occur no sooner than 6 weeks after the date of mailing the Notice of Availability.

(2) Distribution.

(A) The City Manager shall distribute the Notice of Availability at least 6 weeks prior to the City Council hearing to approve or deny an amendment to the *Local Coastal Program*.

(B) The City Manager shall distribute the Notice of Availability to the persons described in Section 112.0302(b) and to the public agencies required in accordance with the applicable provisions of the California Coastal Act and Guidelines for *Local Coastal Program* certification.

(C) The Notice of Availability may be combined into a single notice document with the Notice of Planning Commission Hearing.

(3) A subsequent Notice of Public Hearing shall be provided in accordance with Section 112.0301(c) prior to final decision by the City Council.

(e) [No change in text.]

**§112.0302 Notice by Mail**

- (a) [No change in text.]
- (b) Persons Entitled to Notice. Except as provided in Section 112.0302(c), the Notice of Application, Notice of Future Decision, ~~and~~ Notice of Public Hearing, and Notice of Availability shall be mailed to the following:
  - (1) through (6) [No change in text.]
- (c) through (d) [No change in text.]

**§112.0505 Process Three**

An application for a permit, map, or other matter acted upon in accordance with Process Three may be approved, conditionally approved, or denied by a Hearing Officer in the following manner.

- (a) through (b) [No change in text.]
- (c) ~~Waiver of Appeal Period. Before the close of the public hearing, an applicant may request that the appeal period be waived. The Hearing Officer shall grant the request only after determining for the record that there are no interested persons and that the applicant has waived all rights to appeal.~~

**§112.0507 Process Four**

An application for a permit, map, or other matter acted upon in accordance with Process Four may be approved, conditionally approved, or denied by the Planning Commission in the following manner.

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

- (e) ~~Waiver of Appeal Period. Before the close of the public hearing, an applicant may request that the appeal period be waived. The Planning Commission shall grant the request only after determining for the record that there are no interested persons and that the applicant has waived all rights to appeal.~~

**§113.0103 Definitions**

*Abutting property through Very low income* [No change in text.]

*Visibility area* means the area necessary to allow adequate sight distance for safe vehicle and pedestrian movement at intersections involving a *public right-of-way*. See Section 113.0273 and the Street Design Manual for additional information on adequate sight distance and measuring visibility areas.

*Wall, retaining through Yard* [No change in text.]

**§113.0225 Measuring Distance Between Uses**

When there is a separation requirement between uses, the distance of the separation shall be measured as follows, except as specified by state law. (this is illustrated in See Diagram 113-02E).

**Diagram 113-02E**

**Distance Between Uses**

[No change in text.]

- (a) [No change in text.]
- (b) Except as provided in Section 113.0225(c), The distance between uses shall be measured horizontally in a straight line between the two closest points of the *property lines*, buildings, or use locations. (e)The distance

shall be measured horizontally without regard to topography or *structures* that would interfere with a straight-line measurement.

- (c) When measuring distance for separation requirements for *medical marijuana consumer cooperatives*, the measurement of distance between uses will take into account natural topographical barriers and constructed barriers such as *freeways* or *flood control channels* that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access.

#### **§113.0234     Calculating Gross Floor Area**

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

- (a)     [No change in text.]
- (b)     Additional Elements Included in *Gross Floor Area* in Residential Zones and for Residential Development in Other Zones. (Section 113.0234(b) does not apply to commercial *development*.)
- (1) through (4) [No change in text.]
- (c) through (d) [No change in text.]

#### **§113.0273     Measuring Visibility Area**

The *visibility area* is a triangular portion of a *premises* formed by drawing one line perpendicular to and one line parallel to the *property line* or *public right-of-way* for a specified length and one line diagonally joining the other two lines, as shown in Diagram 113-02SS.

(a)    The City Engineer shall determine whether proposed *development* provides adequate sight distance based on the context of the *development* and the typical distance guidelines set forth in Section 113.0273(b) and shall require *visibility areas* accordingly. No *structures* may be located within a *visibility area* unless otherwise provided by the applicable zone or the regulations in Chapter 14, Article 2 (General Development Regulations).

(a)(b)    Typical Distances Used to Measure Visibility Areas

(1)    For *visibility areas* at the intersection of *streets*, two sides of the triangle extend along the intersecting *property lines* for 25 feet and the third side is a diagonal line that connects the two.

~~(b)~~(2)    For *visibility areas* at the intersection of a *street* and *alley*, two sides of the triangle extend along the intersecting *property lines* for 10 feet and the third side is a diagonal line that connects the two.

~~(c)~~(3)    For *visibility areas* at the intersection of a *street* and driveway, one side of the triangle extends from the intersection of the *street* and the driveway for 10 feet along the *property line*. The second side extends from the intersection of the *street* and driveway for 10 feet



inward from the property line along the driveway edge and the third side of the triangle connects the two.

- ~~(d)~~(4) Where the required front and street side yards measure less than 25 feet when combined, that measurement or 15 feet, whichever is greater, establishes the *visibility area* at the street intersection.

### **Diagram 113-02SS**

#### **Visibility Area**

[No change in text.]

- (c) The City Engineer may modify the typical distance used to measure *visibility areas* in Section 113.0273(a) and (b) through a Process One permit review.
- (1) The distance specified in Section 113.0273(b) may be increased if the City Engineer determines that a greater distance is required to maintain public health and safety.
- (2) The distance specified in Section 113.0273(b) may be reduced if the City Engineer determines that the reduced distance would not create a public health and safety hazard.

### **§121.0314 Permit Revocation Hearing Procedures**

The hearing provisions of Process Three, in addition to the requirements of this section, apply when determining whether to revoke or modify a *development permit*, a *construction permit*, or any other approval.

- (a) Notice. The City Manager shall mail a notice of the revocation hearing to the *permit holder*, the officially recognized community planning group, if

any, that represents the area in which the *development* is located, and to any persons who request the notice at least 10 *business days* before the date of the revocation hearing. A Notice of Application is not required.

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

#### **§121.0315 Revocation Appeal**

The Hearing Officer's decision to revoke or to not revoke a permit may be appealed to the Planning Commission in the following manner:

(a) Persons Who Can Appeal. A revocation decision may be appealed by the following persons:

(1) — ~~The *applicant*;~~

~~(2)~~(1) The *permit holder*; or

~~(3)~~(2) Any *interested person* ~~person who participated in the revocation proceedings before the Hearing Officer either by being present at the hearing and submitting a speaker slip or by having expressed an interest in the revocation proceedings in writing to the Hearing Officer before the decision on the revocation.~~

(b) [No change in text.]

(c) Scheduling Appeal Hearings. Within 30 calendar days after the date on which an appeal application is filed, the City Manager shall set a hearing before the Planning Commission. ~~The appeal hearing shall be noticed in accordance with Municipal Code Section 112.0308 and shall mail a notice of the hearing to the appellant, *permit holder*, the officially recognized~~

community planning group, if any, that represents the area in which the development is located, and any interested persons.

(d) [No change in text.]

**§126.0108 Utilization of a Development Permit**

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

(d) Development permits for capital improvement program projects are exempt from the permit utilization requirement of Section 126.0108(a), except that if 10 years has passed from the date on which all rights of appeal have expired and the City is unable to establish, with evidence in accordance with Section 126.0108(c), that at least one of the circumstances identified in Section 126.0108(b) occurred, then the development permit shall be void.

**§126.0303 When a Conditional Use Permit is Required**

An application for the following types of uses in certain zones may require a Conditional Use Permit. To determine whether a Conditional Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13. The decision process is described in Section 126.0304.

(a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops through Alcoholic beverage outlets  
(under circumstances described in Section 141.0502) [No change in text.]  
Assembly and entertainment uses, including places of religious assembly  
(under circumstances described in Section 141.0602)

Automobile service stations through *Historical buildings* used for purposes not otherwise allowed in the zone [No change in text.]

~~Housing for senior citizens~~

Impound storage yards through *Wireless communication facilities* (under circumstances described in Section 141.0420) [No change in text.]

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

**§126.0402 When a Neighborhood Development Permit is Required**

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

- (j) A Neighborhood Development Permit is required for construction of a privately owned *structure* proposed in the *public right-of-way* dedicated for a *street* or an *alley*, where the *applicant* is the *record owner* of the underlying fee title as described in Sections 129.0710(a) ~~and 129.0710(b)(2)~~.

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

**§126.0707 Decision Process for a Coastal Development Permit**

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

- (f) Any *coastal development* involving a *subdivision* pursuant to the Subdivision Map Act and any other division of land requires a Coastal Development Permit. The land division shall be processed as part of the Coastal Development Permit in accordance with the Subdivision Regulations (Chapter 14, Article 4) and Subdivision Procedures (Chapter 12, Article 5). Any tentative map, lot line adjustment, merger, ~~public right-of-way~~ public right-of-way vacation abandonment or public easement

abandonment may be approved or conditionally approved only if the decision maker makes the *findings* pursuant to Section 126.0708.

**§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, or when *development* on a *premises* containing *environmentally sensitive lands* requires a *development permit* in accordance with Section 143.0110:
  - (1) One-story detached accessory buildings used as tool and storage sheds, playhouses, or similar uses provided the projected roof area is 120 square feet or less and the *structure* will not be utilized for any separately regulated use subject to Land Development Code Chapter 14, Article 1.
  - (2) through (25) [No change in text.]
- (b) [No change in text.]
- (c) ~~The exemptions in Section 129.0203(a) do not apply to alterations, repairs, or improvements of *historical resources* as described in Section 143.0220.~~
- (d) ~~The exemptions in Section 129.0203(a) do not apply to proposed *development* on a *premises* containing *environmentally sensitive lands* that requires a *development permit* in accordance with Section 143.0110.~~

~~(e)(c)~~ Exemption from the permit requirements of the Building Regulations does not authorize any work to be done in any manner in violation of the provisions of the Building Regulations or any other applicable local or state regulations.

**§129.0308 Decision Process for an Electrical Permit**

- (a) [No change in text.]
- (b) An *applicant* may appeal a Building Official's denial of an application for an Electrical Permit for the following by filing an application for a Process Two appeal hearing:
  - (1) a small rooftop solar energy system ~~by filing an application for a Process Two appeal hearing~~ as set forth in Section 141.0418(c); or
  - (2) an electric vehicle charging station as set forth in Section 141.0419.

**§129.0710 How to Apply for a Public Right-of-Way Permit**

An application for a Public Right-of-Way Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Public Right-of-Way Permits are listed in the Land Development Manual. A *development permit* ~~or other discretionary approval~~ is required prior to issuance of a Public Right-of-Way Permit for the following:

- (a) If the proposed *encroachment* involves construction of a privately-owned *structure* or facility into the *public right-of-way* dedicated for a *street* or an *alley*, and where the *applicant* is the *record owner* of the underlying fee title, a Neighborhood Development Permit is required in accordance with

Section 126.0402(j) except for the following, which are subject to approval by the City Engineer in accordance with Process One:

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

(9) Encroachment of below-grade structures into the public right-of-way up to 3 feet behind the existing curb line and at least 3 feet below the existing curb line, or encroachment of above-grade structures into the public right-of-way up to 4 feet and at least 8 feet above the finished grade of the curb line.

(b) If the proposed *encroachment* is erected, placed, constructed, established or maintained in the *public right-of-way* when the ~~applicant~~ *applicant* is not the *record owner* of the property on which the *encroachment* will be located, a Site Development Permit is required in accordance with ~~section~~ Section 126.0502(d)(7), except for the following:

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

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

**§131.0222 Use Regulations Table for Open Space Zones**

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

**Legend for Table 131-02B**

[No change in text.]

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

Use 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 <sup>(1)</sup> -	OF <sup>(1)</sup> -
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1 2	1
<b>Open Space</b> through <b>Residential, Separately Regulated Residential Uses</b> , Home Occupations [No change in text.]		[No change in text.]				
<b>Housing for Senior Citizens</b>		-	-	-	-	-
<b>Residential, Separately Regulated Residential Uses</b> Live/work Quarters through <b>Institutional, Separately Regulated Institutional Uses</b> , Educational Facilities: Vocational / Trade Schools [No change in text.]		[No change in text.]				
<b>Electric Vehicle Charging Stations</b>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<b>Institutional, Separately Regulated Institutional Uses</b> , Energy Generation & Distribution Facilities through <b>Signs, Separately Regulated Signs Uses</b> , Theater <i>Marquees</i> [No change in text.]		[No change in text.]				

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

### §131.0231 Development Regulations Table for Open Space Zones

The following development regulations apply in the open space zones as shown in Table 131-02C.

**Table 131-02C**  
**Development Regulations of for Open Space Zones**

Development Regulations [See Section 131.0230 for Development Regulations of Open Space Zones]	Zone Designator	Zones				
	1 <sup>st</sup> & 2nd >>	OP-		OC-	OR-	OF <sup>(1)</sup> -
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	2	1
<b>Max Permitted Residential Density (DU Per Lot)</b> through <b>Refuse and Recyclable Material Storage</b> [See Section 142.0805] [No change in text.]		[No change in text.]				
<b>Visibility Area</b> [See Section 113.0273]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

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



**§131.0322 Use Regulations Table for Agricultural Zones**

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

**Legend for Table 131-03B**

[No change in text.]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]		[No change in text.]			
Housing for Senior Citizens		-		-	
Residential, Separately Regulated Residential Uses, Live/Work Quarters through Institutional, Separately Regulated Institutional Uses, Educational Facilities: Vocational / Trade School [No change in text.]		[No change in text.]			
Electric Vehicle Charging Stations		<u>L</u>		<u>L</u>	
Institutional, Separately Regulated Institutional Uses, Energy Generation & Distribution Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]			

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

**§131.0331 Development Regulations Table for Agricultural Zones**

The following development regulations apply in the agricultural zones as shown in Table 131-03C.

**Table 131-03C**  
**Development Regulations of for Agricultural Zones**

Development Regulations [See Section 131.0330 for Development Regulations of Agricultural Zones]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-	1-	1-	1-
	4th >>	1	2	1	2
<b>Max Permitted Residential <i>Density</i></b> (DU Per <i>Lot</i> ) through <b>Min <i>Floor Area</i></b> <sup>(6)</sup> [No change in text.]		[No change in text.]			
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805]		applies	applies	applies	<del>A</del> applies
<b><u>Visibility Area</u></b> [See Section <u>113.0273</u> ]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

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

**§131.0422 Use Regulations Table for Residential Zones**

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

**Legend for Table 131-04B**

[No change in text.]

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

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1st & 2nd >>	RE-		RS-														RX-		RT-					
	3rd >>	1-		1-														1-		1-					
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5
<b>Open Space through Residential, Shopkeeper Units</b> [No change in text.]		[No change in text.]																							
<b>Single Dwelling Units</b>		P <sup>(+2)</sup>		P <sup>(9)(+2)</sup>														P <sup>(9)(+2)</sup>		P <sup>(9)</sup>					
<b>Residential, Separately Regulated Residential Uses</b> through Home Occupations [No change in text.]		[No change in text.]																							
<b>Housing for Senior Citizens</b>		€		€														€		€					
<b>Residential, Separately Regulated Residential Uses, Live/Work Quarters</b> through <b>Institutional, Separately Regulated Institutional Uses</b> , Educational Facilities: Vocational / Trade School [No change in text.]		[No change in text.]																							
<b>Electric Vehicle Charging Stations</b>		<u>L</u>		<u>L</u>														<u>L</u>		<u>L</u>					
<b>Institutional, Separately Regulated Institutional Uses, Energy Generation &amp; Distribution Facilities</b> through <b>Signs, Separately Regulated Signs Uses</b> , Theater <b>Marquees</b> [No change in text.]		[No change in text.]																							

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]		[No change in text.]											
Housing for Senior Citizens		€			€			€			€		
Residential, Separately Regulated Residential Uses, Live/Work Quarters through Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers [No change in text.]		[No change in text.]											
Educational Facilities:													
Kindergarten through Grade 12		PL			PL			PL			PL		-
Colleges / Universities through Vocational / Trade School [No change in text.]		[No change in text.]											
Electric Vehicle Charging Stations		L			L			L			L		L
Institutional, Separately Regulated Institutional Uses, Energy Generation & Distribution Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]											

**Footnotes for Table 131-04B** [No change in text.]

**§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
<b>Max permitted density</b> (DU per <i>lot</i> ) through <b>Accessory uses and structures</b> [See Sections 131.0448 and 141.0306] [No change in text.]		[No change in text.]		
<b>Garage regulations</b> [See Section 131.0449(a)]		applies	applies	<del>A</del> applies
<b>Building spacing</b> [See Section 131.0450] through <b>Supplemental requirements</b> [See Section 131.0464(a)] [No change in text.]		[No change in text.]		
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805]		applies	applies	<del>A</del> applies
<b>Visibility Area</b> [See Section 113.0273]		<u>applies</u>	<u>applies</u>	<u>applies</u>

(b) RS Zones

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

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
<b>Max permitted density</b> (DU per <i>lot</i> ) through <b>Bedroom regulation</b> [No change in text.]		[No change in text.]						
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805]		applies	applies	applies	applies	applies	applies	<del>A</del> applies
<b>Visibility Area</b> [See Section 113.0273]		<u>applies</u>	<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 >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	8	9	10	11	12	13	14
Max permitted <i>density</i> (DU per <i>lot</i> ) through <i>Setback requirements</i> , Min Rear <i>setback</i> (ft) [No change in text.]		[No change in text.]						
<i>Setback requirements for resubdivided corner lots</i> [See Section 113.0246(f)]		applies	applies	applies	applies	applies	applies	<u>Applies</u>
Max <i>structure height</i> (ft) through <b>Refuse and Recyclable Material Storage</b> [See Section 142.0805] [No change in text.]		[No change in text.]						
<u>Visibility Area</u> [See Section 113.0273]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

Footnotes for Table 131-04D [No change in text.]

(c) RX Zones

**Table 131-04E**  
**Development Regulations for RX Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones	
	1st & 2nd >>	RX-	
	3rd >>	1-	1-
	4th >>	1	2
Maximum Permitted <i>Density</i> (DU per <i>lot</i> ) through <b>Roof design variation</b> [See Section 131.0463] [No change in text.]		[No change in text.]	
Supplemental regulations [See Section 131.0464(b)]		applies	<u>Applies</u>
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805] [No change in text.]		[No change in text.]	
<u>Visibility Area</u> [See Section 113.0273]		<u>applies</u>	<u>applies</u>

Footnote for Table 131-04E [No change in text.]

(d) RT Zones

**Table 131-04F**  
**Development Regulations for RT Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones				
	1st & 2nd >>	RT-				
	3rd >>	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5
<b>Maximum Permitted <i>Density</i></b> (DU per <i>lot</i> ) through <b>Refuse and Recyclable Material Storage</b> [See Section 142.0805] [No change in text.]		[No change in text.]				
<b>Visibility Area</b> [See Section 113.0273]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

(e) 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
<b>Maximum permitted <i>density</i><sup>(1),(2)</sup></b> (sf per DU) through <b>Refuse and Recyclable Material Storage</b> [See Section 142.0805] [No change in text.]		[No change in text.]					
<b>Visibility Area</b> [See Section 113.0273]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	<b>Zone Designator</b>	<b>Zones</b>					
	1st & 2nd >>	RM					
	3rd >>	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12
<b>Maximum permitted density<sup>(1),(2)</sup></b> (sf per DU) through <b>Storage requirements</b> [See Section 131.0454] [No change in text.]	[No change in text.]						
<b>Private exterior open space</b>	<u>A</u> pplies <sup>(24)</sup>	applies <sup>(24)</sup>	applies <sup>(24)</sup>	applies <sup>(25)</sup>	applies <sup>(25)</sup>	applies <sup>(25)</sup>	
<b>Common open space</b> [See Section 131.0456] through <b>Architectural Projections and encroachments</b> [No change in text.]	[No change in text.]						
<b>Supplemental requirements</b>	<u>A</u> pplies <sup>(28)</sup>	applies <sup>(28)</sup>	applies <sup>(28)</sup>	-	-	-	
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805]	applies	applies	<u>A</u> pplies	applies	applies	<u>A</u> pplies	
<b>Visibility Area</b> [See Section 113.0273]	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	

Footnotes for Table 131-04G [No change in text.]

## §131.0522 Use Regulations Table for Commercial Zones

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

### Legend for Table 131-05B

[No change in text.]



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

Use Categories/Subcategories  [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 >>	CN <sup>(1)</sup> -					CR-		CO-						CV-		CP-
		1-					1-	2-	1-	2-	3-	1-	1-				
		1	2	3	4	5	1	1	1	2	1	2	1	2	1	2	1
<b>Open Space through Residential, Separately Regulated Residential Uses, Home Occupations</b> [No change in text.]		[No change in text.]															
<b>Housing for Senior Citizens</b>		€ <sup>(2)</sup>					€		€		€	€ <sup>(2)</sup>					
<b>Residential, Separately Regulated Residential Uses, Live/Work Quarters through Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers</b> [No change in text.]		[No change in text.]															
<b>Educational Facilities:</b>																	
<b>Kindergarten through Grade 12</b>		C <sup>(10)</sup>					€ <u>L</u>	€ <u>L</u>	C	C	C	C <sup>(10)</sup>	-				
<b>Colleges / Universities through Vocational / Trade School</b> [No change in text.]		[No change in text.]															
<b>Electric Vehicle Charging Stations</b>		<u>L</u>					<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>			
<b>Institutional, Separately Regulated Institutional Uses, Energy Generation &amp; Distribution Facilities through <i>Signs</i>, Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i></b> [No change in text.]		[No change in text.]															

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																																			
	1st & 2nd >>	CC-																																			
	3rd >>	1-			2-			3-						4-						5-																	
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6				
<b>Open Space through Residential, Separately Regulated Residential Uses, Home Occupations</b> [No change in text.]		[No change in text.]																																			
<b>Housing for Senior Citizens</b>		€				€			€						€						€																
<b>Residential, Separately Regulated Residential Uses, Live/Work Quarters through Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers</b> [No change in text.]		[No change in text.]																																			
<b>Educational Facilities:</b>																																					
<b>Kindergarten through Grade 12</b>		€ <u>L</u>				€ <u>L</u>			€ <u>L</u>						€ <u>L</u>						€ <u>L</u>																
<b>Colleges / Universities through Vocational / Trade School</b> [No change in text.]		[No change in text.]																																			
<b>Electric Vehicle Charging Stations</b>		<u>L</u>				<u>L</u>			<u>L</u>						<u>L</u>						<u>L</u>																
<b>Institutional, Separately Regulated Institutional Uses, Energy Generation &amp; Distribution Facilities through Retail Sales, Wearing Apparel &amp; Accessories</b> [No change in text.]		[No change in text.]																																			
<b>Separately Regulated Retail Sales Uses</b>																																					
<b>Agriculture Related Supplies &amp; Equipment through Retail Farms</b> [No change in text.]		[No change in text.]																																			
<b>Retail Tasting RoomsStores</b>		L				L			L						L						L																
<b>Swap Meets &amp; Other Large Outdoor Retail Facilities</b> [No change in text.]		[No change in text.]																																			
<b>Commercial Services through Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]		[No change in text.]																																			

Footnotes to Table 131-05B [No change in text.]

### §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-
	4th >>	1	2	3	4	5
<b>Max Permitted Residential Density<sup>(1)</sup> through Loading Dock and Overhead Door Screening Regulations</b> [See Section 142.1030] [No change in text.]		[No change in text.]				
<b>Visibility Area</b> [See Section 113.0273]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

Footnotes for Table 131-05C [No change in text.]

## (b) CR, CO, CV, and CP Zones

**Table 131-05D**  
**Development Regulations for CR, CO, CV, CP Zones**

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones									
	1st & 2nd >>	CR-		CO-				CV-		CP-	
	3rd >>	1-	2-	1-		2-		3-		1-	
	4th >>	1		1	2	1-	2-	1	2	1	
<b>Max Permitted Residential Density<sup>(1)</sup></b> through <b>Loading Dock and Overhead Door Screening Regulations</b> [See Section 142.1030] [No change in text.]		[No change in text.]									
<b>Visibility Area</b> [See Section 113.0273]		<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>	<u>applies</u>

Footnotes for Table 131-05D [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 <i>Density</i> <sup>(1)</sup> through Loading Dock and Overhead Door Screening Regulations [See Section 142.1030] [No change in text.]		[No change in text.]															
Visibility Area [See Section 113.0273]		applies				applies				applies				applies			

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 <i>Density</i> <sup>(1)</sup> through Loading Dock and Overhead Door Screening Regulations [See Section 142.1030] [No change in text.]		[No change in text.]									
Visibility Area [See Section 113.0273]		applies		applies		applies		applies		applies	

**Footnotes for Table 131-05E** [No change in text.]

**§131.0601 Purpose of Industrial Zones**

The purpose of the industrial zones is to accommodate a range of industrial and manufacturing activities in designated areas to promote a balanced land use and ~~ide~~ provide flexibility in the design of new and redeveloped industrial projects, while assuring high quality *development* and ~~to protecting~~ protecting land for industrial uses and limiting nonindustrial uses.

**§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
<b>Open Space through Residential, Separately Regulated Residential Uses, Home Occupations</b> [No change in text.]	[No change in text.]										
<b>Housing for Senior Citizens</b>	-	-	L	-	-	-	-	-	-	-	-
<b>Residential, Separately Regulated Residential Uses, Live/Work Quarters through Institutional, Separately Regulated Institutional Uses, Educational Facilities: Vocational / Trade School</b> [No change in text.]	[No change in text.]										
<b>Electric Vehicle Charging Stations</b>	L	L	L	L	L	L	L	L	L	L	L
<b>Institutional, Separately Regulated Institutional Uses, Energy Generation &amp; Distribution Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]	[No change in text.]										

**Footnotes for Table 131-06B**

<sup>1</sup> through <sup>15</sup> [No change in text.]

<sup>16</sup> Instructional Studios, ~~Assembly and Entertainment facilities, and Churches and Places of Religious Assembly~~ are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*.

<sup>17</sup> through <sup>20</sup> [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	1
Max permitted residential <i>density</i> <sup>(10)</sup> through Loading Dock and Overhead Door Screening Regulations [See Section 142.1030] [No change in text.]		[No change in text.]									
Visibility Area [See Section 113.0273]		applies			applies			applies		applies	applies

**Footnotes for Table 131-06C** [No change in text.]

**§141.0308 Home Occupations**

Home occupations are businesses conducted by residents on the *premises* of their homes. Home occupations, including cottage food operations authorized pursuant to California Government Code section 51035, 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. ~~Home occupations that do not comply with~~An applicant may deviate from the requirements in Section 141.0308~~(j)(k)~~ through ~~(l)(n)~~ may be permitted with~~by obtaining a~~ Neighborhood Use Permit ~~subject to Section 141.0308(m)~~ in accordance with Section 126.0203.

- (a) [No change in text.]
- (b) Any products produced for sale must be manufactured by hand, ~~or grown on the premises, or prepared within a kitchen that meets the standards for cottage food operations in a dwelling unit in accordance with California Health and Safety Code section 114365.~~
- (c) through (i) [No change in text.]

- (j) Only a resident of the *premises* may engage in a home occupation on the *premises*. ~~Nonresident partners, employees, or customers are not permitted on the premises.~~
- (k) ~~All sales of products and the performance of all service or work that requires the presence of a partner, employee, or customer shall take place off the premises.~~
- (l) ~~Only one vehicle for business-related purposes is permitted on the premises or on any adjacent residentially zoned area. This vehicle may not exceed a one-ton carrying capacity and may not be a tow truck.~~
- (m) ~~The following exceptions to the regulations in Section 141.0308(j), (k), and (l) may be permitted with a Neighborhood Use Permit:~~
- ~~(1)(k)~~ Home offices occupations may have a maximum of one employee or partner on the *premises* during the hours between 8:00 7:00 a.m. and 5:00 7:00 p.m., Monday through Friday; Saturday. For the purpose of Section 141.0308(k) an employee does not include a resident of the home.
- ~~(2)(l)~~ Home offices occupations may have a maximum of one customer on the *premises* at a time, by appointment only, between the hours of 8:00 7:00 a.m. and 5:00 7:00 p.m., Monday through Friday Saturday; and Home occupations shall not host customers on the premises more frequently than one customer within a 2-hour time period.
- (m) Home occupations may have a maximum of one vendor on the premises at a time between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Home

occupations shall not host vendors on the premises more frequently than one vendor within a 2-hour time period.

~~(3) — Home occupations may have more than one vehicle for business-related purposes.~~

(n) A maximum of one vehicle for business-related purposes is permitted on-street in the residentially zoned area and shall be parked in compliance with the regulations in Section 86.0139 if applicable.

(1) Business-related vehicles may not exceed a one-ton carrying capacity.

(2) Tow-trucks are not a permitted home occupation vehicle.

**§141.0310 ~~Housing for Senior Citizens~~**

~~Housing for senior citizens may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.~~

~~(a) Housing for senior citizens shall meet the requirements of one of the following:~~

~~(1) “Housing for older persons” as defined in 42 United States Code, Section 3607(b) of the Fair Housing Act Amendments of 1988 and 24 Code of Federal Regulations, section 100.304; or~~

~~(2) “Senior citizen housing development” as defined in Section 51.3 of the California Civil Code.~~



- (b) ~~Housing for senior citizens may be permitted a *density* bonus as provided in Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus Regulations).~~
- (c) ~~Housing for senior citizens may be permitted only in locations that meet the following requirements:~~
  - (1) ~~Facilities shall be located in a topographically flat area with minimal *grade* separation between the facility and public transportation or other public services;~~
  - (2) ~~Facilities shall be located near a wide range of commercial, retail, professional, and social services patronized by senior citizens;~~
  - (3) ~~Facilities shall be located within two to three blocks, or approximately 750 feet, of a major supermarket; and~~
  - (4) ~~Facilities shall be located within two blocks, or approximately 600 feet, of a bus or transit stop.~~
- (d) Off-Street Parking Requirements
  - (1) ~~Parking ratios shall be determined in accordance with the following:~~
    - (A) ~~The base parking requirement is 1 parking space per *dwelling unit*;~~
    - (B) ~~For facilities that provide daily meals in a common cooking and dining facility and that provide and maintain a common transportation service for residents, the base parking requirement is 0.7 parking spaces per *dwelling*~~

~~unit plus 1 parking space for each staff person, calculated based on staffing for the peak hour shift; and~~

(C) ~~Housing for senior citizens that meets the criteria of Reduced Parking Demand Housing, as stated in Section 142.0527(a), shall provide parking in accordance with Section 142.0527.~~

(2) ~~Parking areas shall be lighted for the safety of tenants. Lighting shall be of a design that deters vandalism. The location, type, and size of the proposed lighting fixtures shall be specified on the permit application.~~

(e) ~~Facilities Requirements~~

(1) ~~All facilities shall provide laundry facilities that are adequately sized and located to serve the needs of residents.~~

(2) ~~Facilities of 14 dwelling units or more shall provide a recreation/social room. This room shall be at least 400 square feet in area unless it is located adjacent to a useable outdoor open space area. The room shall have toilet facilities available on the ground floor.~~

(3) ~~Facilities that have 2 or more stories and 20 or more dwelling units shall provide elevator service.~~

(4) ~~A plan indicating how the proposed facility could be converted to a nonsenior housing project and comply with the applicable parking requirements is required before approval of the permit.~~

- (5) ~~Trash bins shall be conveniently located and shall be covered and screened.~~
- (6) ~~All facilities that do not have an on-site manager shall provide a posted phone number of the project owner or off-site manager for emergencies or maintenance problems.~~

**§141.0407 Educational Facilities--Schools for Kindergarten to Grade 12,  
Colleges/Universities, and Vocational/Trade Schools**

Educational facilities are facilities that are designed or used to provide specialized training or education. This section distinguishes between kindergarten to grade 12 schools, colleges and universities, and vocational schools and trade schools.

Educational facilities are permitted by right in zones indicated with a “P”, as a limited use in the zones indicated with an “L”, and may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) [No change in text.]
- (b) Schools for Kindergarten to Grade 12
  - (1) through (2) [No change in text.]
  - (3) Limited use regulations. Schools for kindergarten to grade 12 are permitted as limited uses in zones indicated by a “L” subject to the following:
    - (A) The facility design shall not accommodate more than 300 students, except that a new school may replace an existing

school with current enrollment over 300 students if the  
result is no increase in the number of students.

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

(C) Deviations from Section 141.0407(b)(3)(A) or (B) may be  
permitted with a Conditional Use Permit decided in  
accordance with Process Three and subject to the  
conditional use regulations in Section 141.0407(b)(5).

(4) One-on-one teaching facilities with a maximum capacity of 50  
students that provide education for children enrolled in grades 6  
through 12 in a traditional office building are permitted by right in  
locations where business and professional offices are a permitted  
use in zones indicated with a “P”, except that such facilities are not  
permitted where in conflict with Section 141.0407(e)(1).

~~(3)~~(5) Conditional use regulations. Schools for kindergarten to grade 12  
are permitted as conditional uses in zones indicated by a “C”  
subject to the following:

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

(c) Colleges/Universities

(1) [No change in text.]

(2) Conditional use regulations. Colleges and universities are  
permitted as conditional uses in zones indicated by a “C” subject to  
the following:

- (A) [No change in text.]
- (B) Colleges and universities are subject to the conditional use criteria applicable to schools for kindergarten to grade 12 in Section 141.0407(b)~~(3)~~(5).

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

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

**§141.0419**     **Electric Vehicle Charging Stations**

Electric vehicle charging stations are facilities that supply electric energy for the recharging of electric vehicles as defined in Section 86.0151(a). Nothing in Section 141.0419 grants any deviation from the Environmentally Sensitive Lands Regulations (Chapter 14, Article 3, Division 1) or Historic Resource Regulations (Chapter 14, Article 3, Division 2).

Electric vehicle charging stations 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. The regulations are intended to facilitate the use of electric vehicle charging stations and to comply with state law requirements for timely administrative approvals and allow an *applicant* to appeal a denial of an application of a *construction permit* for an electric vehicle charging station.

- (a)     A *construction permit* decided in accordance with Process One shall be required for the installation of an electric vehicle charging station.
  - (1)     An Electrical Permit shall be required for the installation of an electric vehicle charging station.

- (2) A Building Permit may be required if alterations will be made to an existing *structure* or to modify or relocate an existing disabled accessible parking space serving the *premises*.
- (3) The *construction permit* application shall be submitted in accordance with Sections 112.0102 and 129.0105.
- (4) Within a planned district (subject to Land Development Code Charter 15), a separate Planned District Ordinance Permit shall not be required in addition to the *construction permit* required pursuant to Section 141.0419.
- (b) In reviewing the *construction permit*, the Building Official shall evaluate only whether the electric vehicle charging station meets all applicable health and safety requirements of local, state, and federal law and shall apply the following general regulations:

  - (1) Electric vehicle supply equipment shall be listed and labeled by an approved nationally recognized testing laboratory.
  - (2) Electric vehicle charging stations may encroach into setbacks where *off-street parking spaces* are permitted.
  - (3) Existing landscaping shall not be removed if it is required pursuant to the Landscape Regulations (Chapter 14, Article 2 Division 4), unless it is replaced with equivalent or greater landscape elsewhere on the *premises*.
  - (4) The *applicant* shall demonstrate that an electric vehicle charging station on private property will accommodate a vehicle to be

charged while parked without protruding into the *public right-of-way*.

(5) Electric vehicle charging stations located within the *public right-of-way* shall comply with Section 86.0151.

- (c) The Building Official shall approve, in accordance with Process One, the electric vehicle charging station unless the Building Official determines there is substantial evidence of a specific adverse impact upon the public health or safety, which for the purpose of Section 141.0419(c) means a significant quantifiable, direct, and unavoidable impact based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete, and there is no feasible method or alternative to satisfactorily mitigate or avoid the specific, adverse impact.
- (d) If the Building Official determines that the proposed electric vehicle charging station could have a specific, adverse impact upon public health or safety, then the Building Official shall make written findings notifying the applicant that the construction permit for the electric vehicle charging station is denied, the basis for that denial, and the appeal rights set forth in Section 141.0419(e). The applicant shall be responsible for all administrative costs associated with processing the appeal.
- (e) Notwithstanding Section 112.0504, an applicant may appeal the denial of an application for a construction permit for an electric vehicle charging station to the Planning Commission by filing an application for a Process

Two appeal hearing with the City Manager no later than 12 *business days* after the *decision date*. The application shall include the contents for appeal identified in Section 112.0510(a).

- (1) Grounds for Appeal. A denial may only be appealed on the grounds that the stated *findings* to deny the *construction permit* are not supported by substantial evidence.
- (2) Scheduling an Appeal Hearing. The City Manager shall assign a date for an appeal hearing before the Planning Commission no later than 30 calendar days after the date on which an application for the appeal hearing is filed with the City Manager.
- (3) Power to Act on the Decision at Appeal Hearing. The Planning Commission may affirm, reverse, or modify the decision to deny an electric vehicle charging station in accordance with the following:

  - (A) A decision to affirm the Building Official decision requires a *finding* based on substantial evidence in the record that the proposed electric vehicle charging station would have a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. In addition, the *finding* shall include the basis for rejection of potential feasible alternatives to prevent the adverse impact.



(B) If the Planning Commission determines that there is not substantial evidence in the record that the proposed electric vehicle charging station could have a specific, adverse impact upon the public health or safety, then the decision shall be reversed and the *construction permit* shall be approved.

(C) If the Planning Commission determines that conditions of approval would mitigate the specific, adverse impact upon the public health or safety, then the decision shall be reversed and the *construction permit* shall be conditionally approved. Any conditions imposed shall mitigate at the lowest cost possible.

**§141.0604 Boarding Kennels/Pet Day Care Facilities**

Boarding kennels and pet day care facilities for the boarding, training and care of household pets 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 141.0604(a) and (b). Boarding kennels and pet day care facilities may be permitted with a Neighborhood Use Permit decided in accordance with Process Two in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0604(a) and (c).

(a) General Rules

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

- (3) Off-street parking spaces shall be provided at a rate of 2.5 spaces for every 1,000 square feet of floor area.

(b) Limited Use Regulations

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

- (3) ~~Off-street parking shall be provided at a rate of 2.5 spaces for every 1,000 square feet of floor area.~~

- (4) ~~Boarding kennels and pet day care facilities shall not be located on a premises that is identified as Prime Industrial Land in a land use plan.~~

- (5)(3) Deviations from Section 141.0604(b) may be permitted with a Neighborhood Use Permit decided in accordance with Process Two, with the exception of outdoor facilities in CN zones which are not permitted.

(c) Neighborhood Use Permit Regulations

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

- (3) ~~Off-street parking shall be provided in accordance with Table 142-05E.~~

**§141.0607 Eating and Drinking Establishments with Drive-in or Drive-through Service**

Eating and drinking establishments that offer drive-in or drive-through service are permitted in zones indicated with a “P” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones). Eating and drinking establishments that offer drive-in or drive-through service may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated with a “C” in the Use

Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the regulations in this Section. The Conditional Use Permit decision maker shall consider whether the proposed use minimizes adverse impacts on adjacent properties and surrounding neighborhoods. The decision maker may impose conditions in the Conditional Use Permit in addition to requiring compliance with the following:

- (a) [No change in text.]
- (b) Space for vehicle queuing for the drive-in or drive-through service shall be provided as follows:
  - (1) [No change in text.]
  - (2) In addition to the queuing space required under Section 141.0607(b)(1), a minimum of 40 feet in additional space shall be provided on the premises from the order station to provide additional queuing space for two cars prior to the order station.
  - ~~(2)~~(3) Required queue spaces shall not obstruct access to parking aisles or parking spaces.
- (c) through (g) [No change in text.]

**§142.0402 When Landscape Regulations Apply**

- (a) [No change in text.]
- (b) Table 142-04A provides the applicable regulations and type of permit required by this division for the landscaping required in conjunction with the specific types of *development* proposals. Any project that proposes

more than one of the types of *development* shown is subject to all of the regulations for each type of *development*.

**Table 142-04A**  
**Landscape Regulations Applicability**

Type of <i>Development</i> Proposal			Applicable Regulations	Required Permit Type/ Decision Process
Column A	Column B	Column C <sup>(1)</sup>		
1. New <i>structures</i> that equal or exceed the <i>gross floor area</i> shown (Column B), and are proposing the type of <i>development</i> shown (Column C) through 14. Commercial <i>development</i> with at least 1,000 square feet of landscape area [No change in text.]		[No change in text.]		
15. <u>Small Lot Subdivision</u>			<u>142.0403</u> <u>142.0404</u> <u>142.0413</u>	<u>No permit required by this division</u>

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

**§142.0404 Street Yard and Remaining Yard Planting Area and Point Requirements**

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

table. The required planting area and plant points for the *street yard* shall be located within the *street yard*. The required planting area and plant points for the *remaining yard* shall be located within the *remaining yard*.

**Table 142-04C**  
**Street Yard and Remaining Yard Planting Requirements**

Type of <i>Development Proposal</i> <sup>(6)</sup>	Type of <i>Yard</i>	Planting Area Required (Percentage of total <i>yard</i> area unless otherwise noted below) <sup>(1)</sup>	Plant Points Required <sup>(1)</sup>
<i>Multiple Dwelling Unit Residential Development</i> through Condominium Conversion [No change in text.]	[No change in text.]		
<i>Small Lot Subdivision</i>	[No change in text.]	[No change in text.]	<del>0.5</del> <u>0.05</u> points per square foot of total <i>street yard</i> area
Commercial <i>Development</i> , or Industrial <i>Development</i> in Commercial Zones through <i>Large retail establishments</i> in any Industrial Zone. [No change in text.]	[No change in text.]		

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

**§142.0413 Water Conservation**

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

(c) Mulch Requirements. All required planting areas and all exposed soil areas without vegetation shall be covered with mulch to a minimum depth of 2-3 inches, excluding slopes.

(d) Water Budget.

- (1) ~~Developments listed in Table 142-04I~~ All new development with a landscape area of 500 square feet or greater shall be subject to a water budget Maximum Applied Water Allowance (MAWA) Water Budget, except as provided in Section 142.0413(h).

**Table 142-04I**  
**Water Budget Applicability**

Type of Development	Landscape Area Threshold
New non-residential development	1,000 square feet and greater
New multiple dwelling unit development	1,000 square feet <sup>1</sup> and greater
New single dwelling unit development subdivisions	All subdivider installed landscape

Footnote to Table 142-04I

<sup>1</sup>-Total area of landscape in the development's common areas.

- (2) The ~~water budget~~ Maximum Applied Water Allowance Water Budget is calculated using the following formula (see Section 2-6 and ~~Appendix E of the~~ Landscape Standards of the Land Development Manual for additional information):

$$\text{MAWA Water Budget} = (\text{ETo})(0.62) [(0.7 \text{ ETAF})(\text{LA}) + (0.3 \text{ 1-ETAF})(\text{SLA})]$$

$$\text{For residential landscape areas} = (\text{ETo})(0.62)[(0.55)(\text{LA}) + (0.45)(\text{SLA})]$$

$$\text{For non-residential landscape areas} = (\text{ETo})(0.62) [(0.45)(\text{LA}) + (0.55)(\text{SLA})]$$

Where:

ETo = Evapotranspiration (inches per year)

0.62 = Conversion Factor (to gallons)

0.7 = Evapotranspiration Adjustment Factor

LA = Landscaped Area (square feet)

~~0.3 — Evapotranspiration Adjustment Factor for Special Landscape Area and  
Reclaimed Water~~

~~SLA — Special Landscape Area~~

**Legend for MAWA Water Budget Calculation Formula**

<b><u>Symbol</u></b>	<b><u>Meaning of Symbol</u></b>
<u>ETo</u>	<u>Evapotranspiration measured in inches per year; see Table 6 ETo Table</u>
<u>0.62</u>	<u>Conversion factor to gallons</u>
<u>ETAF</u> <u>0.55 for Residential areas;</u> <u>0.45 for Non-residential areas</u>	<u>Evapotranspiration Adjustment Factor</u>
<u>LA</u>	<u>Landscape Area measured in square feet</u>
<u>1- ETAF</u> <u>0.45 for Residential areas;</u> <u>0.55 for Non-residential areas</u>	<u>Additional Evapotranspiration Adjustment Factor for Special Landscape Areas and Reclaimed Water</u>
<u>SLA</u>	<u>Special Landscape Area measured in square feet</u>

- (3) The irrigation system is required to be operated within the approved ~~water budget~~ MAWA Water Budget.
- (4) The ~~estimated total water use~~ Estimated Total Water Use (ETWU), as calculated in Section 2.6 of the Landscape Standards of the Land Development Manual shall not exceed the ~~water budget~~ MAWA Water Budget as calculated in Section 142.0413(d)(2).

- (e) Water Meters.
- (1) Dedicated landscape irrigation meters shall be required in all new *development* with a landscape area greater than or equal to ~~5,000~~ 1,000 square feet; except that this requirement shall not apply to ~~new single dwelling unit development~~ or to the commercial production of agricultural crops or livestock.
- (2) [No change in text.]
- (f) Irrigation Audit. An *applicant* subject to the requirement for a ~~water budget~~ MAWA Water Budget in Table 142-04I is required to conduct and submit to the City an irrigation audit consistent with Section 2.7 of the Landscape Standards of the Land Development Manual.
- (1) All irrigation audits shall be conducted by a ~~California-registered landscape architect, a licensed landscape contractor, or other~~ professional ~~licensed~~ authorized by the State to perform this work.
- (2) [No change in text.]
- (g) [No change in text.]
- (h) Pursuant to state law (California Code of Regulations section 490.1), an applicant with a project with an aggregate landscape area of 2,500 square feet or less may alternatively comply, if the applicant demonstrates, to the satisfaction of the Development Services Director, that the landscape area for the development will comply with all of the following instead of Section 142.0413(a) through (g):



- (1) Incorporates compost at a rate of at least 4 cubic yards per 1,000 square feet to a total depth of 6 inches (unless contraindicated by a soil test).
- (2) Includes climate adapted plants that meet the following:

  - (A) All plant species are identified on the Water Use Classification of Landscape Species (WUCOLS) list as requiring little or no summer water and have an average plant factor of 0.3; and
  - (B) The minimum plant area for the climate adapted plants is at least 75 percent of the total plant area for residential development or 100 percent for non-residential development. Plant areas used for edibles or areas where recycled water is used for irrigation may be excluded from the calculation of total plant area.
- (3) Incorporates a minimum 3-inch layer of mulch on all exposed soil surfaces of planting areas, except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
- (4) Minimizes the use of turf as follows:

  - (A) Turf is not permitted for non-residential development or in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit

vehicles and is irrigated by subsurface irrigation (or equivalent system that creates no overspray or runoff).

- (B) Turf for residential *development* landscape areas shall not exceed 25 percent of the landscape area and shall not be planted on sloped areas that exceed a slope of 1-foot vertical elevation change for every 4 feet horizontal length.

- (5) Provides an irrigation system that meets all of the following requirements:

- (A) Includes an automatic irrigation controller that utilizes a rain sensor and evapotranspiration or soil moisture sensor data, and that does not lose programming data if in the event a primary power source is interrupted;

- (B) Includes a pressure regulator to ensure the dynamic pressure of the system is within the manufacturer's recommended pressure range;

- (C) Includes manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) installed as close as possible to the point of connection to the water supply;

- (D) Includes irrigation sprinkler and emission devices that meet the State of California Landscape Irrigation Sprinkler and Emitter Standards;

- (E) Includes subsurface irrigation (or equivalent system that produces no overspray or runoff) in any landscape areas less than 10 feet in width in any direction; and
  - (F) Includes a private submeter for any non-residential development landscape areas that are 1,000 square feet or more in size.
- (6) Incorporates the following statement on the approved landscape plan set:
- The applicant agrees to comply with the requirements of the prescriptive compliance option to the Model Water Efficient Landscape Ordinance (MWELO) in accordance with state law and Land Development Code Section 142.0413(h), and will provide the record owner at the time of final inspection with a certificate of completion, certificate of installation, irrigation schedule, and schedule of landscape and irrigation maintenance.

**§142.0505 When Parking Regulations Apply**

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

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

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

Type of Development Proposal	Applicable Regulations	Required Permit Type/ Decision Process
Any <i>single dwelling unit</i> residential development through Any <i>multiple dwelling unit</i> residential development [No change in text.]	[No change in text.]	
Any <i>multiple dwelling unit</i> residential development that includes housing that meets the criteria stated in Section 142.0527 for <u>Reduced Parking Demand Housing (Affordable Housing Parking Regulations)</u>	Sections 142.0510, 142.0525, 142.0527, and 142.0560	No permit required by this division
Any nonresidential development [No change in text.]	[No change in text.]	
<i>Multiple dwelling unit</i> residential development <del>in Planned Urbanized Communities that are processing</del> <u>processed with a Planned Development Permit that meets the location criteria in Section 142.0525(c).</u>	Section 142.0525(c)	No permit required by this division
<i>Condominium conversion</i> through Tandem Parking for commercial uses [No change in text.]	[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 Required Parking Spaces
All <i>single dwelling units</i> , except those with five or more <i>bedrooms</i> in campus impact areas (See Chapter 13, Article 2, Division 8) through High occupancy <i>single dwelling units</i> subject to Section 123.0502	[No change in text.]
Housing for senior citizens (maximum 1 bedroom)	1 space per dwelling unit

Footnote for Table 142-05B **Footnotes for Table 142-05B** [No change in text.]

**§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios**

(a) [No change in text.]

**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 <u>Accessory Uses</u></i>	<b>Automobile Spaces Required Per Dwelling Unit</b> (Unless Otherwise Indicated)			<b>Motorcycle Spaces Required Per Dwelling Unit</b>	<b>Bicycle<sup>(5)</sup> Spaces Required Per Dwelling Unit</b>
	<b>Basic <sup>(1)</sup></b>	<b><i>Transit Area</i><sup>(2)</sup></b>	<b>Parking Impact<sup>(4)</sup></b>		
<b>Studio up to 400 square feet through 5+ bedrooms</b> [No change in text.]	[No change in text.]				
<b><u>Affordable Housing dwelling units regulated by Reduced Parking Demand Housing</u></b> (see Section 142.0527)	N/A	N/A	0.25 beyond that required in Section 142.0527	(See footnote 3)	(See footnote 3)
<b><i>Condominium conversion</i> through <i>Accessory uses</i> (Spaces per square feet<sup>(7)</sup>)</b> [No change in text.]	[No change in text.]				

**Footnotes for Table 142-05C** [No change in text.]

(b) [No change in text.]

(c) Common Area Parking Requirement. The common area parking requirement applies to *multiple dwelling unit developments that are located in Planned Urbanized Communities, and development that are is being processed in conjunction with a Planned Development Permit and that is located in one of the following communities: Black Mountain Ranch, Carmel Mountain Ranch, Carmel Valley, East Elliott, Fairbanks Ranch Country Club, Miramar Ranch North, Mira Mesa, Otay Mesa, Rancho Bernardo, Rancho Penasquitos, Sabre Springs, Scripps Miramar*

Ranch, Tierrasanta, and Torrey Highlands, and University. The following standards will be applied by the decision maker ~~when~~ to determine the number of common area parking spaces to require as a condition of approval is required.

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

(d) [No change in text.]

**§142.0527 Affordable Housing Parking Regulations for Reduced Parking Demand Housing**

The Affordable Housing Parking Regulations establish the minimum number of on site parking spaces required for ~~multiple dwelling unit residential development that includes Reduced Parking Demand Housing shall be determined as set forth below~~ affordable housing dwelling units that meet the criteria in Section 142.0527(a)(3).

(a) Definitions. For the purposes of Section 142.0527, the following definitions apply:

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

(3) ~~Reduced Parking Demand Housing means development where:~~

Affordable housing dwelling units are dwelling units within a multiple dwelling unit development that meet the following criteria:

(A) ~~All or a portion of the dwelling~~ Dwelling units are rental units reserved for a period of at least 30 years for *low income* or *very low income* households in which the tenants do not pay more than 35 percent of gross household income

toward gross rent (including utilities). These provisions shall be included in a written agreement with the San Diego Housing Commission; and

(B) The *development* falls into at least one of the following categories:

- (i) Family Housing;
- (ii) Housing for Senior Citizens, meeting the criteria of Section 141.0310(a) "Housing for older persons" as defined in 42 United States Code, Section 3607(b) of the Fair Housing Act Amendments of 1988 and 24 Code of Federal Regulations, section 100.304; or "Senior citizen housing development" as defined in Section 51.3 of the California Civil Code;
- (iii) through (v) [No change in text.]

(b) Parking Demand. The minimum required automobile parking spaces for ~~Reduced Parking Demand Housing~~ affordable housing dwelling units shall be determined using the following indexes (See the Land Development Manual: Calculating ~~Reduced Parking Demand Housing~~ Affordable Housing Parking Requirements for guidance on calculating the Walkability and Transit Indexes.):

(1) Walkability Index

The Walkability Index shall be determined by assigning one point for each of the following criteria, for a maximum Walkability Index of 4 points.

- (A) Retail, theater, or assembly and entertainment uses present within one-half mile of the ~~Reduced Parking Demand~~ Housing affordable housing dwelling units.
- (B) More than 120 *lots* developed with retail, theater, or assembly and entertainment uses within one-half mile of the ~~Reduced Parking Demand~~ Housing affordable housing dwelling units.
- (C) Office, nonresidential day care, nursery school, kindergarten through grade 12, hospitals, healthcare uses, or Civic Uses within one-half mile of the ~~Reduced Parking Demand~~ Housing affordable housing dwelling units.
- (D) More than 50 *lots* developed with office, nonresidential day care, nursery school, kindergarten through grade 12, hospitals, or healthcare uses, or Civic Uses within one-half mile of the ~~Reduced Parking Demand~~ Housing affordable housing dwelling units.

(2) Transit Index

The Transit Index shall be determined by assigning points for the number of peak hour trips within a defined distance from the ~~Reduced Parking Demand~~ Housing affordable housing dwelling units. For bus transit, the distance is one-quarter mile from the ~~Reduced Parking Demand~~ Housing affordable housing dwelling units for each bus transit stop. For fixed rail and bus rapid transit,



the distance is one-half mile from the ~~Reduced Parking Demand~~  
~~Housing~~ affordable housing dwelling units for each fixed stop.

Inbound/outbound stops for the same route are calculated as one  
stop.

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

(3) [No change in text.]

(c) Alternative compliance may be used to determine the Walkability Index in  
accordance with the following:

(1) A project shall be deemed to have alternatively complied with  
Section 142.0527(b)(1)(B) when it is demonstrated to the  
satisfaction of the City Manager that there are more than 120 retail,  
theater, or assembly and entertainment uses within one-half mile of  
the ~~Reduced Parking Demand Housing~~ affordable housing  
dwelling units.

(2) A project shall be deemed to have alternatively complied with  
Section 142.0527(b)(1)(D) when it is demonstrated to the  
satisfaction of the City Manager that there are more than 50 office,  
nonresidential day care, nursery school, kindergarten through  
grade 12, hospitals, or healthcare uses, or Civic Uses within one-  
half mile of the ~~Reduced Parking Demand Housing~~ affordable  
housing dwelling units.

(d) ~~Reduced Parking Demand Housing~~ Affordable housing dwelling units

Parking Ratios. Table 142-05D provides the parking ratios required for

~~Reduced Parking Demand Housing~~ affordable housing dwelling units as defined in Section 142.0527(a)(3).

### Legend for Table 142-05D

[No change in text.]

Table 142-05D	
<del>Reduced Parking Demand Housing</del> <u>Affordable Housing Dwelling Units</u> Parking Ratios	
[No change in text in table.]	

### Footnotes for Table 142-05D Footnotes for Table 142-05D

- (1) [No change in text.]
- (2) Visitor and staff parking spaces are calculated by multiplying the ratio by the total number of ~~Reduced Parking Demand Housing~~ affordable housing dwelling units.
- (3) For assigned parking, the number of additional parking spaces is calculated by multiplying the total parking spaces required for the ~~Reduced Parking Demand Housing~~ affordable housing dwelling units, visitor, and staff parking by 0.1. For unassigned parking, no additional parking spaces are required.

#### (e) Supplemental Regulations.

- (1) [No change in text.]
- (2) ~~Reduced Parking Demand Housing~~ Affordable housing dwelling units shall not be subject to the parking regulations of the Transit Overlay Zone and shall not be entitled to parking reductions provided for in Section 142.0550 (Parking Assessment District Calculation Exception).
- (3) through (4) [No change in text.]

### §142.0530 Nonresidential Uses — Parking Ratios

- (a) through (b) [No change in text.]
- (c) Nonresidential Uses. Table 142-05G establishes the required ratio of parking spaces to building *floor* area for the nonresidential uses shown

that are not covered by the parking requirements in Section 142.0530(a)  
and (b).

**Table 142-05G**  
**Parking Ratios for Specified Non-Residential Uses**

Use	Parking Spaces Required per 1,000 Square Feet of <i>Floor Area</i> Unless Otherwise Noted ( <i>Floor Area</i> Includes <i>Gross Floor Area</i> plus below <i>Grade Floor Area</i> , and Excludes <i>Floor Area</i> Devoted to Parking)		
	Required Automobile Parking Spaces <sup>(1)</sup>		
	Minimum Required Outside a <i>Transit Area</i>	Minimum Required Within a <i>Transit Area</i> <sup>(2)</sup>	Maximum Permitted
<b>Institutional</b>			
<b>Separately Regulated Uses</b> through Private clubs, lodges, fraternal organizations (except fraternities and sororities) [No change in text.]	[No change in text.]		
Single room occupancy hotels (For <i>SRO Hotels</i> that meet the criteria for <del>Reduced Parking Demand Housing</del> <u>affordable housing dwelling units</u> stated in Section 142.0527, see Section 142.0527 for parking requirements.)	1 per room	0.5 per room	N/A
<b>Separately Regulated Uses</b> , Veterinary clinics & hospitals through <b>All industrial uses</b> in the IS Zone [No change in text.]	[No change in text.]		

**Footnotes For Table 142-05G** [No change in text.]

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

**§142.0545 Shared Parking Requirements**

- (a) Approval Criteria. In all zones except single unit residential zones, *shared parking* may be approved through a Building Permit subject to the following requirements.

- (1) [No change in text.]
- (2) All *shared parking* facilities shall be located within a ~~600-foot~~  
1200-foot horizontal distance of the uses served.

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

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

**§142.0560 Development and Design Regulations for Parking Facilities**

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

- (i) Queue Requirements for Drive-Up Service. Queue space for a minimum of five cars shall be provided for each drive-up service window or position. The queue space for each car shall be 10 feet wide and 20 feet long. Required queue spaces shall not obstruct access to parking aisles or parking spaces. See Section 141.0607(b) for additional queue requirements that apply to eating and drinking establishments with drive-up or drive-through service.

(j) Driveway and Access Regulations

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

- (3) Driveway openings shall comply with San Diego Regional Standard Drawing ~~G-16~~ SDG-164 and either Number ~~G-14A~~ SDG-159 and ~~G-14B~~ SDG-160, Concrete Driveways, or ~~SDG-114~~ SDG-163, Concrete Driveway Commercial Alternate, except that driveway openings abutting a through travel lane less than 17 feet wide with an existing or anticipated speed limit of 30 miles per

hour or greater shall conform to Drawing Number ~~SDG-114~~ SDG-163, Concrete Driveway Commercial Alternate.

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

(8) ~~Maximum~~ Number of Driveways Permitted on a *Premises*.

- (A) For properties with no access to an *alley*, there shall be at least one driveway opening permitted per ~~lot~~ street frontage ~~with a maximum of one~~ An additional driveway opening may be permitted subject to approval by the City Engineer for each a lot with at least 100 feet of street frontage total street frontage. For corner lots, the length of the street frontage may be combined for the purpose of this calculation.
- (B) For properties with access to an *alley* and at least 150 feet of total *street frontage*, a maximum of one driveway opening for each 150 feet of ~~frontage~~ street frontage may be permitted subject to approval by the City Engineer. For corner lots, the length of the street frontage may be combined for the purpose of this calculation.
- (C) For properties with access to an *alley* and less than 150 feet of total ~~frontage~~ street frontage, a driveway is not permitted, except that in the RM-1-1, RM-1-2, and RM-1-3 zones, one driveway may be permitted if the prohibition of a driveway opening would preclude achieving the maximum *density* permitted by the underlying zone.

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

(k) [No change in text.]

**§142.1305 Election to Provide For-Sale Affordable Housing Units in a For-Sale**

**Development**

(a) [No change in text.]

(b) The *development* of for-sale affordable housing units is subject to the following requirements and the provisions of the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual.

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

(3) The equity in a for-sale affordable housing unit shall be shared between the owner and the San Diego Housing Commission in an amount based upon length of ownership at the time of the first resale, in accordance with Table 142-13A.

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

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

**Table 142-13A**

Length of Ownership at the Time of Resale	Share of Equity to Household
Months 0-12	15%
Year 2	21
Year 3	27
Year 4	33
Year 5	39
Year 6	45
Year 7	51
Year 8	57
Year 9	63
Year 10	69
Year 11	75
Year 12	81
Year 13	87
Year 14	93
Year 15 or after	100%

**§143.0112 Requirement to Submit Required Documentation and Obtain Permit Prior to Development on Environmentally Sensitive Lands**

It is unlawful to begin *development* on a *premises* that contains *environmentally sensitive lands* without submitting required documentation and obtaining the applicable *development permit*, or an exemption as required pursuant to this division. If unlawful *development* occurs on property containing *environmentally sensitive lands* and an enforcement action has been commenced by the City pursuant to Section 143.0160, ~~no~~ a development permit application may shall not be processed for the premises until the enforcement action has been concluded, or the City Manager determines a development permit is necessary to resolve the enforcement action.

**§143.0146 Supplemental Regulations for Special Flood Hazard Areas**

All proposed *development* within a *Special Flood Hazard Area* is subject to the following requirements and all other applicable requirements and regulations of FEMA.

(a) *Development* and Permit Review

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

(7) In ~~in~~ all *floodways*, any *encroachment*, including *fill*, new construction, significant modifications, and other *development* is prohibited unless *certification* by a registered professional engineer is provided demonstrating that *encroachments* will not result in any increase in *flood* levels during the occurrence of the *base flood* discharge except as allowed under Code of Federal Regulations Title 44, Chapter 1, Part 60.3(c)(13).

(b) [No change in text.]

(c) Standards of Construction

In all *Special Flood Hazard Areas*, the following standards apply for all *development*.

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

(10) Within *FIRM Zones AH or AO*, new construction and substantial improvements of any structure shall be constructed so that there are adequate drainage paths



around structures on slopes to guide flood waters around  
and away from proposed structures.

(d) Standards for *Manufactured Homes*

All new and replacement *manufactured homes* and additions to *manufactured homes* are subject to the following regulations.

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

(4) Within FIRM Zones V1-30, VE, and V, the placement or  
installation of manufactured homes shall comply with the  
standards for coastal high hazard areas in Section  
143.0146(g).

(e) [No change in text.]

(f) Standards for Recreational Vehicles

(1) A recreational vehicle, as defined by FEMA and used in  
this Section, is a vehicle built on a single chassis, 400  
square feet or less when measured at the largest horizontal  
projection, designed to be self-propelled or permanently  
towable by a light-duty truck and designed primarily not  
for use as a permanent dwelling but as temporary living  
quarters for recreational, camping, travel, or seasonal use.

(2) All recreational vehicles placed in FIRM Zones A1-30, AE  
and AH shall comply with one of the following:

(A) Be on the site for fewer than 180 consecutive days;

or

- (B)    Be fully licensed with the state and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (C)    Meet the standards for *manufactured homes* in Section 143.0146(d).

(g)    Standards for Coastal High Hazard Area

- (1)    A coastal high hazard area is an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a *FIRM* Zone V1-30, VE, or V.
- (2)    Within coastal high hazard areas, *FIRM* Zones V1-30, VE, and V, the following standards shall apply:

  - (A)    All new *development*, including *substantial improvement* to an existing *structure*, shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of the lowest horizontal structural

- member of the lowest floor (excluding the pilings or columns) is elevated to or about the base flood level. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.
- (B) All new development shall be located on the landward side of the reach of mean high tide.
- (C) All new development and any substantial improvement to an existing structure shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such enclosed space shall be used solely for parking of vehicles, building access or storage.
- (D) Fill shall not be used for structural support of buildings.
- (E) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.

(F)     The applicant for any new development shall provide the following records to the satisfaction of the City Engineer:

- (i)     Certification by a registered engineer or architect that a proposed structure complies with Section 143.0146(g); and
- (ii)   Plans that identify the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) of all new structures and any substantial improvements to existing structures, and whether such structures contain a basement.

~~(F)~~(h)   The City Engineer shall notify the San Diego District Offices of the Coastal Commission of any pending changes to the adopted Flood Insurance Rate Maps affecting property within the Coastal Overlay Zone when the City Engineer receives notification of such potential changes. The City Engineer shall notify the Commission staff when ~~coastal~~ coastal development within the City of San Diego's Coastal Development Permit jurisdiction would require processing a change to the FIRM maps. The City Engineer shall ensure that the Commission's District Office has the most current effective Flood Insurance Rate Maps approved by FEMA by

forwarding any revised maps affecting the Coastal Overlay Zone within thirty working days of the City Engineer's receipt.

- (i) If a *development* changes the *base flood* elevations due to physical alterations, the permit *applicant* shall be required to submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within 6 months of information becoming available or project completion, whichever comes first. All LOMR's for *flood* control projects are approved prior to the issuance of Building Permits. Building Permits shall not be issued based on Conditional Letters of Map Revision.

**§143.0212    Need for Site-Specific Survey and Determination of Location of Historical Resources**

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

- (c)    The City Manager shall evaluate proposed *development* to determine the need for a site-specific survey. The determination shall be made within 10 *business days* of an application for a *construction permit* or within 30 calendar days of an application for a *development permit*, as applicable. A site-specific survey shall be required when the City Manager determines that a *historical resource* may exist on the parcel, ~~or~~ and if the *development* proposes a substantial alteration according to Section 143.0250(a)(3). If the City Manager determines that a site-specific survey is not required for a proposed *development* within the specified time period specified above, then a permit in accordance with Section 143.0210

shall not be required. If a site-specific survey is prepared to the satisfaction of the City Manager for a proposed *development*, additional site-specific surveys shall not be required pursuant to Section 143.0212.

(d) [No change in text.]

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

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

**Legend for Table 143-03A**

[No change in text.]

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

<b>Type of <i>Development</i> Proposal</b>	<b>Applicable Sections</b>	<b>Required <i>Development</i> Permit/Decision Process</b>
Affordable/In-Fill Housing and Sustainable Building Projects with Deviations through Relocated Building Onto a Site With an Existing Building [No change in text.]	[No change in text.]	
Site with <i>Previously Conforming</i> Conditions	127.0102-127.0106 <del>127.0106</del> , 143.0303, 143.0305, 143.0375	NDP/Process Two
Nonresidential <i>Development</i> Exceeding the Maximum Permitted Parking through Clairemont Mesa Height Limit Overlay Zone [No change in text.]	[No change in text.]	

**§143.0365 Supplemental Site Development Permit Regulations for Small Lot**

**Subdivisions**

The purpose of these regulations is to provide supplemental regulations for *development of single dwelling units* in a small *lot subdivision*.

A small *lot subdivision* is the subdivision of multi-family zoned land, consistent with the *density* of the zone, for the construction of *single dwelling units*.

The intent is to encourage *development of single dwelling units* on small *lots* in order to provide a space-efficient and economical alternative to traditional *single dwelling unit development*. It is also the intent of these regulations to provide pedestrian-friendly *developments* that are consistent with the neighborhood character.

The following supplemental regulations apply to a Site Development Permit for a small *lot subdivision*.

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

**Table 143-03C**

**Development Regulations for Small Lot Subdivisions**

<b>Max permitted <i>density</i> pre-subdivided <i>lot</i> dwelling units (DU) per <i>lot</i></b>	
Pre-subdivided <i>lot</i> through Subdivided <i>lot</i> [No change in text.]	
<b>Min <i>lot</i> area</b> square feet (sf)	maximum permitted <i>density</i> of the base zone ==
<b>Min <i>lot</i> dimensions</b>	
Pre-subdivided <i>lot</i>	
<i>Lot</i> width (ft) through <b>Refuse and Recyclable Material Storage</b> [See Section 142.0805] [No change in text.]	[No change in text.]

**Footnotes for Table 143-03C** [No change in text.]

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

**Table 143-03D**  
**Driveway Width for Small Lot Subdivisions**

[No change in text.]

(i) The ~~planting~~ landscape requirements shall be in accordance with the requirements for small *lot subdivisions* shown in Section 142.0402, Table ~~142-04C~~ 142-04A.

(j) [No change in text.]

**§143.0402 When Planned Development Permit Regulations Apply**

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

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

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process <sup>(1)</sup>
Residential <i>development</i> requesting deviations from applicable zone regulations <sup>(2)</sup> through <i>Development</i> that complies with the applicable <i>land use plan</i> designation, but contains uses that are not permitted in the underlying base zone [No change in text.]	[No change in text.]	
<u>Multiple dwelling unit residential development with increased density per the adopted land use plan</u>	<u>143.0403, 143.0410, 143.0455</u>	<u>PDP/Process 4</u>
Rural cluster <i>development</i> in the AR and OR zones through Residential <i>development</i> in RS zones of <i>urbanized Communities</i> where a Planned Development Permit is requested [No change in text.]	[No change in text.]	

~~Footnotes to Table 143-04A~~ **Footnotes to Table 143-04A** [No change in text.]



**§143.0410 General Development Regulations for Planned Development Permits**

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

(j) Criteria For *Development* Design

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

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

(3) Buildings should avoid an overwhelming or dominating appearance as compared to adjacent *structures* and *development* patterns. Abrupt differences in scale between large commercial buildings and adjacent residential areas should be avoided. Instead, gradual transitions in building scale should be incorporated.

(4) Larger *structures* should be designed to reduce actual or apparent bulk. This can be achieved by using pitched roof designs, separating large surface masses through changes in exterior treatment, or other architectural techniques.

(3)(5) Buildings, *structures*, and facilities on the *premises* should be well integrated into, oriented towards, and related to, the topographic and natural features of the site.

(4)(6) Proposed *developments* should avoid repetitious *development* patterns that are inconsistent with the goals of the applicable *land use plan*.

(5) Buildings should avoid an overwhelming or dominating appearance as compared to adjacent *structures* and *development*

~~patterns. Abrupt differences in scale between large commercial buildings and adjacent residential areas should be avoided. Instead, gradual transitions in building scale should be incorporated.~~

- (6) ~~Larger *structures* should be designed to reduce actual or apparent bulk. This can be achieved by using pitched roof designs, separating large surface masses through changes in exterior treatment, or other architectural techniques.~~
- (7) [No change in text.]
- (8) Elements such as street trees, curbside landscaping, varied *setbacks*, and enhanced paving should be used to enhance the visual appearance of the *development*.
- (9) Roof forms should be consistent in material, design, and appearance with existing *structures* in the surrounding neighborhood. ~~Plant materials and other design features should be used to define and enhance the appearance of roof spaces, especially flat roofs that are visible from higher elevations.~~
- (10) Plant materials and other design features should be used to define and enhance the appearance of roof spaces, especially flat roofs that are visible from higher elevations.
- (4011) Building material and color palettes should be consistent with applicable guidelines in the applicable *land use plan*, if provided.

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

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

(a)     *Density*

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

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

- (1)     The *development* shall provide visually interesting building articulation that maintains a sense of scale and transition to

buildings lower in height and to the adjacent *public right-of-way*  
by incorporating the following:

- (A)    *Offsetting wall planes, openings, projections, recesses and*  
*other building details.*
  - (B)    *Varied building rooflines.*
  - (C)    *One and two story building components with upper-story*  
*step backs at the third *floor* and above.*
  - (D)    *Building facades that include a main entry and other*  
*pedestrian-oriented architectural features such as windows,*  
*balconies, trellises, wing walls (attached to the building),*  
*garden walls (free standing), porches, fencing, and arbors.*
- (2)    *Off-street parking spaces shall be located behind the building*  
*façade where possible, and shall be provided with access to an*  
*alley where available.*
- (3)    *The adjacent sidewalk, curb, and gutter shall be provided to City*  
*standards, and shall include all improvements necessary to bring*  
*existing *public right-of-way* conditions to current standards.*  
*Existing curb cuts that exceed current standards shall be removed*  
*or reduced to not exceed the maximum dimension identified in*  
*Section 142.0560.*

**§143.0915    When Affordable/In-Fill Housing and Sustainable Buildings Regulations**  
**Apply**

These regulations apply to the following types of *development*:

- (a) Residential *development* (including both for-sale and for-rent affordable housing dwelling units) in accordance with Section ~~142.1306(a)~~ 142.1305.

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

**§144.0130 Survey Monuments**

- (a) Survey monuments shall be set in accordance with the *Subdivision Map Act*, Chapter 4, Article 9, to the satisfaction of the City Engineer. When the setting of monuments is deferred, a cash security deposit, in the amount of the estimated cost as provided by the engineer or land surveyor, shall be deposited with the City to guarantee setting such monuments and payment of the surveyor of record for setting them. When the final monuments are set as certified on the final map or *parcel map* and are accepted by the City Engineer and the surveyor of record is paid for setting them, the monument security shall be released in accordance with ~~the *Subdivision Map Act*, Chapter 4, Article 9~~ Section 144.0130(b).
- (b) The City Land Surveyor may approve the release of any security posted for the setting of monuments upon the satisfaction of the requirements in Section 144.0130(a), the *Subdivision Map Act* Chapter 4, Article 9, and California Government Code section 66497(d).

**§151.0103 Applicable Regulations**

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
- (1) through (3) [No change in text.]

- (4) Solar energy systems regulations and electric vehicle charging station regulations contained in Land Development Code Section 141.0418 and Section 141.0419.
- (5) through (7) [No change in text.]
- (8) Parking Regulations for ~~Reduced Parking Demand Housing~~ affordable housing *dwelling units* in Land Development Code Section 142.0527, except where the Planned District Ordinance provides a lower parking ratio than allowed in Section 142.0527.
- (9) [No change in text.]

**§152.0104 Definitions**

**Artists' Studios** through **Schools, Public or Private** [No change in text.]

~~**Senior Citizens Housing**—At least one person residing in each unit shall be at least 55 years of age or physically handicapped. Senior housing may also include facilities meeting state and federal program standards for such housing, and are subject to the standards contained in Land Development Code Section 141.0310.~~

**Single Family Residential** through **Wholesale and Warehouse** [No change in text.]

**§152.0303 Subdistrict A Permitted Uses**

- (a) No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:
  - (1) through (4) [No change in text.]

- (5) Schools, limited to primary, elementary, junior high and senior high in accordance with Section 141.0407 and child care centers in accordance with Section 141.0606.
- (6) [No change in text.]
- (7) Churches, temples or buildings of permanent nature used primarily for religious purposes in accordance with Section 141.0602.
- (8) through (12) [No change in text.]

**§152.0309 Subdistrict C Permitted Uses**

It shall be unlawful to erect, construct, convert, establish, alter, move-on or enlarge any building or improvement or portion thereof, nor shall any lot or premises be used except for one or more of the following purposes as provided herein:

- (a) through (f) [No change in text.]
- (g) The following ~~conditional~~ separately regulated uses may be permitted according to the regulations set forth in Municipal Code Section 151.0401 and Land Development Code Chapter 14, Article 1 (Separately Regulated Use Regulations).
  - (1) Churches, temples or buildings used primarily for religious purposes in accordance with Section 141.0602.
  - (2) [No change in text.]
  - (3) ~~Nursery and elementary~~ Elementary schools (grades K-6) in accordance with Section 141.0407, and day child care facilities centers in accordance with Section 141.0606.

(4) [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 <sup>(2)(12)</sup>	6	7	8	
Open Space through Agriculture, Separately Regulated Agriculture Uses, Open Air Markets for the Sale of Agriculture- Related Products & Flowers [No change in text.]		[No change in text.]									
Residential											
Group Living Accommodations		-		-			-				
Mobilehome Parks through Multiple Dwelling Units [No change in text.]		[No change in text.]									
Rooming House [See Sections 131.0112(a)(3)(A) and 131.0540]		=		P			=				
Shopkeeper Units Shopkeeper Units [See Section 113.0103]		P		p <sup>(4)</sup>			p <sup>(4)</sup>				
Residential, Single Dwelling Units through Separately Regulated Residential Uses, Home Occupations [No change in text.]		[No change in text.]									
Housing for Senior Citizens		€		€			€				
Live/Work Quarters through Watchkeeper Quarters [No change in text]		[No change in text.]									
Institutional, Separately Regulated Institutional Uses through Communication Antennas: Major Telecommunication Facility [No change in text.]		[No change in text.]									



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 >> <input type="checkbox"/>	CU-							
	3rd >> <input type="checkbox"/>	1- <sup>(1)</sup>		2-			3-		
	4th >> <input type="checkbox"/>	1	2	3	4	5	3 <sup>(2)(12)</sup>	6	7 8
<u>Satellite Antennas</u>		<u>L</u>		<u>L</u>			<u>L</u>		
Correctional Placement Centers [No change in text.]		[No change in text.]							
Educational Facilities:									
Kindergarten through Grade 12		-		<u>EL</u>			C		
Colleges / Universities through Vocational / Trade School [No change in text.]		[No change in text.]							
<u>Electric Vehicle Charging Stations</u>		<u>L</u>		<u>L</u>			<u>L</u>		
Energy Generation & Distribution Facilities through Major Transmission, Relay, or Communications Switching Stations [No change in text.]		[No change in text.]							
<u>Satellite Antennas</u>		<u>L</u>		<u>L</u>			<u>L</u>		
<u>Social Service Institutions</u> through Solar Energy Systems [No change in text.]		[No change in text.]							
<b>Retail Sales</b>									
<b>Building Supplies &amp; Equipment</b> through <b>Wearing Apparel &amp; Accessories</b> [No change in text.]		[No change in text.]							
<b>Separately Regulated Retail Sales Uses</b>									
Agriculture Related Supplies & Equipment through Alcoholic Beverage Outlets [No change in text.]		[No change in text.]							
<u>Farmers' Markets</u>									
<u>Weekly Farmers' Market</u>		-		<u>L</u>			<u>L</u>		
<u>Daily Farmers' Market Stands</u>		-		<u>L</u>			<u>L</u>		
Plant Nurseries [No change in text.]		[No change in text.]							
<u>Retail Farms</u>		-		<u>L</u>			<u>L</u>		
<u>Retail Tasting Stores</u>		-		<u>L</u>			<u>L</u>		
Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]		[No change in text.]							
<b>Commercial Services</b>									
<b>Building Services</b> through <b>Radio &amp; Television Studios</b> [No change in text.]		[No change in text.]							
<u>Tasting Rooms</u>		-		-			-		
<b>Visitor Accommodations</b> [No change in		[No change in text.]							

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 <sup>(2)(12)</sup>	6	7	8	
text.]											
<b>Separately Regulated Commercial Services Uses</b>											
Adult Entertainment Establishments: through Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]									
<u>Medical Marijuana Consumer Cooperatives</u>		=		=			=				
<u>Mobile Food Trucks</u>		=		<u>L</u>			<u>L</u>				
Nightclubs & Bars over 5,000 square feet in size through Recycling Facilities: Tire Processing Facility [No change in text.]		[No change in text.]									
Sidewalk Cafes		N		<u>NL</u>			<u>NL</u>				
Sports Arenas & Stadiums through Zoological Parks [No change in text.]		[No change in text.]									
<b>Offices through Vehicle &amp; Vehicular Equipment Sales &amp; Service, Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses, Outdoor Storage &amp; Display of New, unregistered Motor Vehicles as a <i>primary use</i> [No change in text.]</b>		[No change in text.]									
<b><u>Wholesale, Distribution, and Storage</u></b>		-									
<b>Equipment &amp; Materials Storage Yards through Moving &amp; Storage Facilities [No change in text.]</b>		[No change in text.]									
<b><u>Warehouses</u></b>		-		P <sup>(8)</sup>			P <sup>(8)</sup>				
<b><u>Wholesale Distribution Facilities</u></b>		-		P <sup>(8)</sup>			P <sup>(8)</sup>				
<b>Separately Regulated Wholesale, Distribution and Storage Uses</b>											
Impound Storage Yards through Temporary Construction Storage Yards Located off-site [No change in text.]		[No change in text.]									
<b>Industrial</b>											
<b>Heavy Manufacturing through Trucking &amp; Transportation Terminals [No change</b>		[No change in text.]									

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 >>> <input type="checkbox"/>	CU-									
	3rd >> <input type="checkbox"/>	1-(1)		2-			3-				
	4th >> <input type="checkbox"/>	1	2	3	4	5	3 <sup>(2)(12)</sup>	6	7	8	
in text.]											
Separately Regulated Industrial Uses											
<u>Mining and Extractive Industries</u>		[No change in text.]									
<i>Hazardous Waste</i> Research Facility through Wrecking & Dismantling of Motor Vehicles		[No change in text.]									
Signs											
Allowable <i>Signs</i> [No change in text.]		[No change in text.]									
Separately Regulated <i>Signs</i> Uses											
<u>Community Entry Signs</u>		<u>L</u>			<u>L</u>				<u>L</u>		
<u>CommunityNeighborhood Identification Signs</u>		N			N				N		
Reallocation of <i>Sign Area</i> <u>AllowanceComprehensive Sign Program</u>		N			N				N		
Revolving <i>Projecting Signs</i> through <i>Theater Marquees</i> [No change in text.]		[No change in text.]									

**Footnotes to Table 155-02C** [No change in text.]

### §155.0253 Supplemental Development Regulations

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

**Table 155-02F**  
**Supplemental Development Regulations Applicability**

<b>Type of Development Proposal</b>	<b>Applicable Sections</b>	<b>Required Development Permit/Decision Process<sup>(1)</sup></b>
Residential and mixed commercial/residential development in facility deficient neighborhoods shown on Map B-4104 under circumstances outlined in Section <del>151.0253(a)</del> 155.0253(a)	155.0243(a)	Site Development Permit/Process 3
Residential development in a commercial zone on El Cajon Boulevard or University Avenue that is not part of a mixed-use (commercial-residential) project under circumstances outlined in Section 155.0253(b) through Warehouses, Wholesale Distribution, and Light Manufacturing uses exceeding 10,000 square feet up to a maximum of 30,000 square feet, subject to the criteria contained in Section 155.0253(f) [No change in text.]	[No change in text.]	

**§156.0308 Base District Use Regulations**

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

<b>Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS</b>															
<b>LEGEND:</b> [No change in text.]															
<b>Use Categories/ Subcategories</b>	C	NC	ER	BP	WM <sup>7</sup>	MC	RE	I <sup>7</sup>	T <sup>7</sup>	PC	PF <sup>10</sup>	OS	CC <sup>7</sup>	<b>Additional Regulations</b>	<i>MS/CS &amp; E Overlays</i>
<b>Public Park/ Plaza/Open Space through Separately Regulated Residential Uses, Home Occupations</b> [No change in text.]	[No change in text.]														
<b>Senior Housings</b>	C	C	C	C	--	C	C	--	--	C	C	--	--	§141.0310 §156.0309(e)(1)	
<b>Separately Regulated Residential Uses, Living Units through Institutional, Public Safety Facilities</b> [No	[No change in text.]														

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS																
LEGEND: [No change in text.]																
Use Categories/ Subcategories	C	NC	ER	BP	WM <sup>7</sup>	MC	RE	I <sup>7</sup>	T <sup>7</sup>	PC	PF <sup>10</sup>	OS	CC <sup>7</sup>	Additional Regulations	MS/CS & E Overlays	
change in text.]																
Separately Regulated Institutional Uses																
<u>Churches &amp; Assembly Uses, including Places of Religious Assembly</u>	P	P	P	P	<u>P</u>	P	C	--	--	P	L	--	<u>P</u>			CS
<b>Separately Regulated Institutional Uses, Communication Antennas through Other Use Requirements, Temporary Uses and Structures</b> [No change in text.]	[No change in text.]															

**Footnotes to Table 156-0308-A** [No change in text.]

**§158.0301 Residential Zones**

The intent of the residential zone regulations is to provide for the development and redevelopment of multi-family residential structures within the Golden Hill community which relate in scale and design to the preferred neighborhood character. Standards are designed to promote development that will complement and preserve the diverse and distinctive architectural character of the community.

(a) Permitted Uses

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes as provided herein:

- (1) [No change in text.]

(2) Schools, limited to primary, elementary, junior high, and senior high in accordance with Section 141.0407, and child care centers in accordance with Section 141.0606.

(3) [No change in text.]

(4) Churches, temples, or buildings of a permanent nature used primarily for religious purposes in accordance with Section 141.0602.

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

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

**§1512.0302 Permitted Uses - Residential (MR) Zones**

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except as set forth in Section 1512.0302.

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

(c) Schools, limited to primary, elementary, junior high, and senior high in accordance with Section 141.0407, and child care centers in accordance with Section 141.0606.

(d) [No change in text.]

(e) Churches, temples, or buildings of a permanent nature used primarily for religious purposes in accordance with Section 141.0602.

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

**§1514.0304 Residential Zones (MVR-1, MVR-2, MVR-3, MVR-4, MVR-5)**

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

**Legend for Table 1514-03E**

[No change in text.]

**Table 1514-03E  
Residential Zones Use Table**

<b>PERMITTED USES</b>	<b>ALL RESIDENTIAL ZONES</b>
Residential/Compatible Residential through Residential Care Homes for 6 or fewer clients [No change in text.]	[No change in text.]
Schools, limited to primary, elementary, junior high and senior high <u>in accordance with Section 141.0407, and child care centers in accordance with Section 141.0606</u>	PL
Public Parks and Playgrounds [No change in text.]	[No change in text.]
Churches, Temples or buildings of a permanent nature used for religious purposes <u>in accordance with Section 141.0602</u>	CUP <u>I</u> <sup>2</sup>
Branch Public Libraries through Neighborhood Commercial uses per Section 101.0426 [No change in text.]	[No change in text.]
Any other use which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this planned district. The adopted resolution embodying such finding shall be filed in the office of the City Clerk. [No change in text.]	

~~Footnotes for Table 1514-03E~~ **Footnotes for Table 1514-03E** [No change in text.]

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

**§1514.0305 Commercial Zones (MV-CO, MV-CV, MV-CR)**

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

**Legend for Table 1514-03J**

[No change in text.]

**Table 1514-03J**  
**Commercial Zones Use Table**

COMMERCIAL	MV- CO	MV- CV	MV- CR
Accessory Uses through Childcare Facilities [No change in text.]	[No change in text.]		
Churches, Temples or buildings of a permanent nature used for religious purposes <u>in accordance with Section 141.0602</u>	<u>CUP</u> <u>L</u>	<u>CUP</u> <u>L</u>	<u>CUP</u> <u>L</u>
Cleaning & dyeing works (including rugs, carpets, and upholstery) 5,000 sq. ft. or less enclosed through Restaurants [No change in text.]	[No change in text.]		
Schools, <del>public, private and nursery</del> <u>in accordance with Section 141.0407 and child care centers in accordance with Section 141.0606</u>	<u>PL</u>	-	<u>PL</u>
Shoe stores through Wholesaling or warehousing of goods and merchandise, provided that the floor area occupied for such use per establishment does not exceed 5,000 sq. ft. For automobile dealership, the area shall not exceed 15,000 sq. ft. [No change in text.]	[No change in text.]		
Any other use which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this planned district. The adopted resolution embodying such finding shall be filed in the office of the City Clerk. [No change in text.]			

**Footnotes for Table 1514-03J** [No change in text.]

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



## Article 18: San Ysidro Planned District

### Appendix A: Permitted Uses

Legend: P = Permitted  
- = Not Permitted  
L = Subject to Limitations  
SP= Special Permit

	COMMERCIAL CATEGORIES			INDUSTRIAL ZONES	EXPLANATION OF “L” LIMITATIONS
	1	2	3	I-1	
<b><u>Permitted Uses</u></b>					
<b>Residential</b> , Single Family Dwellings through Child Day Care Center [No change in text.] Churches, Temples or Buildings of a Permanent Nature Used for Religious Purposes <u>in accordance with Section 141.0602</u>					[No change in text.]
Companion Units through Residential Care Facilities Schools, Limited to Primary, Elementary, Junior High and Senior High <u>in accordance</u> <u>with Section 141.0407 and child care centers in</u> <u>accordance with Section 141.0606</u>	<u>SP L</u>	<u>SP L</u>	<u>SP L</u>		[No change in text.]
<b>Commercial</b> , Advertising, Secretarial & Telephone Answering Services through <b>The following business</b> <b>and professional establishments:</b> Addressing and Secretarial Services [No change in text.]	<u>-L</u>	<u>-L</u>	<u>-L</u>		[No change in text.]

**Footnotes for Appendix A** [No change in text.]

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